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SENT BY EMAIL ONLY: local_plan2@bathnes.gov.uk

Planning Department
Bath & North East Somerset Council
Lewis House
Manvers Street
Bath
BA1 1JG

18th February 2021

Dear Sir/Madam,

REPRESENTATIONS TO B&NES LOCAL PLAN PARTIAL UPDATE POLICY OPTIONS CONSULTATION ON BEHALF OF WATKIN JONES GROUP

I write on behalf of our client, Watkin Jones Group (WJG), to submit representations to the B&NES Local Plan Partial Update Options Consultation.

Established in 1791, WJG is the UK's leading multi-occupancy residential developer with a proven track record in developing and managing residential properties. This covers purpose-built managed student accommodation (PBSA) and build to rent (BTR), which encompasses co-living development. Since the late 1990s, the Group has increasingly specialised in the development, construction and management of high quality, purpose-built managed student accommodation and more recently Build to Rent (BTR) and Co-Living residential accommodation. It has delivered over 50,000 residential units over this period.

WJG have invested significantly in Bath, achieving planning consents and subsequently delivering a number of developments as detailed below:

1. The Depot at the junction of Lower Bristol Road and Brougham Hayes –104-unit PBSA scheme opened in September 2016, after securing planning permission in January 2015;
2. Avon Studios on Midland Road – 94 PBSA and 14 residential studios for rent opened in September 2018, after securing permission in May 2017; and
3. Riverside Court at the junction of Upper Bristol Road and Victoria Bridge Road - 44 unit build to sell scheme was completed in the summer of 2019, after securing planning permission in October 2017.

In addition, WJG continue to invest in the City and are currently engaged in the planning process on two further sites. Namely, these are:

1. LPA ref. 20/03071/EFUL: Dick Lovett at the junction of Lower Bristol Road and Windsor Bridge Road – this scheme comprises over 300 BTR units and 300 student accommodation units. The development will be delivered in 2024, following the relocation of Dick Lovett to Melksham.
2. LPA ref. 20/03166/FUL: Regency Laundry, St Peter's Terrace – this scheme was submitted in September 2020 and comprises a 155 unit co-living development.

The remainder of this representation sets out our comments on a number of proposed updates to existing policies.

Consultation DM 1 to DM 2 – Net Zero Carbon Construction Policy

DM 1 – Residential Buildings

Option 1 of consultation DM 1 seeks to replace adopted Policy SCR1 in order to make energy efficiency and carbon reduction requirements more stringent. Whereas Policy SCR1 currently requires major development to achieve a 10% reduction in carbon dioxide (CO₂) emissions from renewable energy sources, option 1 proposes to require:

- A minimum operational CO₂ emissions reduction of 10% through fabric performance from a baseline of Building Regulations Part L 2013;
- A minimum operational CO₂ reduction of 35% through on-site renewable energy; and
- Then offset remaining operational emissions that can't be mitigated on site through a financial contribution.

It is notable that the policy introduces significant additional requirements beyond that of adopted local policy. Whilst it is acknowledged that the Council are seeking to respond to the declaration of a climate emergency, the ability of a partial update to encompass the full scope of this amendment, as opposed to coming forward as part of a full Local Plan review, is challenged. Most notably, the introduction of these requirements are likely to have significant viability impacts which need to be fully tested. Currently, the potential impacts of these requirements, particularly the requirement for financial contributions, are neither considered to be justifiable nor evidenced to be effective. In any case, the following amendments are also considered necessary for soundness:

1. Bullet point 2 should also recognise the use of low and zero carbon energy forms, in addition to renewable energy, in achieving a 35% CO₂ reduction on-site. The energy sources and building fabric utilised in a development should always be the most appropriate for the specific development in question, including where this may not meet the standards or be classed as a 'renewable energy' source, but does allow for the greatest overall energy efficiency in the context of the development;
2. Furthermore, the reduction should also be measured from a baseline of the relevant Building Regulations as per bullet point 1 in order to provide a consistent and standardised approach;
3. In addition to full viability testing, clarity is also considered to be required with regard to financial contributions in terms of:
 - a. Details of how the contribution will be calculated; and;
 - b. Transparency on where these contributions will be spent and how they will help to reduce carbon should be provided to ensure such contributions are consistent with the relevant planning law tests in that they are applicable to the specific development.

Option 2 is similar to option 1, but would require building fabric performance in accordance with the Future Homes Standard (should this be brought forward). Remaining carbon emissions would be required to be mitigated through renewable energy and then financial contribution. The comments detailed above in relation to option 1 are applicable to option 2.

DM2 – Non-Residential Buildings

Consultation DM 2 seeks to replace adopted Policy SCR1 in the same way as DM 1 above, but in terms of non-residential buildings and with a 15% reduction through fabric performance. The same hierarchy as set out above is proposed to apply, with an additional note that major development with 1,000m² or more non-residential floorspace to achieve BREEAM Excellent Standard is being considered.

In the first instance it is recommended that it should be clarified whether uses such as purpose-built student accommodation and co-living will be taken to fall within non-residential.

Secondly, as per the final point made with regards to consultation DM 1 above, it is argued that a level of flexibility is required. There will be circumstances where 15% reduction via building fabric is not achievable given the nature of non-residential buildings where requirements and building type vary widely by use. Similarly, there will be developments where the use of non-renewable energy sources, including zero and low carbon sources, are more appropriate in the context of the development. Indeed, it is notable that the evidence base for the emerging London Plan (GLA Energy Efficiency Targets Development Case Studies, Nov 2017), which adopts the targets proposed in Bath (10% reduction for residential buildings and 15% for non-residential buildings) analysed a number of case studies and found that the ability of non-residential buildings to meet this target varied considerably. For example, whilst an office building was able to easily achieve this target, in hotel developments fabric and service improvements were not able to significantly improve emissions beyond that of Part L 2013 given the fact that energy demand is dominated by domestic hot water use. It is therefore argued that an element of flexibility is required in order to make the policy justified, given the fact that the 15% requirement has been shown to be unachievable in certain types of non-residential developments. This element of flexibility will also allow non-residential developments to apply the most appropriate energy efficiency measures. In addition, it should be clarified within the wording that the targets relate to regulated emissions against the building regulations baseline in order to maintain a consistent and standardised approach as per consultation DM 1 for residential buildings.

With regards to the heating and cooling hierarchy, it is noted that Policy CP4 regarding district heating is not proposed to be amended. However, in the experience of our client it is clear that connecting to, or providing connection to, a district heating network is not the most energy efficient solution in all circumstances. Thus, in order for the policy to be justified, point 2 of the heat and cooling hierarchy should be altered to require that heat and cooling demand is simply met, with Policy CP4 applying only where this would help to improve energy efficiency.

Consultation DM 4 – Whole Life Cycle Carbon Assessment

Consultation DM 4 introduces the potential for a future policy setting a performance threshold to demonstrate reduction in the Whole Life Cycle carbon emissions.

It is noted that the introduction of this policy is in its early stages and the evidence base is currently being worked towards (as set out in paragraph 2.25 of the consultation document). Given the potentially premature nature of this policy, it is emphasised that any proposed threshold needs to be sufficiently tested in order to be found sound, noting that it is not possible for all types of developments to always meet these thresholds. For example, there are numerous considerations to take account of which vary by development including fire safety, structural safety and visual appearance in terms of selecting materials. Transparency should be provided on how any stated threshold has been derived.

Consultation DM 8 – Electric Vehicles

Consultation DM 8 introduces a new policy for electric vehicles. Our comments relate to the proposed options for both major residential and non-residential development.

It is notable that once passive provision is installed it is a relatively simple and cost-efficient process to activate these in line with demand, and thus this requirement is not considered unreasonable. On this basis option a. is recommended in both cases. This will avoid the unnecessary over-provision of electric vehicle charging points which can affect a development scheme's viability, whilst allowing the provision to be easily increased should demand increase.

However, whilst option a. is supported, this support applies where on-site parking bays are provided only. It is not considered reasonable or deliverable to require the provision of infrastructure for electric vehicle charging on-street. Indeed, this raises numerous additional issues with regards to highways safety. In any case it is considered that developments should not rely on on-street parking and should either deliver this on-site or, in appropriate sustainable locations, provide car-free development.

Consultation DM 11 – Biodiversity Net Gain

Consultation DM 11 proposes to introduce a new policy (subject to viability testing) requiring developments to demonstrate biodiversity net gain.

Biodiversity net gain is calculated using a baseline value of the existing habitats on site and therefore it is far more feasible to achieve a notable level of biodiversity net gain on sites with a low baseline value, for examples sites with existing buildings and large areas of hardstanding. Notwithstanding this, there are additional aspects which can affect the ability of a development scheme to achieve biodiversity net gain. For example, whilst the inclusion of green roofs can increase biodiversity they are ideal nesting areas for seagulls which can cause other issues with regards to amenity. On balance it is therefore considered that, should the proposal prove viable when subject to testing, a net gain of at least 10% is more appropriate. Flexibility should be ensured in order to allow developments to go beyond this threshold where possible whilst accommodating developments which cannot meet this threshold on a viability basis.

Consultation DM 17 – Amendments to Policy CP9

Policy CP9 of the adopted placemaking plan sets out affordable housing requirements for new residential developments. Consultation reference DM17 seeks to add clarity on affordable housing requirements from build-to-rent developments. In the first instance, the policy wording should make clearer that regard will be given to 'development viability' on a site by site basis, as opposed to 'affordability'. The remainder of our representations on this point can be broken down into two sub-sections. The first concerns the level of discount required, and the second concerns the quantity of units required to be discounted.

With regards to the discount required, it is notable that national planning practice guidance requires 'a minimum rent discount of 20% for affordable private rent homes relative to local market rents' (Paragraph: 002 Reference ID: 60-002-20180913). Paragraph 2.62 of the consultation documents states that a 20% discount does not adequately meet affordable housing need within B&NES and especially Bath, however no evidence is provided to support this. A discount of 30% in line with First Homes is therefore proposed, which goes beyond the national requirement. It is noted that this diversion from national guidance is to be viability tested as part of the LPPU at a later stage in the consultation process.

Notwithstanding this, the relevance of requiring a discount in line with the First Homes scheme from BTR developments is questioned. As noted in paragraph 2.63 of the consultation document, the First Homes

scheme is intended to provide local people with an opportunity to purchase properties at a discounted level, rather than rent them. Indeed, BTR as a typology itself already provides those who cannot afford to buy with an opportunity for high-quality living. In any case, it is also currently unclear when the First Homes scheme will come forward. On this basis it is not considered appropriate to require a 30% rental discount from BTR developments on the basis of the First Homes scheme. A 20% discount on market rental levels, in accordance with national guidance, is considered more appropriate to this typology. In any case, any diversion from national guidance should be based on evidence appropriate to the typology, rather than based on an as-yet unimplemented government scheme which has been devised to assist local people with purchasing property and is therefore incompatible with BTR developments. Indeed, this conflict with national policy in its current form is therefore considered wholly unjustified and is therefore unsound.

In terms of the quantity of units required to be discounted, national planning practice guidance states that '20% is generally a suitable benchmark for the level of affordable private rent homes to be provided (and maintained in perpetuity) in any build to rent scheme' (Paragraph: 002 Reference ID: 60-002-20180913). Whilst this is acknowledged at paragraph 2.62 of the consultation document, it is not clarified within the proposed policy update whether this 20% level will be considered acceptable. This should be clarified within the actual policy in order to avoid existing affordable housing thresholds, which are set at 30% and 40% depending on location, from applying to BTR developments. This would be in conflict with national planning policy and entirely inappropriate.

Consultation DM 21 to DM 24 – Purpose-built Student Accommodation (PBSA)

Consultation DM 21 and DM 22 set out the overall proposed direction of student policy, including three specific options. Strong objection is raised to both option 1 and option 2 on the basis that these are unsound, as detailed below, and on this basis option 3 is supported.

DM 23 – Option 1

It is notable that Strategic Policy B5 of the adopted Core Strategy already currently restricts PBSA development from coming forward within the Central Area, the Enterprise Area or on MoD land unless it can be demonstrated this this would not adversely harm the realisation of other aspects of the vision and spatial strategy. Option 1 seeks to introduce a new policy which enhances this restriction, directing all PBSA development to university campuses unless it can be demonstrated that there is a need for additional student accommodation in the form of formal agreement with a relevant education provider. Policy B5 is also proposed to be updated on this basis, with the existing restriction on PBSA within the Central Area, Enterprise Area and on MOD Land retained (DM 21).

It is clear that proposed new policy H2B and the update to policy B5 seek to prioritise conventional housing development over PBSA. Strong objection is raised to this overarching approach. PBSA should be considered as a contributor towards housing supply, not a hinderance to it. National planning guidance is clear that that PBSA contributes to the delivery of housing and it is also identified in the housing delivery test methodology (NPPG Para 034). Evidence of this approach can also be seen through the London Plan Publication Version (December 2020) which recognises that PBSA development contributes to meeting London's housing need. In addition, there are a number of appeal decisions nationally which confirm the position that PBSA contributes towards the overall delivery of housing. These are as follows:

1. 315-349 Mill Road, Cambridge (APP/Q0505/W/15/3035861);
2. Land at Fish Strand Hill, Falmouth, Cornwall (APP/D0840/W/17/3177902); and
3. Land at Ocean Bowl, Falmouth, Cornwall (APP/D0840/W/17/3182360) at Appendix 3.

To elaborate, the Inspector concluded the following in respect of the Mill Road, Cambridge appeal listed above:

“student accommodation is a form of housing, and there is no reason to consider that its provision should not reduce demand for other types of dwellings, to relieve the overall pressure for housing in Cambridge. The high residential densities possible with student accommodation would maximise this effect by making the best use of the land.”

Given the factors detailed above, the national position with regards to the delivery of student accommodation is clear. PBSA is a form of housing and should be considered to contribute towards housing supply. On this basis the proposed local approach, which seeks to prioritise other forms of housing over PBSA, is in direct conflict with national planning policy and is therefore unsound.

Furthermore, the proposed new policy, H2B, explains that a need for additional bedspaces must be evidenced by a formal agreement between the developer and a relevant education provider for the supply of bed spaces created by the development (H2B, part i.). This would essentially prevent any direct-let PBSA from coming forward in Bath. There are three key issues with this:

1. The Council's PBSA Topic Paper submitted to support this proposed update states at paragraph 3.5 that *‘The aim of option 1 is to provide a policy which enables a controlled growth of PBSA within the district, but only to the extent required by educational establishments, to accommodate their plans’*. However, there is already an extreme shortfall of PBSA bedspaces across Bath. Further PBSA development is required to address this existing shortfall, not only to accommodate the further growth plans of higher education establishments. The Bath Student Accommodation Demand Study prepared by Knight Frank and submitted with WJG's Dick Lovett planning application (LPA ref. 20/03071/EFUL) evidences this fact. The study finds that of the approximately 23,252 full-time students currently attending high education courses in Bath, only approximately 7,524 PBSA bedspaces are currently available. This equates to a percentage of 33%, meaning that approximately 67% of students are currently required to find accommodation within private rented HMO's or by living with parents. This equates to a supply/demand imbalance of 3.1 students per bed which, taking into consideration projected growth and the current pipeline, is set to increase to 3.5 students per bed over the period to 2023/23. Therefore, restricting PBSA delivery only to the extent required by educational establishments to accommodate their plans will maintain, and likely worsen, the existing imbalance placing additional pressure on the housing market;
2. In justifying the approach of option 1, the Council assert that the policy would provide flexibility during a time of “growth uncertainty”. However, notwithstanding the points above detailing that there is already a major supply/demand imbalance in Bath, this growth can be expected to remain strong. Indeed, the aforementioned Student Accommodation Demand study prepared by Knight Frank finds that full-time student numbers are expected to rise by 27% (1,259 students per annum) to 2023/24. In addition, an Inspector concluded in December 2020 that it can be reasonably assumed that demand for student accommodation in Bath will remain strong despite the potential effects of the COVID-19 pandemic, which are as yet difficult to predict, in his assessment of a proposal for student accommodation located at the Plumb Centre within the city (APP/F0114/W/20/3244862);
3. Furthermore, in terms of university growth, the Council's PBSA topic paper confirms at paragraph 3.6 that *‘The current strategy by the University of Bath is to improve its student experience by improving facilities (e.g. library facilities), with no net increase in student numbers’*. Given this, it is unlikely that any formal agreement from the University of Bath would be received to evidence a need for more

accommodation. This follows recent experience in the City where the University of Bath have been reluctant to formally support applications for PBSA; and

4. In any case, it is highly unlikely that any formal agreement, for example a nominations agreement, between a higher education provider and a developer can be agreed prior to the issuing of planning permission. Universities are often reluctant to engage in such agreements where they are liable to pay void payments if they are unable to fill rooms or take a risk on losing a development (and therefore committed rooms) if it falls behind in the planning and / or construction process. Indeed, given the difficulties with achieving formal agreement with a higher education provider, particularly in Bath as noted in point 2, this requirement will significantly hinder the delivery of PBSA bedspaces.

The Council acknowledge at paragraph 1.6 of their PBSA Topic Paper that *'there may be scope to provide enough students with suitable purpose-built accommodation that demand for HMOs across the district may fall, allowing the potential conversion of some HMOs back into general housing use'*. This assertion is supported by the aforementioned appeal decisions at Mill Road, Cambridge and at the Plumb Centre within Bath itself, and is further supported by evidence of occupancy levels by year of study in WJG student schemes in the city. For example, at Avon Studios in Bath operated by Fresh Property Group, of the 110 bookings taken for the 2018/19 year, only 19 were first year undergraduate students. Students in their later years of study who are not allocated bedspaces in university operated accommodation (which is largely reserved for first year students) are a key occupier of PBSA schemes given their cost, quality and location. The fewer PBSA bedspaces available, the greater the number of students there are occupying HMO accommodation. The provision of additional PBSA bedspaces can therefore serve to reduce the demand for HMO accommodation in the city.

However, given the fact that the proposed new policy plans for future university growth only and does not seek to address the existing shortfall, whilst also making the policy more restrictive, the update will entirely hinder the above from ever being achieved. Indeed, the Inspector notes in his assessment of the Plumb Centre appeal that *"even if student numbers in Bath remain at the present level there is evidence of a substantial shortfall in available purpose-built student bed spaces and a heavy reliance on the private rented sector"*. On this basis the policy is not considered to be justified or effective, in addition to being in conflict with national policy, and is therefore unsound.

Furthermore, it is entirely unrealistic to rely on higher education institutions to deliver the required PBSA bedspaces in B&NES. Indeed, this is acknowledged by the Council themselves at paragraph 3.16 as a constraint associated with this option. In fact, this constraint can be observed elsewhere in the UK. Policy H12 of the Manchester Core Strategy (adopted 2012) set out that developers would be *"required to demonstrate that there is a need for additional student accommodation or that they have entered into a formal agreement with a University, or another provider of higher education, for the supply of all or some of the bedspaces"*. In applying this policy Manchester Council required formal agreement with a university in order to evidence a need for student accommodation, in similarity with consultation DM 23. However, despite PBSA accommodation being delivered on university campuses in accordance with the policy, large numbers of students in their second or third years continued to seek high-quality off-campus living. Given the shortage of dedicated PBSA off-campus in other areas of Manchester, as well as the lack of new dedicated spaces able to come forward, large numbers of students instead occupied market housing including HMO and build-to-rent accommodation. In 2019 Manchester City Council in fact identified policy H12 as a primary cause for inflating rental levels of market properties, as well as acknowledging a large loss in Council tax, and a report to the Director for Growth and Development was made in November 2019 recommending the approach be revised. Consultation on a revised approach took place throughout 2020, with a further report made in December 2020 recommending that the findings of the report and consultation be treated as a material consideration until the adoption of a new local plan. This process has ultimately been undertaken to allow

further PBSA development to come forward in the city and address the significant issues that restrictive policy H12 has contributed towards.

Given the above, proposed policy H2B is considered to be in conflict with national planning policy, unjustified and ineffective. The policy unjustly restricts the development of PBSA in favour of other types of housing, conflicts with numerous appeal conclusions including one located within Bath itself (Plumb Centre, Dec 20), does not adequately plan for the level of PBSA required in the city, will worsen the supply/demand imbalance that exists in Bath already and will place further pressure on the housing market. The policy is therefore considered unsound and option 1 should not be carried forward.

DM 24 – Option 2

Option 2 proposes to broaden the scope of existing Policy H2, which refers to uncontrolled HMO's, to encompass managed PBSA developments. This would subject managed PBSA development to the same considerations as uncontrolled HMO's, including that new PBSA development would not be considered appropriate in areas with an existing high concentration of HMO's or other PBSA developments in the area (at or above 25% within 100m of the proposed development). Strong objection is raised to this option for the following reasons:

1. Managed PBSA developments are distinctly different from uncontrolled HMO's. Most notably, PBSA schemes are managed under one operation in line with a management agreement. This ensures surrounding amenity is protected. Indeed, it is broadly accepted nationally that managed PBSA developments are not subject to the same amenity concerns as uncontrolled HMO's assuming they are suitably managed. An appeal decision made in Chester in 2016 (APP/A0665/W/16/3152140) evidences this position concisely. The Inspector is clear in his assessment and states that *"the student accommodation would be managed and there is no reason for me to believe that there would be any unacceptable impact on the living conditions of local residents from noise, disturbance or litter"*;
2. It is unclear how PBSA developments will be considered with regards to measuring concentrations. For example, if this measurement is conducted on a per-bedspace basis, it is likely that one major PBSA development being delivered would place the threshold above 25%, thereby preventing any further similar development from coming forward in the immediate area;
3. As a result of the above, and considering the existing level of HMO's and PBSA developments within Bath, it is highly likely that additional PBSA development would be restricted across large sections of the city – including the most sustainable areas with good transport links to universities. This will serve to push further PBSA and HMO accommodation outwards into less sustainable locations; and
4. Notwithstanding the above, measures of concentrations are considered inappropriate when assessing PBSA development. Indeed, there are a number of appeal decisions from across the UK where a perceived over-concentration has been a key consideration. The below examples illustrate that Inspectors have frequently found levels of student concentrations above 30% are acceptable:
 - a. Lower Albert Street, Exeter (APP/Y1110/W/17/3178667);
 - b. Oakbase House, Chester (APP/A0665/W/16/3166180);
 - c. The Old Printworks, Bernard Terrace, Edinburgh (PPA-230-2122);
 - d. Salisbury Court, St Leonard Street, Edinburgh (PPA-230-2146);
 - e. Small Street, Bristol (APP/Z0116/W/18/3194372); and
 - f. Wilder Street, Bristol (APP/Z0116/W/18/3212806).

Given the above, the proposed policy approach of option 2 is in clear conflict with the nationally accepted position that managed PBSA is distinctly different from uncontrolled HMO's. In any case, the application of the policy in this manner would likely restrict PBSA development across large areas of the city including highly sustainable locations and is therefore entirely inappropriate. This significant restriction would worsen the existing supply/demand imbalance in the city and place additional pressure on the housing market, in similarity with option 1 detailed above, and is therefore ultimately considered to be unsound.

Summary of representations to student policy

As detailed above, strong objection is raised to both option 1 and option 2 on the basis that both of these options are unsound. These options should therefore not be carried forward. Our representations on this point can be summarised as follows:

1. Option 1 is neither justified nor effective as evidence of student need in the form of formal agreement with a relevant education provider is not realistically attainable and will further worsen the existing situation;
2. Option 2 is not compliant with the national policy approach as managed PBSA is accepted to be significantly different from uncontrolled HMO's and considerations of over-concentration have been evidenced to be inappropriate when assessing PBSA development;
3. Neither approach is consistent with national policy as the delivery of PBSA should be considered to contribute to overall housing supply in accordance with the NPPG and the adopted national position, as evidenced by various appeal decisions. PBSA should not be restricted in favour of other forms of housing; and
4. Neither approach is justified or effective as the proposed policies fail to plan to meet the demand for PBSA in the city. The existing supply/demand imbalance, as evidence by the Student Accommodation Demand Study prepared by Knight Frank, is significant. In attempting to plan for university growth only this imbalance will only be worsened, placing further pressure on the housing market. In addition, the approach should not rely on any potential reduction in demand as a result of COVID-19, which is both uncertain, unevidenced and difficult to predict.

Ultimately, both option 1 and option 2 will significantly restrict the delivery of student bedspaces in Bath for which there is an identified and increasing need. This would place further pressure on the housing market, as evidenced by the application of policy H12 in Manchester, leading to an increase in HMO accommodation and a loss of family housing. The existing supply/demand imbalance in Bath is considered evidence in itself that the existing adopted policy is sufficiently restrictive in controlling PBSA accommodation. For these reasons, as well as those given above, it is considered the policy should remain unchanged.

Consultation DM 25 – Accessibility Standards

Consultation DM 25 proposes to update policy H7 to require that new housing meets accessibility standard requirements as relates to M4(2) accessible and adaptable dwellings and M4(3) wheelchair user dwellings. It is recommended that the full policy wording provides clarification that these requirements do not relate to PBSA or co-living accommodation given the fact that these typologies do not fall within Use Class C3 and are subject to significantly lower levels of demand for accessible rooms.

Consultation DM 27 – Non-Strategic Industrial Premises

Consultation DM 27 proposes to significantly alter adopted policy ED2B. Policy ED2B as adopted states that *“applications for residential development or others uses will normally be approved unless there is a strong economic reason why this would be inappropriate”*. The proposed update to the policy seeks to alter this entirely to enforce a presumption in favour of retaining non-allocated industrial uses.

Strong objection is raised to numerous elements of this policy. Ultimately, it is not considered appropriate to enforce the retainment of all existing industrial land across B&NES (which is in effect what this policy, in combination with policy ED2A will achieve) simply because the overall stock of industrial land has decreased over the plan period. Indeed, this approach is in direct conflict with national policy. Paragraph 118 of the NPPF states that planning policies should *“promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively”*. Paragraph 117 is similarly clear that *“strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land”*.

Furthermore, given the fact that all must be satisfied, the criteria listed does not provide sufficient flexibility to allow the re-development of industrial sites that are no longer viable or appropriate for continued industrial use for the for the following reasons:

1. The first bullet point refers to progress against the Core Strategy. It is understood from engagement on applications within Bath that the latest monitoring shows a net loss of over 44,000sqm of industrial space in the period of 2011-2018, which already surpasses the Core Strategy managed reduction target of 40,000sqm across the period of 2011-2029. Given the fact that the target for loss of industrial space set in the core strategy has already been surpassed, it is highly unlikely that any scheme proposing redevelopment of existing industrial space will be able to justify this against the Core Strategy target;
2. The second refers to employment and business sectoral growth. However, simply because a sector is experiencing growth does not necessarily mean that a site in question would be suitable for a use within that sector, or indeed realistically occupied by a business within that sector. A reasonable method of identifying whether this is the case is a marketing period, as included at bullet point 6 of the proposed policy. However, as all the criteria is required to be met, a building which has been proven unviable and unsuccessfully marketed for a period of 12 months could be taken to be required to be retained simply because the sector which does, or could, occupy the site is experiencing a period of growth. This is clearly unreasonable; and
3. The third bullet point refers to whether the site is currently occupied, and the number of people employed at the site. This measure is also considered inappropriate as a site is not necessarily appropriate or viable for continued industrial use simply because it remains occupied. Should a site be occupied but in poor condition, it may be unviable to regenerate or redevelop the building to sustain continued industrial use. In similarity to point 3 above, evidence of viability and marketing would serve to clarify whether this is the case. However, given the fact that all criteria are required to be satisfied, a building which is unviable for continued industrial use by way of regeneration or redevelopment may be required to be retained simply because it is occupied. In addition, whilst the criterion mentions the number of employees on the site, no allowance is included for the possibility of re-locating these employees within B&NES.

Whilst the remaining criteria are considered suitable, it is emphasised that the primary issue lies with the fact that all of the criteria are required to be met. This does not provide sufficient flexibility to promote and support the development of under-utilised buildings in accordance with the NPPF. In addition, the criteria detailed in points 1-3 above are considered to be unjustified. It is therefore considered that the policy is unsound.

Instead, it is recommended that the revised policy wording maintain the adopted presumption that residential development will normally be approved unless there is a strong economic reason why this would be inappropriate. Various evidence should be taken into account in assessing whether there is a strong economic reason for retention of the industrial land including the quality and suitability of the site for continued industrial use, evidence of viability, and marketing evidence.

Policy SB8 – Bath Riverside

Existing policy SB8 'Western Riverside' is proposed to be updated in line with the options set out within the consultation document, and included above. It is notable that the Council's approach that PBSA is an inappropriate form of development on this site is proposed to be carried forward, as demonstrated by options 3iii. and 7. Strong objection is raised to this proposal on the following basis:

1. As detailed earlier in this representation with regards to consultation DM 23, the development of purpose-built student accommodation should be considered to contribute towards housing supply in accordance with national policy. The development of PBSA can similarly serve to reduce the number of students in HMO's allowing these to be brought back into residential uses. Indeed, there is a clear need for additional student accommodation in Bath, as detailed earlier in this representation in response to consultation DM 23, and development of PBSA on this sustainable and well-located site would serve to meet this need. The development of PBSA can also contribute to the creation of mixed and balanced communities and create a vibrant residential area. In any case, the development of PBSA on this site does not automatically limit the identified capacity of conventional residential homes from coming forward in its entirety. Restricting PBSA from coming forward on this site is therefore in conflict with national policy and neither justified nor effective and this element should be removed;
2. Indeed, it is argued that any form of residential development should be considered acceptable on this site, including conventional housing, build-to rent housing, co-living and PBSA. These typologies can all be considered to contribute to housing supply and will all contribute towards delivering a mix of high-quality additional housing on an allocated site. The proposal to limit build-to-rent development on the site is therefore similarly considered to be in conflict with national policy. In any case, the benefits of build-to-rent accommodation, including its affordability, its attractiveness to young professionals and its ability to be delivered at speed, are emphasised and considered to be highly appropriate in the context of the site; and
3. In line with the above, it is argued that detailing a specification of an appropriate land use mix and clarification on parameters for the development is likely to be overly prescriptive. It is argued that the allocation should be flexible to ensure that development is not restricted and can come forward appropriately. Indeed, it is argued that previous specifications set out in the existing policy have neither been achieved nor served to aid in the development of the area.

Whilst the policy options in their current form are considered to be unjustified and ineffective and to conflict with national policy, the acknowledgement that the site is highly sustainable and can therefore accommodate an increased quantum of development and reduced quantum of car-parking is supported.

Policy B5 and SB19

Consultation Bath 5 proposes to update adopted policies B5 and SB19 to provide clarity on the development capacity of the University of Bath Claverton Down site. Most importantly, it proposes to add the approximate development capacity of PBSA bedspaces. It is understood the '760 bedspaces' figure is based on the

University of Bath Masterplan Update October 2018 – February 2020 (published January 2021). It is notable that the document does not provide any indication of timescales, but instead states:

“As per the previous iteration, it should be understood that the Development Framework does not represent the University’s final plan for the development of its estate, but seeks to define opportunities that could be delivered as and when required - subject to financial and operational feasibility.”

Should the Council continue to consider the Claverton Down site to be sequentially preferable when assessing proposals for PBSA in areas at risk of flooding, as they have done over the previous plan period, it is vital that any specified development capacity is accurate and will realistically come forward. It is not considered that the figure outlines in the Masterplan Update Document can currently be viewed in this way. If this figure is to be adopted into policy, it is highly likely that proposals for PBSA schemes which would in fact be delivered and help to alleviate the need for student bedspaces in Bath will be prevented from coming forward. This would further contribute to the issue of a lack of student bedspaces that Bath is already subject too.

I trust the above representations are in order and look forward to confirmation of their safe receipt. Please do not hesitate to contact myself or Bethan Hawkins (bethan.hawkins@rokplanning.co.uk) should you have any queries or wish to discuss these.

Yours faithfully,



Matthew Roe
Director
ROK Planning

T: 0773 0064234

E: matthew.roe@rokplanning.co.uk