

# **BATH AND NORTH EAST SOMERSET COUNCIL**

## **Development Control Committee**

**23 November 2011**

### **OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN AGENDA**

#### **ITEM 10**

#### **ITEMS FOR PLANNING PERMISSION**

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01	11/04166/FUL	Gammon Plant Hire, Rock Hall Lane, Combe Down, Bath	40

**Further Information:** Additional information has been submitted by the applicant/agent in support of the application. The PPS5 Assessment and justification supplements information in the original submission and is in response to the Committee Report and the request for financial contributions for Childrens' Services. The additional comments can be summarised as follows:

**Demolition and reuse of buildings:** The agent has outlined the problems with reusing the existing building, including using the shop area for the Interpretation Centre. The impracticalities include the lack of space, access issues, need for an adaptable and flexible centre, and the need of a building capable of being run economically and remain sustainable in the long term. The HCA require the highest environmental standards.

The provision of the building within the shop building would result in a loss of two of the proposed dwellings, and if the cottage building is retained, would result in the loss of 4 of the dwellings. In that event the HCA's gap funding would have to increase substantially, which is not a feasible consideration at this point.

**Future use of the site:** It would be sold to a new landowner with no obligation to provide the Interpretation Centre. Any houses may not be zero-carbon and the proposed highways and footpath improvements may not be so extensive.

The site could revert to its established use as commercial garage and plant yard, with consequential increases in discordant road traffic caused by commercial vehicles.

**Addressing expressed concerns over retention of walls within the proposal:** The applicant's structural engineer advises the existing wall which is proposed to be retained along Rock Hall Lane can be preserved in situ without rebuilding. With the existing buildings the roof structures of the

buildings would require wholesale reconstruction if the buildings were to be reused.

**Addressing expressed concerns over character of Conservation Area and quality:** The applicant fails to accept that the existing elevation street scape is of higher quality than the proposal. Interaction, observation, animation on Combe Road as an active frontage, a key principle of best practice urban design, is what the current proposal offers. An important contribution to social sustainability through refreshed new use as well as environmental sustainability is therefore made through the proposal.

**Addressing expressed concerns over Scale and Grain:** Whilst the proposed terraces are marginally wider than some of the smaller local cottage terraces, many buildings within the Conservation Area are of similar scale, not least of which the adjacent Rock Hall House. In response to claims that the gables within the proposal are out of scale, the most exposed gable is the west facing gable on Combe Road, which acts as a backdrop only to the more striking roof form of the Interpretation Centre.

**Viability:** The detailed design has evolved to take account of the legitimate concerns of local people, the planning officers and other consultees. These changes have additionally burdened the schemes viability and resulted in a subsequent increase in the requirement for HCA investment. The development proposals are providing a significant quantity of on and off site improvements that go far beyond policy requirements, as detailed below:

- Land reclamation £500,000 of work to Ralph Allen Yard required to carry out and complete the ground stabilisation that has been carried out as part of the £ 150m Mines Stabilisation Programme. This is funded by HCA as part of the development of the site.
- Sustainability commitment to the development of an exemplar low energy development
- Interpretation Centre - The funding for the construction and fit out of the Interpretation Centre is being provided by HCA. This funding is time limited.
- Off-site highway works Rock Hall Lane needs footpath, highway and junction improvement works to resolve existing problems.

The Homes and Communities Agency acquired Gammon's Yard, now known as Ralph Allen Yard on Rock Hall Lane in 2004 at a significant total cost of around £1million to provide an entrance into the mines to enable land stabilisation works to be undertaken.

There are a therefore a number of significant project specific costs associated with this scheme that go beyond what would normally be anticipated from any private sector initiative. HCA investment and a desire to deliver an exemplar development that delivers the quality legacy for Combe Down has provided the following additionally:

- Ground stabilisation           £541,000
- Interpretation Centre       £279,500
- Interpretation Centre fit out       £100,000
- Rock Hall Lane highway improvements   £36,600
- Sustainability           £200,000

The project does not provide a financial contribution to education. However, education costs should be recognised as a potential cost to the city, whereby the benefits set out above are certain benefits. Therefore, it is felt that the benefit in the form of on-site enhancements which totals £1.157million and should be set against the investment to date of £150million is overwhelming.

It should also be noted that this development proposal performs the discharge of existing planning conditions that relate to the wider mines restoration consent. The agent states that failure to deliver this scheme will result in an additional cost to the council for providing an alternative solution to the planning condition discharge.

#### **Development appraisal summary:**

Sales Income	£2.896m
	Deduct
Build costs	£1.934m
External development costs – Normal	£116k
External development costs – Abnormal	£541k
Prelims/ Fees/ Marketing	£680k
Overhead and Profit	<u>£499k</u>
Total	-£874k

Level of further HCA investment required           £874k

Note: This appraisal summary does not show the site acquisition costs

Without public subsidy, the agent states that this development proposal is not viable.

**Further representations received:** 2 further supporting comments have been received.

**Homes and Community Agency:** £150million has been investigated in the Combe Down Mines Restoration Project. Ralph Allen Yard was identified and acquired with the intention to finalise this project with a legacy development.

It is of great concern that the planning application is recommended for refusal. An opportunity exists for the Interpretation Centre to form the centre piece of an exemplar project including low energy homes. The development partners have worked tirelessly over the last three years to bring forward comprehensive development proposals of an exemplar nature.

The achievement of Code 5 for sustainable homes and zero carbon is unprecedented in Bath and North East Somerset and rare in the UK. The benefits should be considered proportionately against the disadvantages of the loss of existing non-listed building deliver well beyond the policy requirements for off-site financial contributions and again should be a material consideration when looking at the balance of the proposal.

If this development is not possible the HCA will have no reason to retain ownership of the land and it will be sold on the open market. Alternative proposals could include space being provided elsewhere in the City but the opportunity to create a locally based community facility as an integral part of the Interpretation Centre would be lost.

**John Betty – Strategic Director –Director and Major Projects:** An Interpretation Centre in the village was, and remains, the approach most enthusiastically championed by local interest groups, and would provide supplementary community use.

Professional advice, however, had suggested financial sustainability of any such stand-alone Centre was in doubt. This doubt has been overcome through the present proposals, which use the development of the balance of the site for residential use, together with the significant development subsidy from HCA.

The proposals are the culmination of extensive consultation and responsive modifications by the developer, enabling the project to provide a fitting legacy of benefits to the area, which include comprehensive off-site highway improvements; a meeting space for the community; management of the facility by ECOS trust whose principle objective is to promote design and build techniques that give a better quality of life and reduced impact on the environment; a minimum of Code Level 4 environmental and quality standards of the Code for Sustainable Homes.

The Combe Down Stone Mines Project believe that the considerations set out above should be given significant weight in evaluating the benefits and issues of this application, and would ask for the application to be approved and the project delivered, thereby creating a legacy for the Combe Down Stone Mines Project.

**Officer response to the above issues:** Whilst the further comments have been noted, these do not outweigh the concerns outlined in the Committee Report and the reasons for refusal cited. The alterations to the previously withdrawn scheme have been recognised within the Committee Report.

Further, it is not considered that it has been successfully demonstrated that the levels of obligations required would render the proposal unviable. Limited figures have been provided by the agent/applicant and without full financial details, the economic viability of the scheme cannot be fully assessed. Whilst the comments of the HCA are noted, these funding issues are not considered to be exceptional circumstances to allow a departure from the relevant policy which relates to planning obligations. As cited in the Planning Obligation SPD, a change in the Council's standard obligations will be considered as an unusual exception.

The following reason for refusal is also recommended.

The applicant has failed to fully justify not providing the financial contributions to Childrens' Services and as a S106 securing these contributions has not been signed, the development is therefore contrary to Policy IMP1 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007 and the adopted Planning Obligations - Supplementary Planning Document

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**Further representations received:** 3 further letters of objections have been received, all from residents of Combe Down.

One letter on behalf of two residents objects because the maltings and former shop are part of the real heritage of Combe Down. The admirable restoration of De Monalt Mill nearby should be an inspiration of positive conservation. Most residents regard the proposed development as a carbuncle.

A second letter recalls that many descendants of the quarries and brewing industries still live in the village and this building should be retained. Agree with the points raised by the Heritage watchdog.

The third wishes to reiterate further opposition to the loss of existing buildings and materials, and the scale of the proposed redevelopment.

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03	11/02432/OUT	Land Rear Of Holly Farm, Brookside Drive, Farmborough	66

Further to additional advice from the Senior Highway Development Officer, it has been confirmed that conditions 3 and 4, as cited in the Committee Report are not necessary, and should not be included on any permission granted.

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05	11/03987/OUT	69 Haycombe Drive, Southdown, Bath	98

This application has been withdrawn from the Agenda