

DELEGATED REPORT

Application No: 21/00695/LBA

Details of location and proposal and Relevant History:

10 Broad Street, City Centre, Bath, Bath And North East Somerset, BA1 5LJ

King Edward's School is a Grade II* listed building located in Broad Street in the centre of the city of Bath and within the Bath Conservation Area and WHS. It dates from 1752 with a rear range dating from the mid to late C19. It is attributed to architect/builder Thomas Jelly and was designed and constructed as a purpose-built grammar school. The building was vacated by King Edward's School in the 1980s and the building has been owned by Samuel Smith's Brewery since this time. Samuel Smith's have been successful in achieving a number of planning and listed building approvals in the last decade or so, although have not yet fully implemented them. The current application has been submitted by Samuel Smith's to undertake some amendments to these previous approvals.

The proposals are for internal and external alterations to enable change of use from school to hotel use.

Planning History

DC - 97/00249/FUL - WD - 1 March 2000 - Change of use from school (Use Class D1) to licensed premises (Use Class A3) to include manager's and staff accommodation and associated works.

DC - 97/00250/LBA - APP - 26 June 1997 - External and internal alterations to include managers and staff accommodation and associated works.

DC - 05/00080/FUL - WD - 5 June 2006 - Change of use to hotel, including dining, refreshment and bar facilities.

DC - 05/00191/FUL - PERMIT - 15 March 2005 - Erection of temporary scaffold.

DC - 05/01337/LBA - WD - 3 January 2007 - External and internal alterations and demolitions associated with change of use to hotel (including dining, refreshment and bar facilities).

DC - 06/00936/VAR - PERMIT - 28 April 2006 - Variation of condition 1 on planning applicatio ref. 05/00191/FUL dated 15 March 2005 (erection of temporary scaffold).

DC - 06/03482/LBA - CONSSE - 22 December 2006 - Alteration of small slate pitched roof to form new section of lead flat roof and removal of rooflight and addition of lead cover flashings to coping stones and new flat roof to small external timber stairs.

DC - 10/00041/FUL - PERMIT - 30 September 2010 - External and internal alterations and demolitions associated with a change of use from a school to a hotel on first and second floors and a restaurant and bar on ground and lower ground to include ancillary managers accommodation on the lower ground floor.

DC - 10/00042/LBA - CON - 30 September 2010 - Internal and external alterations for the change of use from school (Use Class D1) to a hotel (Use Class C1).

DC - 10/04713/VAR - WD - 15 February 2011 - Variation of conditions 3 and 5 and removal of condition 21 of application 10/00041/FUL (External and internal alterations and demolitions associated with a change of use from a school to a hotel on first and second floors and a restaurant and bar on ground and lower ground to include ancillary managers accommodation on the lower ground floor).

DC - 13/02136/REN - PERMIT - 19 August 2013 - Renewal of application 10/00041/FUL (External and internal alterations and demolitions associated with a change of use from a school to a hotel on first and second floors and a restaurant and bar on ground and lower ground to include ancillary managers accommodation on the lower ground floor).

DC - 13/02293/LBR - CON - 25 July 2013 - Renewal of application 10/00042/LBA (Internal and external alterations for the change of use from school (Use Class D1) to a hotel (Use Class C1)).

DC - 15/05183/COND - DISCHG - 11 February 2016 - Discharge of conditions 11, 15, 17, 19 and 20 of application 13/02136/REN (Renewal of application 10/00041/FUL (External and internal alterations and demolitions associated with a change of use from a school to a hotel on first and second floors and a restaurant and bar on ground and lower ground to include ancillary managers accommodation on the lower ground floor).)

DC - 15/05188/COND - DISCHG - 16 December 2015 - Discharge of condition 10 of application 13/02293/LBR (Renewal of application 10/00042/LBA (Internal and external alterations for the change of use from school (Use Class D1) to a hotel (Use Class C1)).)

DC - 16/01665/COND - DISCHG - 28 April 2016 - Discharge of condition 14 of application 13/02136/REN (Renewal of application 10/00041/FUL (External and internal alterations and demolitions associated with a change of use from a school to a hotel on first and second floors and a restaurant and bar on ground and lower ground to include ancillary managers accommodation on the lower ground floor).)

DC - 17/00267/LBA - CON - 21 March 2017 - External alterations to include the removal of and closing in of a modern doorway located in the Courtyard South Boundary wall of King Edward's Tavern (formerly King Edward's School). (Retrospective).

DC - 21/00692/VAR - PCO - Variation of conditions 4, 7, 10, 21, and 22 of application 13/02136/REN
(Renewal of application 10/00041/FUL (External and internal alterations and demolitions associated with a change of use from a school to a hotel on first and second floors and a restaurant and bar on ground and lower ground to include ancillary staff accommodation on the lower ground floor).)

DC - 21/00695/LBA - PCO - - Internal and external alterations to enable change of use from school to hotel use.

EN - 07/00175/LBWORK - CLOSED - 30 March 2007 - Enforcement Enquiry

EN - 08/00012/S215 - CLOSED - 26 February 2008 - Enforcement Enquiry

AP - 15/00025/LBRF - DISMIS - 29 July 2015 - External alterations for the installation of security gate.

DC - 10/02748/LBA - CON - 31 August 2010 - External alterations for the repairs to roof lantern at rear of 16-18 Queen Square

DC - 10/02893/LBA - RF - 25 August 2010 - Internal alterations to the layout of the second floor flat

DC - 10/05225/LBA - RF - 31 January 2011 - Internal alterations to the layout of the second floor flat

DC - 14/04427/FUL - APPRET - - Installation of security gate.

DC - 14/04616/LBA - RF - 8 December 2014 - External alterations for the installation of security gate.

DC - 15/02672/FUL - WD - 24 September 2015 - Change of use from B1 (Office space) to D1 (Nonresidential institution).

DC - 21/00692/VAR - PCO - Variation of conditions 4, 7, 10, 21, and 22 of application 13/02136/REN (Renewal of application 10/00041/FUL (External and internal alterations and demolitions associated with a change of use from a school to a hotel on first and second floors and a restaurant and bar on ground and lower ground to include ancillary staff accommodation on the lower ground floor).)

Summary of Consultation/Representations:

Historic England (support)

We consider that the applications meet the requirements of the NPPF, in particular paragraph numbers 189, 194, 196 and 200.

Your authority should take these representations into account in determining the applications.

It is acknowledged that the proposed scheme will cause some harm to the overall heritage significance of this heritage asset (Para. 196, NPPF). However, on balance, we accept that the proposed changes to the consented scheme will not increase the harm to unacceptable levels. It could even be considered to reduce harm overall when compared to the scheme consented in 2010. Given the current deteriorated state of the building, it is considered that the level of harm proposed (which is relatively low) will be outweighed by the public benefit of finding a sustainable use for this important building in Bath that has already stood vacant for far too long (Para.194 & 196, NPPF).

Policies/Legislation:

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

With respect to any buildings or other land in a conservation area the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

The Revised National Planning Policy Framework (NPPF) 2019 is national policy in the conservation and enhancement of the historic environment which must be taken into account by the Council together with the related guidance given in the Planning Practice Guidance (PPG).

The Council must have regard to its development plan where material in considering whether to grant listed building consent for any works.

The statutory Development Plan for B&NES comprises:

- Core Strategy (July 2014)
- Placemaking Plan (July 2017)
- B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- Joint Waste Core Strategy
- Made Neighbourhood Plans

Core Strategy:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

- CP6 - Environmental quality
- B4 - The World Heritage Site
- CP1 Retrofitting Existing Buildings
- CP2 Sustainable Construction

Placemaking Plan:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

- HE1 Historic Environment

Historic Environment Good Practice Advice in Planning Notes issued by Historic England:

- Making Changes to Heritage Assets
- Managing Significance in Decision-Taking in the Historic Environment
- Understanding Historic Buildings

Officer Assessment:

The building was vacated by King Edward's School in 1980's when it was sold into the ownership of Samuel Smith's Brewery. The new owners sought permission and consent to change the use of the building from school to hotel, and this was approved 2010 and then renewed in 2013.

The current listed building application seeks amendments to the previous applications relating to both internal and external alterations. Some of the elements that were regarded as causing harm to the building have been omitted in the current scheme of alterations, including the installation of hoists and the construction of a suspended ceiling in the main hall. However, there are some new elements within the current proposed alterations that are considered harmful, principally the new door openings in the lower part of the niches in the main hall. Whilst this will result in less than substantial harm, this is balanced and weighed against the omission of previous elements of harm and, crucially, bringing the building back into use after three decades of vacancy. In this instance, this will result in both public and heritage benefits arising from the reuse and associated restoration and conservation of the listed building, the increase in activity of the surrounding conservation area and a contribution to the recovery and regeneration of the city centre following a decline attributed to the market forces that the internet has brought about and the COVID 19 pandemic and the associated lockdown measures imposed by the Government. This is consistent with the requirements of the NPPF (section 16, para. 196), which states:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. There is also a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. Here it is considered that, on balance, the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance including the Council's specialist guidance: The Cleaning of Bath Stone (2010), policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF. The proposals would be an acceptable alteration to the listed building that preserve its architectural interest and character and will preserve and enhance the setting and appearance of the conservation area.

Recommendation:

CONSENT

1 Time Limit - Listed Building Consent (Compliance)

The works hereby approved shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2 Plans List (Compliance)

The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Reason: To define the terms and extent of the permission.

3 Joinery Details (Bespoke Trigger)

No installation of any new joinery shall commence until full details comprising 1:10 or 1:20 elevations and 1:1 or 1:2 vertical and horizontal sections have been submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

4 Schedule of Repairs and Samples (Bespoke Trigger)

Prior to any internal or external repair works to historic building fabric, architectural features and detailing being undertaken, to include the making good of new openings, a detailed schedule of all repair work, including methods, materials and samples, to be submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

5 External Joinery Paint Finishes (Bespoke Trigger)

Prior to any repainting of external joinery, a schedule of colours and finishes to be used shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

PLANS LIST:

P001 REV B, P002, P003, P004, P005, P006 A , P007 A, P008 A, P009 C, P010 A, P011, P012, P013, P014, P015, P016, P017, P018, P019, P020, P021, P022, P023, P024, P025, P026, P027 dated 23 February 2021.

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

Condition Categories

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

Case Officer:

Adrian Neilson

Authorising Officer:

Paula Freeland