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By email

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19 November 2019

Dear Chris,

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

Further to our previous representations dated 15 June and 5 July 2019, we write on behalf of Standard Life Assurance Limited (SLA) in relation to the above application and in response to the letters from Walsingham Planning (the Agent) dated 23 October and 12 November 2019, and the associated draft Access Strategy. We also note Dan Friel's (Highways) response dated 8 November 2019 and provide comments on this below.

The Agent has submitted a Report on Title, confirming that the Applicant has 24/7 rights of access through The Maltings to Brassmill Lane, and that: *"the LPA can legally grant planning permission with either a Grampian Condition or Section 106 agreement requiring confirmation that access can be provided and maintained in order to service the development and including a requirement for approval of further details of any security / access controls."*

It has always been accepted that there is a right of way that was expressly granted and used by the applicant. Therefore, this point is not in dispute. However, it is the impact of the change of use of the site, from commercial to residential, and the associated issues with the proposed design and use, that cause concern in relation to the right of way. As such, we are still of the view that further measures would be needed to ensure that the proposal will not have a detrimental impact on the operations of the Maltings Industrial Estate.

The required Access Strategy and Site Management Plan would need to be secured via legal agreement rather than condition as they would relate to land which falls outside of the application boundary and the Applicant's ownership. Furthermore, as owner of the land, SLA would need to be a signatory to the agreement.

Our concerns about the proposals are reiterated below.

Intensity of use

The Agent states that *“the envisaged intensity of traffic to and from the Hartwell site after redevelopment will be no higher than that in the past”*. However, no evidence of traffic levels associated with the former use of the site has been provided as part of the application and this is obviously crucial in establishing a baseline. Given that the change of use from commercial to residential would undoubtedly result in the intensification of the use of the site, a comparison must be made between previous and future projected levels of traffic to determine if the proposal would have an impact on the operation of the Maltings Industrial Estate

The Agent has made broad statements to justify their position regarding the intensification of the site, without any evidence to substantiate it. As such, we request that evidence is provided to demonstrate that the change of use would not increase the burden on The Maltings Industrial Estate. We expect that an assessment of traffic levels would indicate otherwise and therefore the applicant should agree suitable mitigation measures with the LPA before the application is determined.

Security

Hartwell's currently has a key to the access gate from The Maltings, which is closed overnight. Given that the proposed use would necessitate a much larger number of parties having access to this gate and the ability to open it, this would present serious issues regarding the security of the Maltings, as set out in our previous representations. In addition, the use of a concealed entrance to the development at night raises potential concerns for users regarding personal safety issues.

The Agent has provided a draft Access Strategy which would be provided to users of the access from The Maltings Industrial Estate. The document states that it is for commercial vehicle drivers and some residential car park permit holders. However, it is not clear how smaller delivery vehicles (that are supposed to use the Newbridge Road access) and other vehicles would be prevented from driving through the industrial estate. There should be clear instructions from Brassmill Lane that access through The Maltings is restricted for permitted users only.

Whilst the Access Strategy details a number of accessway rules, it is unclear how these would be enforced. The Access Strategy should provide details of the sanctions that would be imposed on those who do not comply with the relevant rules.

Safety

The gate from The Maltings opens on to the proposed shared cycle path/walkway, which is oblique to the gate access. As we have previously pointed out, this presents issues of visibility / health and safety when vehicles move through the existing gate. These issues do not presently exist when Hartwell access their site from the Maltings.

Suitability

The application proposes the complete redevelopment of the site. Therefore, we maintain that it does not seem logical for the sole point of access to an area of car parking to be across a third party's land. If an alternative layout was proposed, it could be possible for that access to be facilitated within the development site, without requiring access across The Maltings.

Unauthorised car parking

Whilst the Agent's letter dated 12 November 2019 states that each residential unit will be allocated a space, there is still potential that additional vehicles accessing the development will result in overspill parking. As such, our client is understandably concerned that the Maltings would be used for overspill car parking when the car parks within the development are full, and would experience traffic coming and going as drivers search for somewhere to park, which would in turn impact on its operations.

Highways Comments

Whilst we appreciate that the most recent comments from Highways list a number of requirements that would need to be secured via legal agreement or condition, we consider that these should be resolved before the application is determined and in consultation with SLA, then secured via a legal agreement. This is particularly the case for the Site Management Plan and Access Strategy, which we consider are fundamental to the proposal and its impact on The Maltings Industrial Estate. As requested previously, the Applicant should provide sufficient information to demonstrate that the access through the Maltings can be provided, and function satisfactorily, without impacting on the operation of the industrial estate.

Furthermore, as the owner of the Maltings Industrial Estate, SLA would need to be a signatory to any Section 106 agreement.

Conclusion

Although the Applicant benefits from 24/7 access across The Maltings Industrial Estate, the proposed redevelopment of the site would result in the intensification of the access. It has the potential to have a detrimental impact on the industrial estate's operations and these matters should be resolved ahead of the determination of the application and in consultation with SLA. The measures required to resolve these matters would need to be secured via a Section 106 agreement, with SLA as a signatory.

We trust that these comments will be taken into account. We would also appreciate it if you could inform us of any further submissions from the applicant or consultation responses in addition to any updates on the likely determination of the application. If you have any queries, please do not hesitate to contact us.

Yours sincerely,

A handwritten signature in black ink that reads "L. Bending". The signature is written in a cursive style with a large, looped initial "L" and a trailing flourish.

Louise Bending

cc: Mr A Roberts – Aberdeen Standard Investments