

Our ref: KN0087/16
Your ref: 19/01854/OUT

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Chris Gomm
Bath & North East Somerset Council
Planning Services
Lewis House
Manvers Street
Bath
BA1 1JG

Dear Chris,

Hartwells Garage, Newbridge Road, Bath (ref. 19/01854/OUT)

Response to consultee comments

I write to set out a formal response to the comments received to date from statutory consultees and third parties.

In the first instance we welcome the confirmation that in policy terms the proposed uses are acceptable in principle, the acceptability of the Landscape and Visual Impact Assessment, and note that Officers agree that the development will not give rise to adverse impacts in relation to traffic generation or road safety at the proposed access.

The scope of the comments from statutory consultees can be broadly categorised as follows:

- Layout and design
- Landscaping and Trees
- Transport, access, and servicing
- Contaminated land
- Drainage and flooding

Residents and third parties have raised the following concerns:

- Design, height, bulk and massing
- Student accommodation
- Parking
- Highway safety

Some of the points raised by different consultees overlap and fall into a number of categories, however for the purposes of this letter I will deal with each point in turn and will avoid repetition.



Layout and design

Arrangement of parking spaces, including overflow parking

It is necessary to clarify how the spaces will operate. Having reviewed the comments made we propose to amend what is contained within the Framework Management Plan and Transport Statement. We now propose that the resident parking spaces will be allocated to a specific Permit, if a parking space is required by a resident.

This mechanism ensures that spaces are not utilised on an ad hoc first come first serve basis, and at the same time it overcomes the concern raised about how the spaces accessed from the Maltings would operate in practice – these would be allocated to specific permits so that the holders of those permits would know that they have to access their parking via the Maltings.

We note the concerns regarding the location of parking spaces to the east of Osbourne Road bridge but consider that a balance has to be struck between ensuring sufficient spaces are provided to meet the needs of the development, while at the same time ensuring that residents of the development do not park on surrounding residential streets. The parking spaces east of the Osbourne Road bridge will be the last area for which permits are issued and will mainly be used for visitor parking. Again, the proposed operation and management of the spaces would overcome the concerns raised about residents having to use these spaces as their primary means of parking.

In terms of the layout of the parking spaces, this is informed by the need to maintain the sewer easement and there is therefore little scope to alter the proposed arrangement. The current layout of the parking is considered to be the practical optimum that this part of the site can accommodate; it is linear because of the need to address the topography of the site and the access road, while avoiding constraints such as the sewer easement and existing vegetation. This easement places specific constraints on this area including no planting of trees, no alterations to the ground height, no buildings etc.

Pedestrian and bicycle access between Newbridge Road and the STR

Pedestrian access between Newbridge Road and the STR has been carefully considered and will be encouraged; the routes through the site, promoting permeability and links to the STR, are publicly accessible. The principal route is opposite Charmouth Road and comprises of a large stair (some 3 metres wide with a shallow rise, generous goings and frequent landings) and a lift which has been sized to accommodate 2 cyclists and their bikes. The second route is a stair linking Newbridge Road and the STR via the upper carpark. Again, this has been sized with cyclists and pedestrians in mind. To further encourage access, it is proposed that a bike runnel is incorporated into both stairs; this will be subject to detailed design at a later stage.

For the avoidance of doubt, the vehicle access ramp will be gated and not publicly accessible. It will be operated by residents with passes and will not be able to be used by pedestrians or cyclists wishing to move from Newbridge Road to the STR or vice versa. This avoids potential conflict between vehicle and pedestrian movements, they remain segregated.

Refuse stores

The management of the proposed external refuse stores is covered in detail within the submitted Framework Management Plan which outlines in detail how it will be actively managed and how it will work. It should be emphasised that it is simply not in the management's interests to have a bin store which is causing an adverse amenity impact, it needs to be kept clean, tidy, and free of spillages or smells. These stores are mainly for recycling, and they have been designed in accordance with current



standards and is by any measure an acceptable approach to refuse and recycling in terms of the design, location, and active site management. They are not contrary to policy, and it is in the applicant's interests for these to be well-managed.

It should be emphasised that this application is made in outline with all matters reserved except for access and layout, therefore whilst the FMP is sufficiently detailed for this stage of the application – and we have shown the proposed stores have been designed to have the necessary capacity for the development and shown the servicing routes. We suggest that details such as the dimensions, number, capacity of the bins and the means of enclosure can be dealt with via a suitably worded condition for these details to be agreed at a later stage.

Fire hydrants

To echo the sentiments above, this is an outline application. The applicant does not object to additional fire hydrants to serve the development, however at this stage this level of detail is not before the Council for consideration. This can be dealt with via a suitably worded condition with details and specific locations to be agreed at a later detailed design stage.

Landscaping and Trees

Layout of car park

The eastern part of the site – either side of the bridge – is already constrained by the sewer easement, the topography of the site and the subsequent layout of the car park, the attenuation tanks, and indeed the existing vegetation which is present in this area.

Ultimately this is a matter for detailed design to be agreed at the reserved matters stage. This outline application has provided the applicant's intent towards landscaping and trees and provides a landscape strategy accordingly, and we want to continue to work with the Council at every stage of the process to agree the details as the planning process progresses.

Retention of specific trees

Regarding the retention of specific trees highlighted by the Council's Tree Officer – and we note the conflicting opinions between the Landscape Officer and Tree Officer – the submitted plans set out how the retention or removal of trees is subject to detailed design at a later stage, to be considered and agreed between all parties at the reserved matters stage.

Trees to the courtyards

Regarding the trees within the courtyards, again this is something which we will work with the Council to agree at the reserved matters stage, it is ultimately subject to detailed design beyond the scope of this outline application. We are happy to work with the Council and work to accommodate the various (sometimes conflicting) requirements of the Design and Landscape Officers and Fire Service. The current strategy in support of this outline application has been carefully considered and is informed by the professional team having regards to fire access, servicing, drainage, sunlight & daylight into the accommodation etc.



Trees on Newbridge Road frontage

Regarding the trees on the Newbridge Road frontage, this is again a detailed point which can be agreed at the reserved matters stage. There are suitable trees which can be selected to thrive in this space without adverse impact on residential amenity or highway safety.

Transport, Access and Servicing

Management of Maltings Access

The submitted Framework Management Plan explains in detail how the crossing of the STR will work, will be controlled, and managed, therefore minimising potential pedestrian/cyclist and vehicle conflict. Furthermore, refuse/recycling and deliveries will be actively managed by an on-site member of the management team stationed in the adjacent office.

With regards to the comments concerning vehicle tracking accessed from the Maltings, please find enclosed a drawing (Mayer Brown, ref B/WPBath2.1/02) which shows how vehicle movements avoid conflict with the STR.

Servicing of retail unit

Regarding the servicing of the retail unit, the Planning Statement and Framework Management Plan explain how deliveries – which are expected to be small and infrequent – would be trolleyed over from the decked car park area. The enclosed drawing (Mayer Brown, as above) demonstrates that appropriately sized vehicles will be able to comfortably turn and park in the decked car park area.

Bus capacity

On the matter of bus capacity, if demand were to increase then the bus company would put on more buses. As raised at a previous meeting, this is a matter of supply and demand and is considered to be outside of the applicant's control. Nevertheless, at the request of the Officer, we have undertaken dialogue with the Bath Operations Manager at First Group who operate the U5 and U6 university buses along this route who has indicated that generally there are no significant issues with capacity on these routes, although the morning services and those at the start of term can be busy as these are the most popular services. However, there are four services an hour on the U5 and three per hour on the U6 passing the site during the day in term time so if one service is full, there will be another bus along within the next 10-15 minutes. A timetable will be provided as part of the Student Information Pack referred to in the FMP.

Therefore the proposed 186 students are not expected to cause major concerns over capacity on these routes. First Group monitor usage and if there are concerns with capacity, they investigate what improvements can be made to provide additional capacity on these routes, as they are run as commercial services.

Bus shelter

Regarding the bus shelter the proposal allows for 4 metres for the length of the bus shelter. This is considered suitable to accommodate the anticipated number of passengers generated by the development, whilst at the same time accommodating the need for tree planting along this frontage as stipulated by the LVIA. If required the shelter can be designed to have a small open section at the back so passengers can also wait on the new footway to the rear of the shelter then walk through the shelter to access the bus, preventing crowding or blocking of the main footway.



Funding of STR connections

Turning to the delivery of the STR connections, the Planning Statement states how the development will fund the connections of the STR to Brassmill Lane and Station Road (i.e. outside of the site ownership) and has identified a cost to this which is included in the Planning Statement and within the Viability Report.

However, as set out within the Planning Statement, in our opinion this cycle route outside of the red line boundary constitutes strategic infrastructure for the purposes of the Regulation 123 List and is therefore appropriate to fund this via CIL. We note that the Highways Officer is stating this should be via S106 funding, however if this is the case then this will have an impact on the viability of the scheme and in turn impact on the funding of other S106 items e.g. the level of affordable housing the scheme can realistically deliver.

We request that the Council confirms the approach on this matter.

Contaminated land

We confirm we are referring to and relying on the previous desk study, as referenced in the report submitted in support of this application.

Drainage and flooding

We have written to Wessex Water and asked them to confirm the various assets are public and that the development can drain into their systems at the rate proposed. We will pass on this confirmation to you as soon as we have their response.

Response to third party representations

Many of the concerns raised appear to come from a starting position that misunderstands the current planning policy position, as well as the findings/conclusions of the relevant consultant reports accompanying the application (e.g. highway safety). Furthermore, the significant constraints and challenges the site presents – which impacts on the viability and deliverability of the scheme – has not been considered.

Regarding the height, massing, and appearance, we note the comments from the Landscape Officer which agree with the conclusions of the submitted LVIA and how there will be no harm as a result of the development. The application is made in outline, therefore detailed design such as materials can be discussed and agreed at a later stage should the Council be minded to approve this application.

We note the comments from your Planning Policy Officer that in terms of land use the proposal is acceptable in principle, subject to the outcome of the independent assessment of the Viability Report.

We note the comments from the Highways Officer that the development will not have any adverse impact on traffic in the area and that the proposed access to/from Newbridge Road would not adversely impact highway safety.

Financial Contributions

The applicant is prepared to meet the requested financial contributions, secured via the S106 mechanism, for a new bus shelter and for allotments (should this be considered necessary in the light of the Viability Report and the impact on affordable housing that the scheme viability has).



Any impact of the development on local infrastructure has therefore been mitigated against, and the development is acceptable in this regard.

We note that some residents have raised an objection due to the impact of the development on allotment provision. However, as set out above, the applicant is prepared to meet the financial contribution requested to mitigate against this impact.

Conclusion

An outline application has been submitted which proposes the demolition of the existing buildings on the site and construction of replacement buildings comprising 104 residential units, 186 student bedrooms, and a commercial unit. All matters are reserved except for layout and access.

A number of objections have been raised to the proposed development from residents, and comments have been provided from statutory consultees. This letter seeks to respond to these comments and provide clarification, updated information, or additional justification as necessary.

All matters are reserved except for access and layout, therefore many of the detailed points raised by the statutory consultees will be considered and agreed at the detailed reserved matters stage.

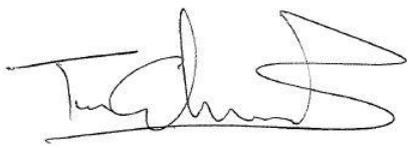
However it is necessary to emphasise how we want to work with the Council at every stage of the process to agree these finer details and get the scheme right and in accordance with the wishes of the various officers or statutory bodies.

At the same time, it is essential that a proper balancing exercise is undertaken, and the proposals are assessed in the round, having regard to the current overarching planning policy position and the site context in terms of the constraints, topography, and viability. As we have made clear from the outset, the constraints of the site mean that viability is key to being able to bring forward a policy compliant development that delivers new housing for the city.

We trust this provides clarity on certain areas and answers the queries raised by the statutory consultees.

We feel it would be beneficial and expedient to come to your offices to sit down and discuss the clarifications we have set out in this letter and any other issues that you feel need further consideration. I will be in touch separately to arrange this meeting. In the meantime please do not hesitate to call should you have any queries.

Yours sincerely,



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