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Planning Department  
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Lewis House  
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8<sup>th</sup> October 2021

Dear Sir/Madam,

**REPRESENTATIONS TO B&NES LOCAL PLAN PARTIAL UPDATE REGULATION 19 (PUBLICATION)  
VERSION CONSULTATION  
REPRESENTATION TO B&NES TRANSPORT AND DEVELOPMENT SPD CONSULTATION  
ON BEHALF OF WATKIN JONES GROUP**

I write on behalf of our client, Watkin Jones Group PLC (WJG), to submit representations to the B&NES Local Plan Partial Update Regulation 19 (Publication) Consultation and the Transport and Development Supplementary Planning Document (SPD) Consultation. These representations follow WJG initial comments submitted to the LPPU Options Consultation Document dated January 2021, enclosed at **Appendix A**.

Established in 1791, WJG is the UK's leading residential for rent developer with a proven track record in developing and managing residential properties. This covers purpose-built managed student accommodation (PBSA), build to rent (BTR) and co-living. Since the late 1990s, the Group has delivered in excess of 50,000 residential for rent homes and manages, through its multi award winning operational arm This is Fresh, in excess of 20,000 homes for rent.

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 BTR homes 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 build to sell residential homes completed in the summer of 2019, after securing planning permission in October 2017.

In addition, WJG continue to invest in the City and the following application was recently approved at planning committee on 25<sup>th</sup> August 2021 subject to Section 106 agreement and conditions:

1. LPA ref. 20/03071/EFUL: Dick Lovett Garages at the junction of Lower Bristol Road and Windsor Bridge Road – this scheme comprises 316 BTR homes, 335 student homes and commercial units. . The development will be delivered as a whole by 2025, following the relocation of the Dick Lovett car garages to Melksham.

WJG have an additional interest on the below site, which was refused planning permission at planning committee on 22<sup>nd</sup> September 2021 on the ground of loss of non-strategic employment floorspace:

1. LPA ref. 20/03166/FUL: Regency Laundry, St Peter's Terrace – The proposal was for 155 co-living homes with co-working space at ground floor.

The remainder of this representation sets out comments on a number of proposed policies.

## **LPPU REGULATION 19 (PUBLICATION) VERSION**

### **New Policy SCR6 - Sustainable Construction Policy for New Build Residential Development**

New policy SCR6 is proposed to replace existing policies CP2 and SCR1 and seeks to make energy efficiency and carbon reduction requirements more stringent. The policy introduces significant additional requirements beyond that of adopted local policy, and indeed beyond that of Part L of the building regulations, which the Council have proposed to drop as a baseline in favour of an energy use metric where for all dwellings, the following must be demonstrated:

- Space heating demand less than 30kWh/m<sup>2</sup>/annum;
- Total energy use less than 40kWh/m<sup>2</sup>/annum
- On site renewable energy generation to match the total energy use, with a preference for roof mounted solar PV
- Connection to a district heating network where available.

The policy continues to note that for major developments, where the use of onsite renewables to match total energy consumption is demonstrated to be not technically feasible (for example with apartments) or economically viable, renewable energy generation should be maximised and the residual carbon must be offset by a financial contribution. Applications for 50 dwellings or more are also required to demonstrate that the CIBSE TM59 overheating target has been met in the current climate, and a strategy is required to be submitted to show how overheating can be mitigated in the future climate.

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. The wording of the renewables requirement broadly equates to the now obsolete Code for Sustainable Homes Level 6 requirement of “zero carbon”. Based on the currently technologies available in the construction sector, it is not normally possible to match total energy use with on site renewable technologies, particularly with higher rise buildings with more limited roof space relative to the total building area. There is therefore a question of technical feasibility. For lower rise schemes, where this might be feasible, such a quantum of technology will carry a cost and issues of viability may become more pronounced. This may be of particular concern on affordable housing. This policy – as worded - may have the consequence of prohibiting certain development types.
2. The policy should also recognise the use of energy efficiency, in addition to renewable energy, in achieving a carbon 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, aligning with the energy hierarchy;

3. It is suggested that the policy better accounts for a decarbonising national electricity grid. For example, where it is not possible to satisfy some of these targets, development should still be encouraged to use electric systems as these will benefit from decarbonisation over time.
4. With regards to District Heating, the focus here should be the objective (i.e. decarbonisation) rather than the technology. Whilst District Heating has advantages in certain circumstances, it is not naturally "better" than alternatives as the carbon will depend upon the heating systems being applied and the distribution losses. Furthermore, many District Energy Networks (DENs) have historically benefited from very favourable assumptions regarding performance, often including "future" technology options (not currently connected to the network), distribution losses significantly underestimated, and certain carbon emissions (e.g. transport / processing emissions associated with biomass) being conveniently ignored due to them not being part of the short term carbon cycle. This risks the strategy being based on incorrect assumptions and ultimately a suboptimal policy for decarbonisation.
5. It might be prudent to permit consideration of whole lifecycle carbon when assessing technology options. Technologies, such as electric panel heater, may in some circumstances be better for the environment (i.e. low manufacturing carbon and absence of refrigerants).
6. Furthermore, the reduction should be measured from a baseline of the relevant Building Regulations in order to provide a consistent and standardised approach;
7. 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.

### **New Policy SCR7 - Sustainable Construction Policy for New Build Non-Residential Buildings**

Policy SCR7 is proposed to replace policy SCR1 in the same way as policy SCR6 above, but with regards to non-residential buildings. The policy requires major development to achieve a 100% regulated operational carbon emissions reduction from Building Regulations Part L 2013 (or future equivalent legislation) via the following hierarchy:

- Minimise energy use through the use of energy efficient fabric and services;
- Residual energy use should be met through connection to a heat network if available;
- Maximise opportunities for renewable energy to mitigate all regulated operational emissions;
- Residual carbon emission that cannot be mitigated on site should be offset through a financial contribution to the council's carbon offset fund.

Watkin Jones support the removal of the specific percentage reduction targets (e.g. 15% reduction via building fabric performance, as set out in ref. DM2 of the Options Consultation dated January 2021) in favour of a more flexible approach. However, the comments made above with regards to policy SCR6 are applicable to policy SCR7 in terms of the ability of a partial update to encompass the full scope of this amendment

considering the viability impacts which need to be fully tested. Points 1 and 3 made above are also repeated with regards to policy SCR7.

Comments above regarding the priority of DEN over renewables also apply here. There is a risk that a worse performing (and more expensive) technology will be prioritised. And this will likely become more pronounced when the updated SAP10 carbon factors are adopted (which more accurately reflect the decarbonisation of the electricity grid).

Furthermore, with reference to policy SCR7 specifically, it should be clarified whether uses such as purpose-built student accommodation and co-living will be taken to fall within non-residential.

### **New Policy SCR8 – Embodied Carbon**

It is understood that the proposal to introduce a new policy requiring Whole Life Cycle carbon emissions, as proposed via the options consultation in January 2021, has been dropped in favour of new policy SCR8 which requires large scale new-build developments (a minimum of 50 dwellings or a minimum of 5000m2 of commercial floor space) to submit an Embodied Carbon Assessment that demonstrates a score of less than 900kg/sqm of carbon can be achieved within the development for the substructure, superstructure and finishes.

Whilst WJG support the decision to drop a policy requiring details of Whole Life Cycle Carbon emissions given the premature nature of this evidence base, the comments made to this policy at options consultation stage with regards to the sufficient testing of thresholds in order for them to be found sound is applicable to policy SCR8. 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 the 900kg/sqm stated threshold has been derived.

### **New Policy SCR9 – Electric Vehicles Charging Infrastructure**

New policy SCR9 introduces requirements for electric vehicle charging infrastructure for new-build residential and non-residential development, requiring ‘access to electric vehicle charging infrastructure’ for either residential or non-residential development providing one or more dedicated car parking spaces/bays.

The policy does not quantify what level of access will be considered to meet the policy requirement. Instead, this is set out within the draft Transport and Development SPD. It is argued that this level should be quantified within the policy in order for it to be suitably tested at examination stage. The SPD requires the following:

	<b>No. of dwellings</b>	<b>No. of spaces</b>	<b>Active ULEV requirement</b>	<b>Passive ULEV requirement</b>
<b>Residential Schemes</b>				
All new development including renovation constituting major development	Single dwelling	1 space	1 space	N/A
		>1 space	1 space	All spaces
	Multi-dwelling	1 space	1 space	N/A
		>1 space	All spaces	N/A
<b>Non-residential schemes</b>				
All new development including renovation constituting major development		1 space	1 space	N/A
		1-30 spaces	1 in 10 spaces	1 in 2 spaces
		>30 spaces	1 in 10 spaces	1 in 5 spaces

WJG consider flexibility in the application of this policy should be applied, as operators (of residential developments in particular) respond to demand that arises from the occupants of their development. They

generally fit out a reduced proportion as active from the outset (typically 10 to 20%), then provide the rest as passive and closely monitor usage. If the demand arises then this is responded to through the delivery of more active spaces. Therefore, stronger emphasis should be given to passive provision over the active provision. Once passive provision is installed, it is a relatively simple to activate these in line with demand. This will avoid the unnecessary over-provision of electric vehicle charging points within developments, whilst allowing the provision to be easily increased should demand increase. Requiring active provision from all spaces provided on a multi-dwelling residential development is considered unsound. Indeed, BANES acknowledge that they understand that *“electric vehicles and charging infrastructure are a rapidly evolving industry, where uptake in electric vehicles is currently low”* within paragraph 132c of the supporting text to policy SCR9, and this should therefore be reflected within the policy and the SPD.

Furthermore, the policy requires the design and layout of residential development which does not provide off-street parking to incorporate infrastructure to enable the on-street charging of electric vehicles which does not compromise any special characteristics of the area, the public realm or the mobility of other users. 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.

### **Policy CP9 – Affordable Housing**

WJG note that no amendments are proposed to policy CP9 with regards to affordable housing requirements from build to rent schemes, as was considered as part of the options consultation dated January 2021. This is supported in line with the comments made at this stage of consultation (as enclosed at Appendix A).

### **New Policy H2a - Purpose-built Student Accommodation (PBSA)**

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. New policy H2a seeks to enhance this restriction, directing all PBSA development to allocated sites (i.e. 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. However, through the inclusion of this requirement, it can in fact limit the number of PBSA schemes to come forward where it is not possible to secure a formal agreement with a relevant education provider. This in turn means that if PBSA is not delivered, that students reside in other types of residential accommodation, which presents issues as there is not the management facility in place as with PBSA, alongside occupation of much needed family residential accommodation by students. Therefore, this requirement will in fact prevent much needed PBSA being delivered in the city.

It is clear that new policy H2a seeks 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 particularly in a city which has experienced increases in the number of students attending its universities is expected to see further increases in the future. Full time students in Bath based on historic trends are projected to rise by over 27% during the next 5 years, with postgraduate students projected to have the most significant growth of 32%. 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 2021 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).

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.”*

In addition, the recent appeal decisions in Bath, at the Plumb Centre (Appeal Ref. APP/F0114/W/20/3244862) and Hartwells Garage Site (Appeal Ref. APP/F0114/W/20/3258121) reinforce the position that PBSA in fact contributes to the overall delivery of housing in the city and that there is indeed a need for further PBSA in the city. 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, policy H2a requires that a need for additional bedspaces is evidenced by a formal agreement between the developer and a relevant education provider for the supply of bed spaces created by the development (part i.). This would essentially prevent any direct-let PBSA from coming forward in Bath. There are three key issues with this:

1. *Existing Demand, PBSA Undersupply and Comparison with Other University Cities and Towns* - 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. This is similar and in fact higher than the supply/demand imbalance in Bristol which is currently at 2.9 students per bedspace. In addition, it is common knowledge that students in Bristol have had to be housed some distance from the universities due to the shortages of accommodation in the city and as far as Newport, Wales. This results in a clear additional need for PBSA in Bristol such that the number of students per bedspace will reduce. It is also noted that in many university cities and towns, the number of full time students occupying PBSA is between 50% and 60% (i.e. less than two students per PBSA bedspace), significantly different from the current provision in Bath. This does not present a sustainable way to house students and highlights the resultant issue if sufficient PBSA is not delivered to meet demand. 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. *Increasing Numbers of Students in Bath and Increasing Need for PBSA* - 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. *Reduced and Reducing Provision of PBSA by Universities* - 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. *Bath Universities do not Provide Support for PBSA* - 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. This is also acknowledged within national planning guidance which states that “*encouraging more dedicated student accommodation may provide low cost housing that takes pressure off the private rented sector and increases the overall housing stock*” (Paragraph: 004 Reference ID: 67-00420190722). This 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 certainty of cost, high quality and accessible location close to the facilities that its residents require. The fewer PBSA bedspaces available, the greater the number of students there are occupying HMO accommodation or other forms of conventional residential dwellings. The provision of additional PBSA bedspaces can therefore serve to reduce the demand for HMO accommodation in the city and reduce the reliance on students being forced to live in conventional residential dwellings. In addition, this has been acknowledged in the officer’s report to planning committee dated 24<sup>th</sup> August 2021, for the site at Dick Lovett, LPA Ref.20/03071/EFUL and states that “the provision of PBSA is a benefit of the scheme which will reduce the pressure on the HMO market”.

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 either directly delivering or supporting the PBSA bedspaces that B&NES desperately needs. Indeed, 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 City Council has for a number of years following the adoption of the policy required formal agreement with a university in order to evidence a need for student accommodation, in similarity with policy H2a. 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 particularly HMOs and city centre flats. 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 without the support of a university to address the significant undersupply issues that restrictive policy H12 has contributed towards over recent years.

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.

It is instead recommended that PBSA is encouraged in sustainable locations across Bath in order to effectively meet the existing and projected future demand for this form of housing. At the least, it should remain unchanged as a result of the partial update.

### **Updates to Policy H7 – Housing Accessibility**

Policy H7 is proposed to be revised to require, for market housing, 5.6% of dwellings to be built to Building Regulation M4(3)(2a) standard (wheelchair adaptable housing) and 48% of the remainder to M4(2) accessible and adaptable dwellings standard. Paragraph 387e of the supporting text reads *“for the purposes of this policy, residential development includes student accommodation, co-living, build to rent, specialist housing and older person housing”*.

Whilst Watkin Jones supports the principle of this policy for residential developments, it objects to the applicability of Policy H7 to both PBSA and co-living development, which are sui generis for the following reasons:



1. The requirements for conventional residential accommodation should not be applied to student housing as, in reality, the typical demand from students per annum falls significantly below the 10% mark. For example Fresh, the management operator of PBSA have confirmed that this is typically less than 0.5% of students requiring units constructed to the equivalent to Cat M4(3) standard;
2. The majority of wheelchair students are housed by the universities close to campus for ease of travel;
3. The 10% requirement was introduced in order to help meet a shortfall in wheelchair accessible housing within conventional housing. Generally, those who live in conventional dwellings are of an older demographic thus the percentage of those who have a disability and require wheelchair accessibility is far greater than the demographic affiliated with student accommodation. The normal age range of students is between 18 and 25, and for co-living 25 – 35, explaining why there has never been a shortfall in wheelchair provision within student housing; and
4. The above points were taken into account at the examination of the London Plan (Policy D7) which was revised to clarify that the requirement for wheelchair accessible rooms (i.e. Cat M4(3)) relates only to dwellings which are created via works to which Part M volume 1 of the Building Regulations applies – i.e., to new build residential dwellings. PBSA and co-living developments do not constitute dwellings and therefore the requirement does not apply to these developments.

Given the above, it is not considered necessary to over provide on wheelchair accessible units which will not be used. Indeed, these units are required to be larger and thus an over-provision will unnecessarily reduce the number of student bedrooms or co-living homes able to be delivered within a scheme. This will in turn reduce the level of contribution a proposal can make towards housing supply.

Paragraph 387e of the supporting text to policy H7 should therefore be revised to clarify that the policy should not be taken to apply to PBSA or co-living development, which should instead defer to building regulations.

## **Updates to Policy ED2B – Non-Strategic Industrial Premises**

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. The Council state that evidence shows that demand for industrial space has increased and is greater than was envisaged at the time of preparing the current Local Plan, however the evidence has not been published to demonstrate this. 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. Whilst there may be demand for industrial floorspace, the policy needs to be flexible and have consideration to the suitability of individual sites. Most notable, criterion c. refers to general market signals of demand across the district and in relation to the locality. However, simply because the locality or district is

experiencing general market demand does not necessarily mean that the 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 criterion b. 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.

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. 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 able to be taken into account in assessing whether there is a strong economic reason for retainment of the industrial land including the quality and suitability of the site for continued industrial use, evidence of viability and marketing evidence, current employment trends and evidence, however, it is unreasonable to require all criteria to be met.

### **Updated Policy SB8 – Bath Riverside**

Existing policy SB8 ‘Western Riverside’ is proposed to be revised. 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. Strong objection is raised to this proposal on the following basis:

1. As detailed earlier in this representation with regards to new policy H2a, 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, 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.

It is recommended that the policy be updated to encourage various forms of housing on the site, including PBSA and co-living, for the reasons given above.

### **Updated Policy SB19 – University of Bath at Claverton Down**

Existing policy SB19 is proposed to be revised 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. A figure of 870 student rooms is given, based on the University of Bath Masterplan Report (August 2021).

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 outlined in the Masterplan Report can currently be viewed in this way for the following reasons:

1. The report sets out a development framework and provides an estimation only, and will be subject to future detailed design if it is to come forward;
2. The framework estimates only 828 bedspaces, noting that 872 may be possible if the layout at the existing 'Quads' student accommodation is adopted. The figure included within policy SB19 is therefore at the higher-end of the estimation; and
3. The delivery of these bedspaces is reliant on the university.

If this figure is to be adopted into policy, and the Council continue to apply their current approach to flood risk sequential assessments when assessing proposals for PBSA in areas at risk of flooding, 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 is a particular issue when considering that the delivery of student bedspaces at the Claverton Down Campus is reliant on the university. This would further contribute to the issue of a lack of student bedspaces that Bath is already subject too.

## **TRANSPORT AND DEVELOPMENT SPD**

In the first instance, the comments provided on policy SCR9 (Electric Vehicles Charging Infrastructure) and the associated SPD earlier in this representation are repeated.

In addition, WJG register their support for the reduction in car-parking requirements for residential development including student accommodation and co-living, which are well-suited to car-free development. This is for the following reasons:

1. It responds to the climate emergency declared in Bath;
2. Proposals for BTR developments are in highly sustainable locations and are predominantly car free, alongside the fact that co-living developments and PBSA are also predominantly car free;
3. In terms of the individual parking standards, identified for the city centre, WJ support the 'maximum' requirement overall, however, note the following:
  - a. Support that PBSA is car-free, alongside the 40% provision cycle parking requirement. However, object to the 5% blue badge requirement and consider that this is too high and should be considered on a site-by-site basis. In addition, motor cycle parking is not needed, nor car clubs;
  - b. Support the 0.5 space requirement for residential, which captures BTR. However, request that the policy states that car free is acceptable if justification is provided. In terms of the cycle parking, these should reflect the current standard. Increasing this to align with the size of the dwelling will lead to significant oversupply of cycle parking within a development i.e. it is not typical for a 4 bed dwelling to own and use 4 bikes, of which can be provided if the demand arises. This can be monitored through a travel plan and additional capacity can be identified within a proposed development if the demand arises; and
  - c. It is acknowledged that there are no standards for co-living development, however, the PBSA standards should be replicated for this as they are targeted at similar demographics who typically do not use cars in city centre locations.

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](mailto:bethan.hawkins@rokplanning.co.uk)) should you have any queries or wish to discuss these.

Yours faithfully,



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