

**Planning Services**

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**Date:** 27th May 2008

**Appln. Refs:** 07/01034/EFUL & 07/01044/LBA

David Brown  
Government Office for the South West  
2 Rivergate  
Temple Quay  
Bristol  
BS1 6ED

Dear Mr Brown,

**1) Town and Country Planning Act 1990**  
**Town and Country Planning (Flooding) (England) Direction 2007**  
**Planning Policy Statement 25 – Development and Flood Risk**  
**Referral of Application for Planning Permission in the light of outstanding objections**  
**from the Environment Agency on Flood Risk Grounds**

**2) Planning (Listed Buildings and Conservation Areas) Act 1990**  
**The Planning (Listed Buildings and Conservation Areas) Regulations 1990**  
**Environment, Transport and the Regions Circular 14/97 (Culture, media and Sport**  
**Circular 1/97) Paragraphs 22-24 inclusive**  
**Notification of Intention to Grant Listed Building Consent**

Address to which the proposals relate: **Riverside Business Park, Westmoreland, Bath**

Description of proposals: **Bath Quays South Development - Construction of school building of 10,888 sq m to house the Dyson School of Design Innovation, including construction of new pedestrian bridge across River Avon, and associated access, servicing and landscape areas incorporating on-site bus facilities, all following partial demolition of existing buildings.**

Application Reference Numbers: **Planning:**  
**07/01034/EFUL**

**Listed Building Consent: 07/01044/LBA**

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I refer to recent telephone conversations with your colleague David Jones, during which we discussed this Council's recent decisions in respect of the above two applications relating to the proposed Dyson School of Design Innovation. The two applications were reported together to our Development Control Committee on 19<sup>th</sup> March 2008, with an Officer recommendation that each should be Refused. However, the Committee decided that it wished to support the project, and resolved accordingly. I attach an extract from the Minutes of the meeting on 19<sup>th</sup> March, in which the details of the decisions are set out.

However, Officers advised Members that the Committee could not grant Planning Permission or Listed Building Consent, as (for different reasons) both applications must be referred to the Government Office for consideration by the relevant Secretaries of State.

### **Formal Reasons for Referrals to the Secretaries of State**

The Planning Application falls to be referred to you under the provisions of the **Town and Country Planning (Flooding) (England) Direction 2007** because of an unresolved formal objection from the Environment Agency on flood risk grounds. The application for Listed Building Consent must be referred under the provisions of the **Planning (Listed Buildings and Conservation Areas) Regulations 1990**, because of the proposed extent of the demolition of the principal building on the site. Your colleague has advised that notwithstanding the different reasons for referring these applications to you, it is likely that they will be linked within your system. I would be grateful for your confirmation as to whether this is indeed the case.

The two case files and all associated documents and comments can be accessed electronically via the links below to our Web Site.

EFUL Application <http://idox.bathnes.gov.uk/WAM/showCaseFile.do?appNumber=07/01034/EFUL>  
LBA Application <http://idox.bathnes.gov.uk/WAM/showCaseFile.do?appNumber=07/01044/LBA>

Your colleague has requested that in each case we provide you with paper sets of the application plans, and these are attached. In addition, in connection with the Planning Application, Mr Jones has requested paper copies of the key documents relating to the Environment Agency's objection – I am therefore enclosing a copy of the relevant Appendix from the Applicants' Environmental Statement (Appendix 8: Flood Risk Assessment), and a copy of the Applicants' more recent Sequential Test and Exception Test Report.

In deciding to support the applications, our Committee requested that further discussions with the Applicants should take place (to the satisfaction of the Chair and the other two Group Spokespersons on the Committee) in respect of a small number of detailed issues. These were subsequently clarified with the relevant Members to be as follows:

1. To achieve clarity in respect of the manner in which the safe evacuation of the site would be achieved in the event of a flood event.
2. To investigate whether it would be possible to reduce the amount of Listed fabric that would be removed along the Lower Bristol Road frontage of the principal Listed Building.
3. To consider how the potential for light spillage from the site out into the adjoining sensitive environment might be controlled.
4. To request that a pedestrian link be constructed between the towpath on the northern side of the river Avon and the northern end of the proposed new river bridge (included within the scheme). The towpath is at a lower level and will pass under the bridge. No pedestrian connection is shown on the submitted plans.

5. To agree a set of suggested Conditions with the Applicants for referral to the Government Office.
6. To ensure that the sets of plans relating to the two applications are properly synchronised.

Furthermore, I attach copy email correspondence with the Environment Agency regarding their position in respect of discussions following the Committee decision on 19<sup>th</sup> March. You will note that the Environment Agency decided that it was not prepared to attend meetings or to advise on appropriate Conditions, and so discussions between this Council's Officers and the Applicants' team proceeded without the Agency's involvement.

In respect of the numbered items above, the following agreed positions were reached (and relevant correspondence is attached):

1. An evacuation plan will be prepared and controlled through the imposition of an appropriate Condition to be attached to any Planning Permission. The Applicants' position is that this can be achieved safely. The LPA position is that whilst the wording of an appropriate Condition has been agreed, it is unable to finally clarify the safety of the proposals in the light of the Environment Agency's continued objections.
2. The Applicants agreed that in principal the amount of Listed fabric to be removed could be reduced, but that in the absence of the Environment Agency from the discussions they were unwilling to make any changes to the scheme which might prejudice their flood management proposals. It was agreed on behalf of the LPA that a reduction in the permeability of the colonnaded section of the Lower Bristol Road frontage might give rise to security issues for pedestrians using the site, and that accordingly, the LPA would not pursue any changes to this frontage. Both parties have agreed that the submitted scheme is therefore to remain unchanged in this regard. It has also been agreed that a site security regime will be delivered in response to an appropriately worded Condition.
3. It has been agreed that an appropriately worded Condition be used in order to provide for the proper assessment and management of the effects of the illumination of the site.
4. The Applicants have declined to provide (or to contribute towards the cost of) a pedestrian link. It has been agreed that the Secretary of State will be informed regarding this failure to agree simply by providing you with copy correspondence on the point.
5. A comprehensive Schedule of Agreed Conditions has been prepared and is attached for your consideration. It must be noted that as a direct result of the Environment Agency's refusal to participate in discussions, the Schedule contains no Conditions in respect of Flood Risk or associated matters. The Agency has requested that it be formally reconsulted in the event that the Planning Application is released back to the LPA by the Secretary of State.
6. The submitted plans have been reviewed, and a number of minor inconsistencies have been corrected. The two applications now proposed the same package of works. Please note that the changes do not have any significant effect in terms of the nature of the scheme as initially submitted to (and supported by) English Heritage.

Please advise me immediately in the event that you require additional documentary information in respect of any of the above matters. In any event, the above outcomes have been discussed in detail with the relevant Committee members, who have confirmed their agreement to the cases now being referred to the Government Office. We are also aware that members of the public have already begun making representations direct to your office in respect of these proposals. Please let me know if you require any further information regarding third party correspondence.

I attach copies of the Officer Reports (and Updates) to Committee in respect of these proposals, which should be self-explanatory.

Please could you advise how these cases will now proceed? The Applicant has made it clear that there is a tight timetable for this project if it is to go ahead this year, and our Members are also keen that any delay should be kept to a minimum now that (with the exception of the Environment Agency objections and their implications, and the footpath link issue set out above) all relevant matters have been agreed.

Yours faithfully

Geoff Webber  
Senior Professional – Major Developments