

Chris Gomm

From: Tom Rocke <trocke@rockeassociates.co.uk>
Sent: 01 May 2017 11:13
To: Chris Gomm
Cc: Paul Withers (paul.withers@eagle-one.co.uk); Mark Reynolds
Subject: Application Ref: 16/05504/OUT - 34-35 Lower Bristol Road, Bath
Attachments: 34-35 Lower Bristol Road, Bath; 34 - 35 Lower Bristol Road, Bath; Ref: 16/05504/OUT

Hi Chris,

With reference to the above application, we remain very concerned about the misleading consultation response from Economic Development that is reported in the Committee Report.

When we met with you and Duncan Kerr on 17th March we agreed that, for the purposes of assessing the opportunity cost of the proposed development in terms of employment floorspace, the footprint area of the building of 1,460 sqm was the appropriate benchmark. This was confirmed in my E-Mail to you of 17th March (see attached – 6th bullet). You will note from that E-Mail that I requested that you advise me if there was anything from my synopsis of the meeting with which you disagreed. I did not receive any response that indicated such disagreement

We were therefore disappointed to see that, in the Economic Development Officer's revised consultation response of 30th March, this agreement had not been honoured. The alleged opportunity cost of the proposed development in economic development terms was therefore computed on the basis of a loss of 4,700 sqm of industrial floorspace, and therefore some 69% higher than the appropriate figure of 1,460 sqm as agreed at the meeting. In my E-Mail of 31st March (also attached) I expressed these concerns, and emphasised the importance that the ED advice to be reported to Members would be fair and balanced and reflected the agreement reached at the meeting. I requested that the ED response be amended to reflect this agreement, and that ED reconsider whether they could sustain their objection on the basis of the appropriate floorspace figure of 1,460 sqm. With my further E-Mail of 13th April (also attached) I provided correspondence from my clients' commercial advisers, Cushman and Wakefield, confirming the floorspace quantum of 1,460 sqm as the appropriate figure for computing the economic impact, and reiterated the imperative for ED to review their consultation response accordingly. I again suggested that ED might no longer wish to sustain their objection given their reliance on a much higher, and erroneous, floorspace quantum in retrospective justification of their position regarding the alleged economic impact of the proposals, and again urged them to review their advice prior to completion of your Committee Report to ensure that Members had correct information on which to base their decision.

In the light of the foregoing it is of very grave concern to my clients to note that the ED advice to Members has not been changed. The position that is being reported to Members is therefore grossly exaggerated through computing the alleged economic opportunity cost of the application proposals on the basis of an inflated floorspace quantum that is almost 70% higher than the appropriate figure, and in consequence greatly exacerbates the alleged impact. Moreover, given that the ED officer has not reviewed the alleged impact on the basis of the correct floorspace quantum, he has clearly failed to consider whether it is appropriate to maintain his objection.

I have already expressed my disappointment and concern to you (in my E-Mail of 27th April) that ED's comments have not been updated in the Committee Report, and requested that this be done through the updating papers. However, given the potential importance of this matter in the determination of this application, we consider it imperative to write again, and further to our various previous E-Mails, to request that this matter is addressed. If, having regard to the position of the Economic Development Officer as set out in his consultation response, Members decide not to follow your recommendation and endorse the ED objection, then you will appreciate that, given the erroneous basis for the ED objection, this could have very serious consequences for the Council in the event of any subsequent Appeal proceedings that may be necessary.

I would therefore be grateful for your confirmation that Members will be provided with revised and accurate information on which to base their decision?

Many thanks,

Tom



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