

Planning Services
Lewis House
Manvers Street
Bath
BA1 1JG

By email

development_management@bathnes.gov.uk

14 June 2019

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Dear Sir/Madam,

**REPRESENTATIONS TO APPLICATION REF: 19/01854/OUT
HARTWELLS OF BATH, NEWBRIDGE ROAD, NEWBRIDGE, BATH, BA1 2PP**

We write on behalf of Standard Life Assurance Limited, owners of The Maltings Industrial Estate, Brassmill Lane, to object to the above planning application.

The Maltings Industrial Estate adjoins the application site to the south and includes an access route through to the former Hartwells garage, from Brassmill Lane. Standard Life Assurance Limited therefore have an interest in the proposals and wish to express their concerns. These relate to the overdevelopment of the site, and associated highways and amenity matters, as set out in more detail below.

Overdevelopment

The application site is allocated under Policy SB15 of the Core Strategy & Placemaking Plan (2017) (Hartwells Garage, Newbridge), which includes the following development requirement:

"Residential development of around 80-100 dwellings, which could include a variety of specialist older persons housing types but not student accommodation, where this would prejudice the achievement of Policy DW1 and B1 in respect of boosting the supply of standard market and affordable housing."

Policy DW1 includes making provision to accommodate an increase in the supply of housing by around 13,000 homes. Policy B1, includes the strategy for enabling the development of about 7,020 new homes, increasing the overall stock of housing from about 40,000 to 47,000.

The site is also identified in the Council's Strategic Land Availability Assessment (SHLAA) (2013) and forms part of the authority's five-year housing land supply, with an indicative capacity for 80 dwellings (ref: New.1).

The scheme seeks to provide 104 apartments on the site and therefore the proposed student accommodation does not prejudice the delivery of 80 - 100 residential units. However, because of the inclusion of the proposed student accommodation, it does result in a scheme that significantly exceeds the indicative capacity set out under Policy SB15 and in the SHLAA. This is evidence that the proposals amount to overdevelopment. A crucial consequence of this is that the proposals fail to provide adequate access to the site from Newbridge Road.

A site of the size and configuration of the application site, which includes a substantial frontage (of approximately 115 metres) to Newbridge Road, should be able to accommodate all of its access / egress and servicing requirements without the need to rely on a right of way over third-party land (ie The Maltings Industrial Estate). The proposed access arrangements to service the application site and nine parking spaces via The Maltings Industrial Estate clearly represents poor planning and design conflicting with Objective 2 and Policy CP6 and D2 of the Placemaking Plan. Policy D3 also states that new development should be designed in a way that does not adversely prejudice existing development or compromise adjoining sites. Furthermore, Policy D4 states that the impact of parking provision on connectivity should be resolved to avoid poor quality routes and poorly defined streets.

As such, the proposal is not in accordance with paragraph 127 of the National Planning Policy Framework (NPPF) (2019), which requires planning policies and decisions to optimise the potential of every site to accommodate and sustain an appropriate amount and mix of development. In this case, appropriateness should be considered by reference to, inter alia, parking provision, site layout and impacts on the local area (as set out in more detail below).

In summary, the volume of development proposed is too great and should be reduced from a combined total of 290 residential and student accommodation units, to much closer to between 80 and 100, in order to comply with Policy SB15 and to enable the site to be appropriately accessed and serviced without impacting on the local area in terms of parking overspill.

Highways and Parking

The application proposes access for deliveries and servicing vehicles through The Maltings Industrial Estate. The Planning Statement submitted with the application states that this access route would accommodate larger refuse and delivery vehicles.

The owner of the application site (Hartwells) has rights of access across The Maltings Industrial Estate. For some time, however, this access has been secured outside of normal business hours by locking the gates at the entrance to the estate as part of wider site security arrangements. It is opened by the tenants in the morning and secured by a security company at approximately 7.30pm. The owners of the Hartwells site have keys to the entrance gates. These restrictions on the free flow of traffic through The Maltings Industrial Estate need to be taken into account in the determination of this planning application.

The Transport Statement submitted with the application states that there are currently up to 39 arrivals and 40 departures at the Maltings entrance daily. We assume this refers to the entrance way to the rear of the industrial estate and application site. However, given the quantum of development proposed, this application could result in a significant increase in the number of vehicles using this access route. This is particularly if there is no capacity to accommodate residents and visitors in their preferred car parking area which would result in them having to make an additional movement on the highway network to find a parking space. For example, if car park 2 at the rear of The Maltings Industrial Estate is full, a resident or visitor would have to exit The Maltings at Brassmill Lane and take the circuitous route along Osborne Road before turning onto Newbridge Road and re-entering the site.

Furthermore, the Transport Assessment makes no reference to the potential trip generation associated with delivery vehicles accessing the development. This should be fully assessed to consider the true impact of the proposed development on the day to day operations of The Maltings. Given recent trends relating to an increase in online shopping, the proposed residential and student accommodation uses could be subject to regular deliveries from online retailers and restaurants / takeaways¹. This would likely intensify the use of access through The Maltings Industrial Estate, to the detriment of the operations of the industrial estate.

The submitted Framework Management Plan states that an experienced management company would manage the development and deal with issues including site deliveries. It goes on to state that access to the site through The Maltings would be secured via a gate and the plans identify a delivery / drop off area and refuse pick up point. However, this strategy is likely to create conflict between delivery / refuse vehicles and tenants of the industrial estate, particularly given the narrow access point for such vehicles in this location, which is directly in front of one of the industrial estate units, the occupiers of which are clearly entitled to unfettered access to their unit. The proposed servicing arrangements would also suggest that refuse vehicles would have to cross the proposed pedestrian and cycle path to access the proposed bin store, which would obviously create a potential conflict with pedestrians and cyclists using the path. Furthermore, it is unclear as to where refuse and delivery vehicles would turn and the lack of a turning area is likely to result in the turning of refuse vehicles within The Maltings Industrial Estate, again to the detriment of the existing occupiers. We therefore request that swept path analysis of vehicles using the access via The Maltings is provided along with further information to understand what measures would be implemented by the management company. At present, this information is not detailed in the submission.

We also consider that the proposed development has an under-provision of car

¹ The Implications of Internet Shopping Growth on the Van Fleet and Traffic Activity - Figure 2.1: UK e-commerce market: levels of ordering and delivery activity (https://www.racfoundation.org/wp-content/uploads/2017/11/The_Implications_of_Internet_Shopping_Growth_on_the_Van_Fleet_and_Traffic_Activity_Braithwaite_May_17.pdf)

parking. In particular, it is unreasonable to expect that students would not have vehicles and require parking at the site. Whilst a management plan is proposed to restrict student parking at the site, we question the enforceability of this and the overspill parking that is likely to occur in the local area. There also appears to be an under-provision of car parking for the proposed two-bed units as the provision is not in accordance with adopted minimum parking standards. As outlined above, the proposed nine-space car park accessed via The Maltings Industrial Estate, also does not appear to be an appropriate location for the provision of additional spaces due to its remoteness from the proposed units and the circuitous access route.

We note that the consultation response from the Council's Highways and Traffic Team refers to an 'extant site permission' being referred to in the Transport Assessment. However, we believe that this is an error as a previous application (LPA ref. 14/03977/OUT) for a student scheme was actually withdrawn.

In summary, the proposed development is likely to intensify the use of the existing access route through The Maltings, which would have an adverse impact on the operations of the existing industrial units and is unacceptable. We also consider that the proposed parking is an under-provision that is not in accordance with the adopted minimum standards and would result in significant overspill parking in the local area, particularly when combined with the lack of parking for the student accommodation element of the proposal.

Amenity

Paragraph 180 of the NPPF requires planning policies and decisions to mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life. However, the proposal does not provide suitable mitigation to protect the residential amenity of future occupants of the scheme.

The Noise Assessment submitted with the application concludes that acceptable noise ingress levels can be achieved with regard to both road traffic and industrial activities. However, it makes an unevidenced assumption that industrial noise sources will only occur during the working day. The Maltings is not restricted by operating hours, with noise levels typical of an established industrial estate, including noise from sources such as deliveries, machinery and plant. The owner is therefore able to let units at The Maltings to tenants that carry out light industrial operations and/or storage and distribution activities at any time of day. Locating new residential properties close to the boundary with The Maltings is likely to result in complaints about noise.

In line with paragraph 182 of the NPPF, existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Therefore, the applicant (or 'agent of change') should provide appropriate mitigation measures to ensure that the scheme would not impact on the operations of tenants of The Maltings Industrial Estate. Such measures include ensuring adequate distances between the residential accommodation and the existing sources of noise. Consistent with this, Policy D3 (Criterion M) requires developments to be designed in a way that does

not adversely prejudice existing development or compromise adjoining sites.

Also, of note, the Noise Assessment uses data from May 2010 for Survey Positions A and B. Given the age of this data, it is outdated and invalid for the purpose of this application as it does not reflect the current noise levels in these locations. We therefore suggest that noise in Survey Positions A and B is reassessed.

Conclusions

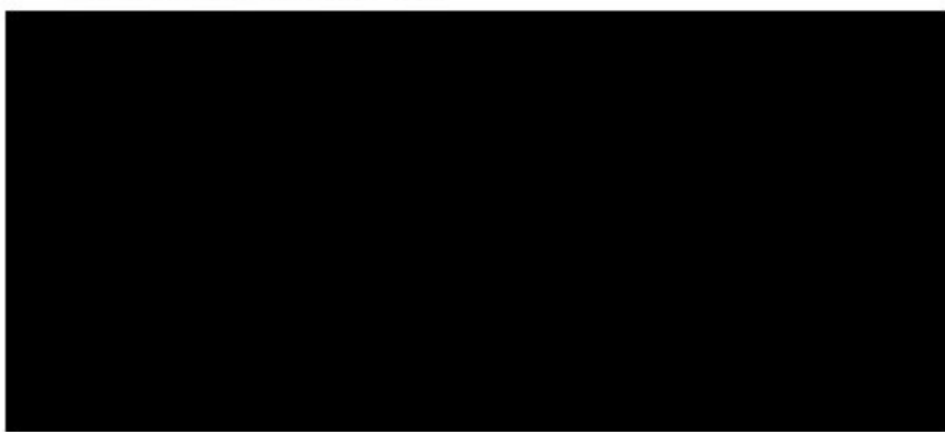
In summary, Standard Life Assurance Limited objects to the proposed development, primarily on highway and amenity grounds. This is on this basis that the overdevelopment of the site, and the proposed access through The Maltings Industrial Estate, would result in a detrimental impact on the operations of the industrial estate and on the amenity of potential future occupants. The proposed development therefore conflicts with paragraphs 127, 180 and 182 of the NPPF and Policies SB15, DW1, B1, CP6, D2, D3 and D4 of the Core Strategy and Placemaking Plan.

At the very least, the application should not be determined or reported to committee until the issues highlighted have been addressed and the proposal has been amended accordingly. Please inform us of any relevant consultation responses that are received during the remainder of the determination period.

We expect that, on receipt of further information, we will be submitting further representations.

We trust that our comments will be taken into consideration in the determination of the application, however please do not hesitate to contact us should you have any queries in relation to the above.

Yours sincerely



Louise Bending

cc: Mr A Roberts – Aberdeen Standard Investments