

**Bath & North East  
Somerset Council**

Improving People's Lives

**Local Plan**  
Publication Stage Representation  
Form

**Ref:**

**(For  
official  
use only)**

**Name of the Local Plan to which  
this representation relates:**

**Bath & North East Somerset Council**

**Please return to Bath and North East Somerset Council  
BY 23:59 on the 8<sup>th</sup> October 2021**

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**<https://consultation.westofengland-ca.gov.uk/bath-north-east-somerset/lppu-draft/>**

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This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

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# Part A

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## 1. Personal Details\*

## 2. Agent's Details (if applicable)

*\*If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes on the left, but complete the full contact details of the agent in the boxes on the right.*

Title	<input type="text"/>	<input type="text" value="Mr"/>
First Name	<input type="text"/>	<input type="text" value="Chris"/>
Last Name	<input type="text"/>	<input type="text" value="Beaver"/>
Job Title (where relevant)	<input type="text"/>	<input type="text" value="Director"/>
Organisation (where relevant)	<input type="text" value="Westmark (Bath) Ltd"/>	<input type="text" value="PlanningSphere Ltd"/>
Address Line 1	<input type="text"/>	<input type="text" value="Spaces Northgate House"/>
Line 2	<input type="text"/>	<input type="text" value="Upper Borough Walls"/>
Line 3	<input type="text"/>	<input type="text"/>
Line 4	<input type="text"/>	<input type="text"/>
Post Code	<input type="text"/>	<input type="text" value="BA1 1NG"/>
Telephone Number	<input type="text"/>	<input type="text" value="07827944638"/>
E-mail Address (where relevant)	<input type="text"/>	<input type="text" value="chris@planningsphere.co.uk"/>

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## Part B – Please use a separate sheet for each representation

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Name or Organisation: PlanningSphere Ltd representing Westmark Bath Ltd

3. To which part of the Local Plan does this representation relate?

Paragraph	<input type="text"/>	Policy	SB8 SCR6 SCR8 NE3 NE3a H2a	Policies Map	<input type="text"/>
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4. Do you consider the Local Plan:

4 (1) is legally compliant

Yes

No

4 (2) is sound

Yes

No

4 (3) complies with the  
Duty to co-operate

Yes

No

Please indicate as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant, or is unsound, or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

n/a

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Refer to Section 3.0 of our representation document for comments and compliance recommendations under each policy reference. The document needs to read as a whole for the full context of our representation to be understood.

(Continue on a separate sheet /expand box if necessary)

**Please note**

*In your representation, you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

**After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.**

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

**No**, I do not wish to participate in hearing session(s)

Yes

**Yes**, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.

To summarise the evidence that we have submitted pursuant to Policies H2A and SB8, and to partake in round table discussion led by the Inspector.

(Continue on a separate sheet /expand box if necessary)

**Please note**

*The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

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# Representation Statement

**B&NES Local Plan Partial Update (Regulation 19) – October 2021**

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**Landowner:** Westmark (Bath) Ltd

**Date:** October 2021

**Site:** Windsor Bridge Site, Upper  
Bristol Road, Bath

**BANES Policy Ref:** SB8



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## **Contents**

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- 4.0 Conclusions

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- B Annotated Drone Photographs (PlanningSphere)
- C Appeal Decision Letter (LPA Ref: 18/05047/FUL & PINS Ref: 3244862)
- D Student Demand Report October 2021 (JLL)
- E Ecology Technical Note October 2021 (NPA)

## 1.0 Introduction

- 1.1 PlanningSphere have been instructed to make representations to the Bath and North East Somerset (B&NES) Partial Local Plan Review (PLPR) on behalf of the owners of the subject site, Westmark (Bath) Ltd. The subject site is outlined on the Site Location Plan shown at Appendix A. The enclosed representation follows the representations that were submitted in response to the Regulation 18 iteration of the PLPR, which were submitted in January 2021.
- 1.2 This representation is submitted with recommendations to amend draft Policy SB8, which relates to the residual undeveloped part of Bath Western Riverside (BWR). The extent of Policy SB8 comprises our client's site, and land owned by the Council including: the Midland Road waste depot site; and land to the south of the river which the Council recently purchased from Crest Nicholson.

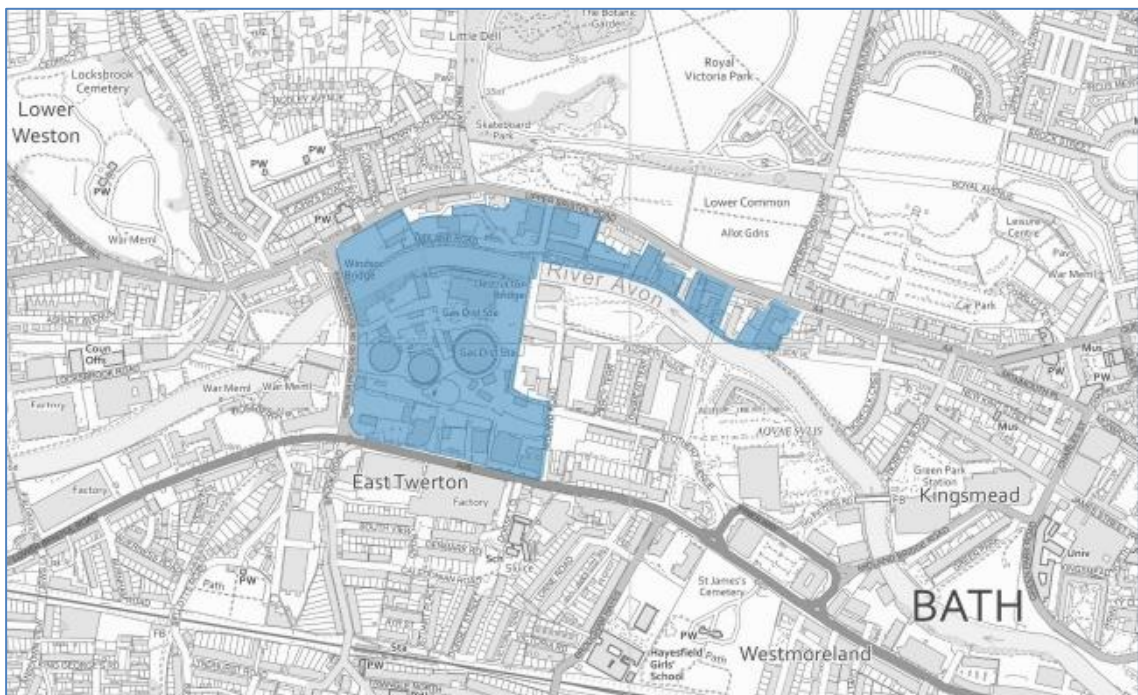


Fig 1. Extent of draft allocation under draft Policy SB8

- 1.3 Our client is supportive of the subject site's retention in this allocation as it is clearly in the public interest for this longstanding and prominent vacant site to be redeveloped. However, in order to meet the test of soundness it will be essential for the policy wording relating to this part of BWR to be more flexible in terms of prospective future uses to enable a viable redevelopment scheme to be formulated. This is because of the historical use of the site and the very significant costs associated with the site's decontamination and remediation.
- 1.4 The representation is supported by specialist advice on: demand for purpose built student accommodation in Bath prepared by JLL (Appendix D); and ecological technical advice in respect of the proposed ecological buffers that has been prepared by NPA (Appendix E).



## 2.0 Relevant Background Information

### (i) Site Description and Context

- 2.1 The site is located on the corner of Windsor Bridge Road and Upper Bristol Road, approximately 1.5 km from Bath city centre. The site measures 0.72 hectares and is within the north-western boundary of the Bath Western Riverside.
- 2.2 The application site is bounded by Windsor Bridge Road to the west, Upper Bristol Road to the north, employment units to the east and the River Avon and its towpath to the south. Beyond Upper Bristol Road is St John's church and a terrace of residential properties including an Indian takeaway. To the east of the site is a terrace of buildings use for employment purposes and the Council's household recycling depot. The buildings to the east include two Grade II Listed Buildings, Kelso House and Kelso Villa which form part of a group of buildings off Kelso Place.
- 2.3 The site is previously developed land, comprising a former gas works. The west side of the site is now undeveloped whilst the east half of the site contains two light industrial buildings (Victoria Park Business Centre). The site is enclosed by a stone wall on the north, west and south boundaries and a brick wall on the east boundary. Vehicular access is currently available from Midland Road from the south east corner of the site. A Site Location Plan is attached at Appendix A and annotated drone photographs are shown at Appendix B.

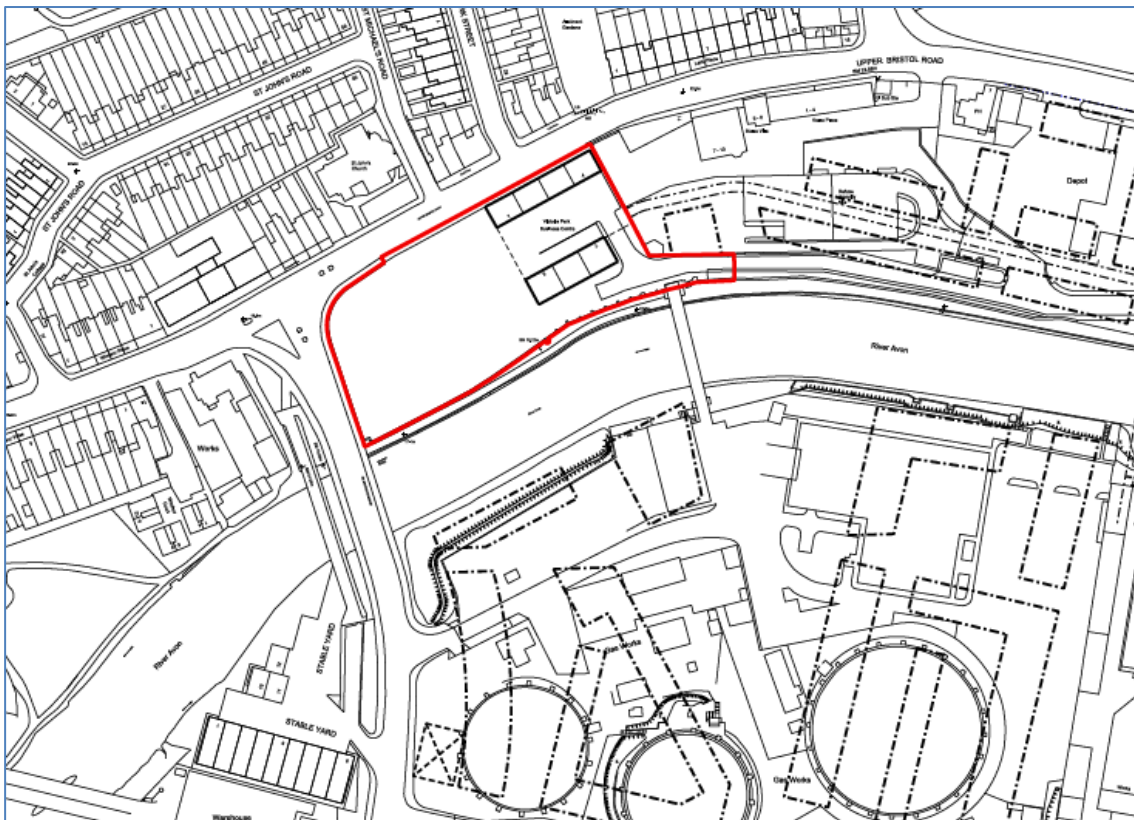


Fig 2. Extract from Site Location Plan – a full extract is shown at Appendix A.

## (ii) Planning history

- 2.4 Planning history recorded on the Council's public access system relating to the subject site includes the following decisions.

Reference	Description of Development	Date
20/04742/REG03	Demolition of boundary walls and associated works to enable gas network rationalisation works.	Permitted 03.03.2021
15/05688/FUL	Demolition of existing buildings and redevelopment to provide student accommodation (Sui Generis), comprising 394 bed spaces, ancillary facilities, 149sqm of ground floor flexible space (Class B1 and D1), new access to the river towpath, car and cycle parking provision and landscaping.	Refused 29.07.16 (Appeal not pursued)
05/12397/EFUL	Redevelopment of site for 171 no. residential apartments, 72 no. car parking spaces, associated landscaping and external works and creation of a new highway access off Upper Bristol Road following demolition of existing buildings and contamination remediation works	Refused 07.02.08 (Appeal not pursued)

Table 1: Planning History of subject site

- 2.5 Relevant planning history relating to adjacent sites includes:

Reference	Description of Development	Date
20/03071/EFUL Dick Lovett Site	Approval of reserved matters (scale, appearance and landscaping) pursuant to outline application 06/01733/EOUT for Demolition of existing buildings and mixed-use redevelopment of the site comprising the erection of residential units (Class C3); erection of purpose built managed student accommodation (Sui Generis); flexible commercial floorspace (Class E); associated parking; landscaping; improvements to the public realm; and new vehicular access from Lower Bristol Road.	Permitted 25.08.2021
19/05471/ERES Midland Road Site	Approval of reserved matters pursuant to outline planning permission 06/01733/EOUT for the erection of 176 dwellings; retail / community space (Use Class A1/D1); access; parking; landscaping and associated infrastructure works following demolition of existing buildings and structures.	Permitted 17.12.2020
17/00186/FUL Avon Studios, Midland Road: implemented	Erection of 94 No. bed spaces of purpose-built student accommodation (sui generis), 14 No. residential studios (Class C3); and associated communal and ancillary facilities.	Permitted 10.05.2017
06/01733/EOUT BWR Phase 1	A new residential quarter including up to 2281 residential homes and apartments (Class C3); up to 675 student bedrooms and associated communal areas (Class C3) (or alternatively up to 345 student bedrooms (Class C3) and a primary school (Class D1)); local shops, restaurants, and other community services and facilities (within Classes A1, A2, A3, A4, A5, D1); construction of new bridges, roads, footways and cycleways; associated infrastructure and facilities; accommodation works; and landscaping	Permitted 23.10.10

Table 2: Planning History adjacent sites

2.6 We enclose a recent appeal decision letter at Appendix C, which relates to the following decision.

Reference	Description	Decision
18/05047/FUL PINS Ref: 3244862	Demolition of the former Plumb Center and Genesis Lifestyle Centre and the erection of a 3 storey (plus mezzanine) mixed use building for 1,354 m <sup>2</sup> of B1c Light Industrial, 364 m <sup>2</sup> of D2 Assembly and Leisure, 52 student studios and 28 student en suite rooms in cluster flats.	Appeal Allowed 30.12.2020

2.7 The relevance of this recent appeal decision is the commentary relating to the unmet demonstrable need for additional PBSA provision in Bath, which cannot be accommodated on campus. The relevant commentary is set out under Paragraphs 34-37 of the appeal decision letter at Appendix C.

**(iii) Site constraints**

2.8 The site falls within Flood Zone 2 as defined on the Environment Agency’s flood map for planning. A technical solution in terms of agreed finish floor levels and drainage strategy could address this constraint – as achieved on the adjacent Midland Road site (19/05471/ERES).

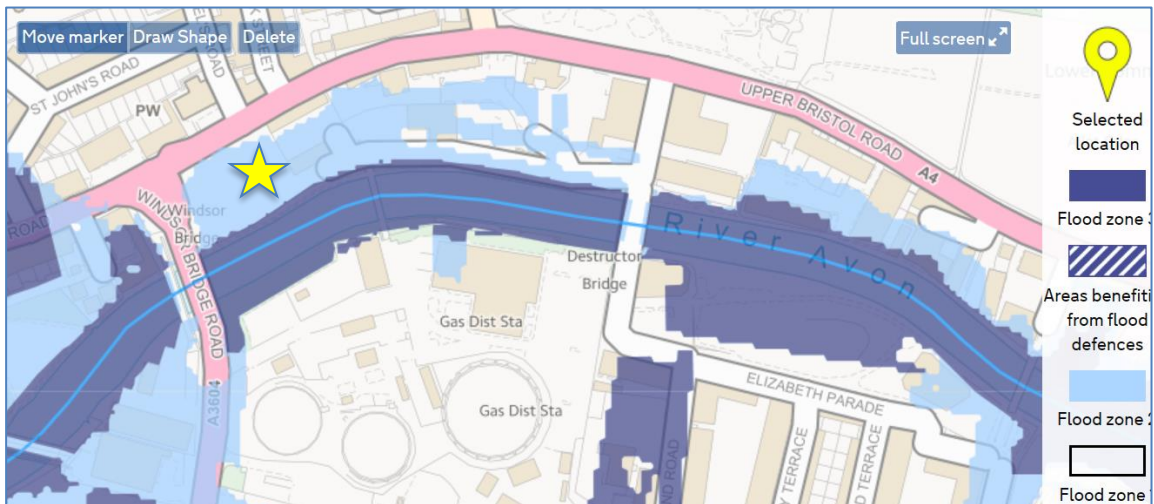


Figure 3: EA Flood Map – site falls largely within Flood Zone 2 with southern boundary in Flood Zone 3. The yellow star denotes the subject site

2.8 Another significant constraint is historic site contamination associated with the former gas works which were first established the 19<sup>th</sup> century. Intrusive site investigations were carried out in 2015 to support refused planning application 15/05688/FUL.

2.9 The investigations indicated that the made ground across the site is contaminated to varying degrees by coal tars and derivatives, ammonia, spent oxide (complex cyanide compounds and sulphur), various heavy metals and asbestos. The ground also contains the remains of substantial underground structures, such as the original gasholder bases as well as foundations and floor slabs to former buildings. The previously agreed remediation strategy prepared by Arups includes the following:

- Provision of a capping system to ensure potential exposure pathways to site end users are removed. It should be noted the significant majority of the site is proposed to be covered in hardstanding or buildings and hence this will act as a barrier to the anticipated exposure pathways. In areas of open landscaping on the development the capping shall comprise at least 600mm of clean imported soils – however considering the required finished levels it is expected that the capping will be a minimum of 1.0m.
- All made ground and impacted shallow alluvium will be excavated, sorted, segregated and acceptable materials reused and contaminated materials will be treated and re used on site where possible.
- Remediation of soils exhibiting visual/olfactory evidence of contamination and/or are above the derived clean up targets – currently expected to be through soil stabilisation.
- Provision of clean service corridors for proposed development.
- Removal of tanks and pipework is required, but currently it is not possible to confirm the extent of these.
- Subsurface structures are to be removed and crushed for re use on the site.
- Encountered groundwater will be treated on site and treatment is considered to comprise oil water separator, granular carbon filter with subsequent discharge to foul sewer.
- There is currently no requirement for the remediation of contaminated bedrock and associated “deep” groundwater. Rather the removal of the source term made ground is considered as the most cost effective strategy for the remediation of the site.
- During the earthworks on the site increase in protection measures will be required due to the presence of asbestos in the soils, and it is recommended that an asbestos contractor is employed to ensure that appropriate mitigation and monitoring is undertaken during the works.
- Installation of gas mitigation measures to structures.

2.10 A cost estimate of remediation works in accordance with a method statement prepared by Arups in 2017 was estimated c. £3m by specialist cost consultants, Currie and Brown.

2.11 The ecology constraint of foraging horseshoe bats using the river Avon Special Area of Conservation (SAC) is also acknowledged as key constraint. This will require any future scheme to provide and maintain a dark green infrastructure along the river frontage whilst also delivering the required 10% in biodiversity net gain.

#### **(iv) Viability considerations**

2.12 The landowner has evaluated a 100% residential redevelopment scheme on the site of a similar density and massing to the recently approved scheme on the adjacent Midland Road site. This assumed 96 units, with 74 car spaces, through a combination of surface (36) and under-croft (38).

2.13 The financial appraisal factors in the £3m remediation cost to clear the site. This cost relates to the treatment of the site to facilitate a surface / undercroft car parking arrangement and does not include the cost associated with significant excavation to create an underground car park. The high-level residual appraisal is set out below:

100% Residential scheme	Residual Land Value
Open Market only	-£900,000
Policy compliant with 30% on site Affordable Provision	-£3,702,500

- 2.14 The viability exercise that has been undertaken by the landowner confirms that a 100% residential development with the required quantum of onsite car parking is not viable, even on a 100% open market basis. A wholly residential scheme would therefore require public subsidy to assist with the decontamination of the site. However, because the site is in private ownership the landowner is not eligible to apply for grant funding from Homes England. To be eligible for grant funding to fund a 100% conventional housing scheme it would be necessary to agree a form of joint venture with the Council, who could then apply to Homes England.
- 2.15 As matters currently stand, the only way in which the site could be viability redeveloped, without public subsidy, would be a high-density car free use such as purpose-built student housing (PBSA) or possibly PBSA in combination with a scheme of co-living (NB. the investigation of this option is still at an early stage). This would require an amendment to Policy SB8 to allow for greater flexibility on the Windsor Bridge Site to include: (i) general housing (Class C3); (ii) PBSA (*sui generis*), and (iii) co-living.

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### 3.0 Response to the Draft BANES LPPU (Reg 19)

3.1 This section of the report sets out our response to Policies SCR6, SRC8, NE3, NE3a, H2a and SB8. We initially refer to relevant national planning policy which is followed by a text narrative relating to each policy subheading which explains why we consider the policy as proposed to be unsound. We set out our recommendations for making each policy sound for the Inspector to consider for inclusion as main modifications.

#### (i) National Policy Context

3.2 Paragraph 16 of the NPPF (as updated in July 2021) requires that plans should be ‘...(a) prepared with the objective of **contributing towards sustainable development**’; and ‘...(b) be prepared positively, in a way that is **aspirational but deliverable**’.

3.3 In respect of non-strategic policies, Paragraph 28 of the NPPF states that LPAs should allocations to promote sustainable development, and Paragraph 29 states that ‘...policies should be underpinned by relevant and up to date evidence’ and ‘...take into account relevant market signals’.

3.4 Paragraph 60 requires that as part of the Government’s objective of significantly boosting the supply of new homes, ‘...it is important at sufficient amount and **variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed...**’

3.5 Paragraph 61 states that the ‘...size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies...including.... **students...**’

(Our emphasis in **bold**)

#### (ii) Response to Policies SCR6 and SCR8: Sustainable Construction

3.6 We note that the government is reviewing its approach to sustainable construction as part of its review of the planning system and also Building Regulations, in response to the climate emergency.

3.7 Locally, the development industry has adapted to the requirements of the existing Sustainable Construction SPD, which has now been in force since November 2018. While we accept that the construction industry will need to continue to innovate to respond to the climate emergency, we are concerned that proposed replacement of Policy CP2 by SCR6 and SCR8, in respect of residential and non-residential development, is going too far and too quickly. We also question whether the Council has sufficient internal expertise to assess the technical requirements. We are concerned that the rigid application of these policies could render redevelopment schemes unviable and may will prevent development coming forward that is otherwise acceptable and meets the social and community aspects of sustainable development. We would therefore support a more phased and transitional approach toward carbon neutrality in construction that is more aligned to the national direction of travel and achieved through Building Regulations as opposed to local planning policy.

### **(iii) Response to Policy SCR9 8: EV Charging**

- 3.8 The requirement for EV charging infrastructure in new residential development is supported in principle. However, the provision of active charges should be a consumer choice as there are many different product options available and grants available for home installations. Policy should therefore be restricted to provision of ducting to car parking spaces only.

### **(iv) Response to Policy NE3: Sites, Species and Habitats**

- 3.9 Whilst the broad direction of the policy is supported in terms of seeking to maximise the conservation of habitats and associated ecology, the wording is restrictive to such an extent in certain areas, that it will prove difficult to address during the planning process, potentially jeopardising otherwise demonstrably sustainable and deliverable sites.
- 3.10 Criterion 1 of the Policy identifies that: *'Development that would adversely affect, directly or indirectly, irreplaceable habitats, will not be permitted'*. This policy is both overly restrictive and sufficiently vague to be problematic in its implementation. There is no identification within the policy as to what is considered an 'irreplaceable habitat' leaving it open to significant interpretation. Further, there is no degree of possible impact applied in the policy, meaning that the wording is so restrictive that proposals with even a negligible impact on 'irreplaceable habitat' could prevent sustainable development from coming forward. As drafted, the wording places undue restrictions on otherwise suitable sites which could contribute towards meeting development need and would adversely affect planning balance assessments of detailed planning application proposals.
- 3.11 We recommend an approach akin to the other facets of Policy NE3, in seeking to apply a balancing exercise considering the need, benefits, mitigation and overall sustainability of the scheme, when considering development proposals which affect an accurately defined 'irreplaceable habitat'.

### **(v) Response to Policy NE3a – Biodiversity Net Gain**

- 3.12 The principle objective of introducing a new policy to secure biodiversity net gain is supported and will help the Council meet the objectives of the 2020 Environment Bill, which is expected to be enacted later this year. We are however concerned around the cost and practicality for long term monitoring under criterion c, which will place a significant long term financial burden onto management companies, and residents. The introduction of this policy should also be accompanied with the ability for applicants to address BNG off site, where not possible on site, through either a clear and transparent s.106 tariff or hypothecated CIL payments.

### **(vi) Response to Policy H2A – PBSA provision**

- 3.13 In accordance with Paragraph 61 of the NPPF the Partial Local Plan Review should be make provision for needs of groups with specific housing requirements, such as students (including postgraduates) and younger childless people. The suggestion in the PBSA topic paper that the need for additional PBSA can be met on-campus is not considered to be well founded or credible, based on the work to date on the emerging revised masterplan for the Claverton Campus and evidence that we have included at Appendix D that has been prepared by JLL in October 2021. The partial Local Plan

Review has not included sufficient PBSA off-campus/in-city allocations to meet demonstrable need as evidenced in the JLL Report.

- 3.14 We further note that the unmet need for PBSA provision in Bath was a decisive factor in the inspector's decision to allow the Plumb Centre appeal – refer to Appendix C for the decision letter. This confirms that based on the data considered at the appeal that there is a demonstrable need for PBSA in Bath over the Core Strategy plan period that cannot be met on campus at Claverton Down.
- 3.15 Policy H2A is far too prescriptive and will inhibit the delivery of PBSA in the city for which there is demonstrable need. We recommend that Criterion a) is amended to include both allocated sited and other previously developed sites in Bath that are sited in accessible locations.

#### **(viii) Response to Policy SB8: Bath Riverside**

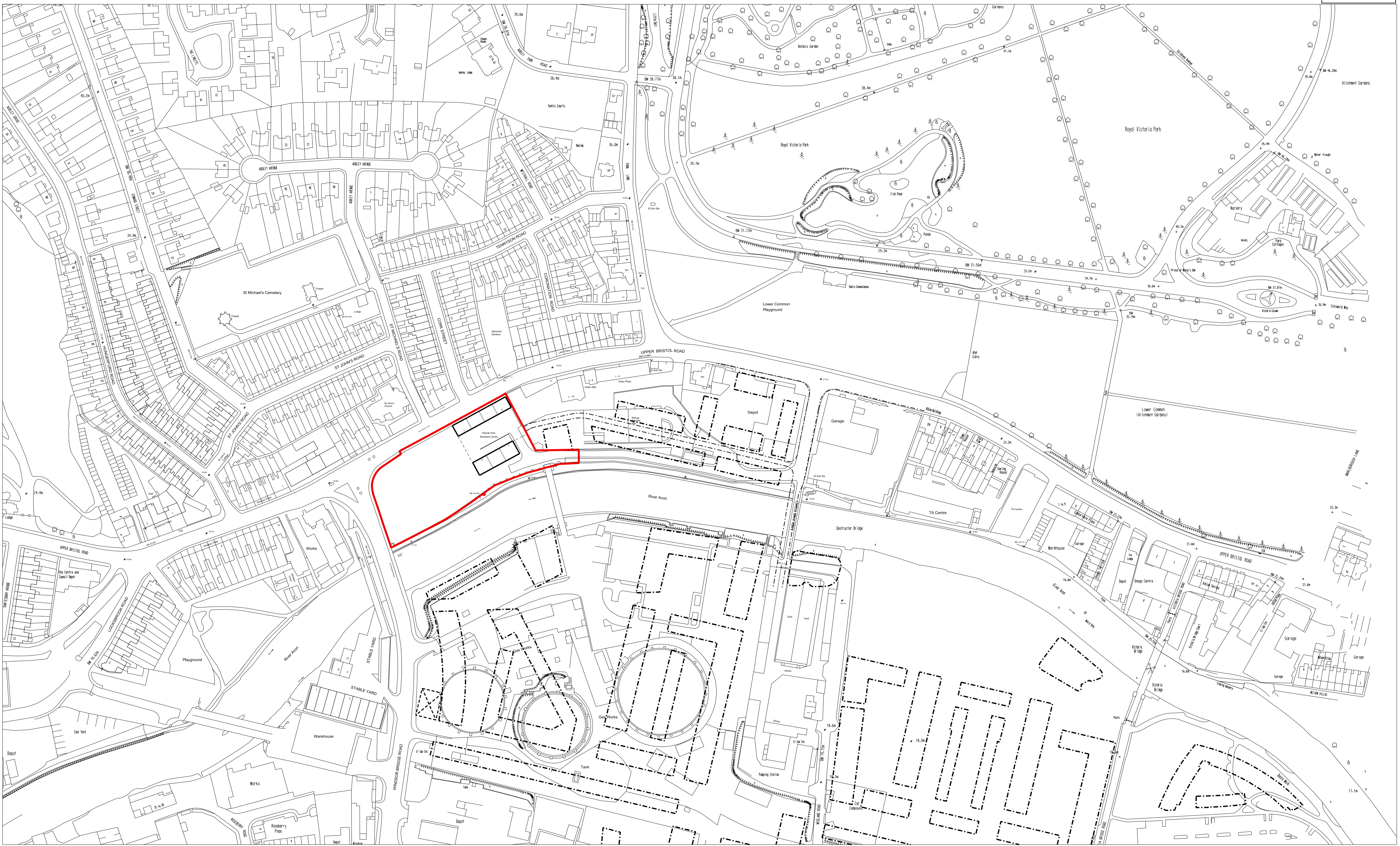
- 3.16 We support the need to update Policy SB8, but do not consider it is necessary to review and replace the existing BWR SPD (2008) through a developer funded process. We are also concerned about the time that it may take to develop an SPD, which may slow down the decision-making processes on individual applications.
- 3.17 Our response to the Development Proposals Criteria follows the same numbering in Policy SB8:
- 3.18 **Criterion 1:** The reference to 'housing' should be flexible enough to accommodate the whole spectrum of housing, including PBSA and Co-living, in accordance with NPPF: 61. The viability evidence set out in Section 2.0 (iv) above, with demand evidence set out in Appendix D, sets out a compelling case for PBSA to be included on our client's site on the north bank to enable redevelopment to come forward without public subsidy.
- 3.19 **Criteria 2-5:** no objection.
- 3.20 **Criterion 6:** the Technical Note provided by NPA at Appendix E seeks to clarify that the measurement of the of suggested 10m, insofar that it relates to our client's site, is measured from the river edge. Further precision in wording and mapping is required to confirm that NPA's interpretation is correct.
- 3.21 **Criterion 7:** additional flexibility to deliver BNG off site may be required to optimise re-use of previously developed sites and optimise design layouts to maximise public realm benefits. An overtly biodiversity-led may lead to inefficient use of land which in turn may result in the need for more greenfield allocations to meet development need. This criterion requires more flexibility in order that biodiversity matters can be balanced with other equally legitimate planning considerations.
- 3.22 **Criterion 8-12:** no objection.
- 3.23 **Criterion 13:** we suggest the deletion of the final two sentences of this criterion to enable building heights to be determined on a site-specific basis and avoid under prescription, which may result in efficient use of land.
- 3.24 **Criterion 14:** agreed



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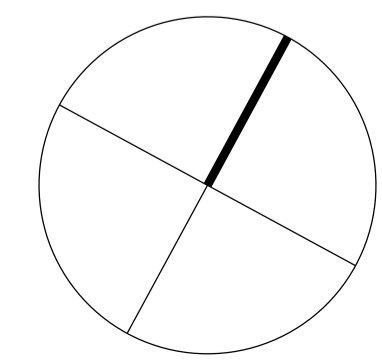
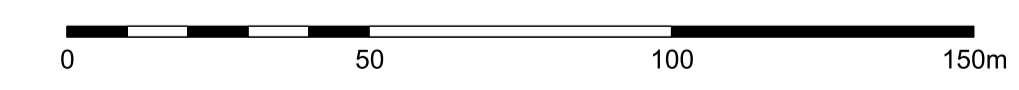
## 4.0 Conclusions

- 4.1 The Partial Local Review seeks to impose unduly prescriptive policies, which cumulatively will sterilise the subject site and due to the costs associated with its remediation. Further information on the costs and viability appraisal to substantiate the summary appraisal at Section 2.0 can be provided to the Council and Inspector confidentially upon request.
- 4.2 The Regulation 19 Plan has failed to comprehensively address housing supply in terms of not accurately quantifying the demonstrable need for PBSA provision in Bath. Reliance on the Claverton Down campus will not meet the need for PBSA over the plan period as has been demonstrated in the JLL October 2021 student demand evidence that is included at Appendix D of this statement.
- 4.3 Further clarity and precision on the application of ecological buffers in accordance with NPA Technical Note at Appendix E is recommended. We have also suggested that there is more flexibility in respect off-site BNG provision is enabled to ensure that the potential of previously developed sites is optimised and to avoid unintended consequences through the slavish application of prescriptive policy requirements.
- 4.4 Given we have demonstrated that the subject site is unviable for general housing redevelopment, we request that the Inspector considers making a main modification to the Regulation 19 plan to: (i) amend the policy criteria to Policy SB8 are amended, as proposed in Section 3.0 above, and / or (ii) give consideration to a bespoke flexible sub-policy relating to the subject site that will enable, exceptionally, the inclusion of PBSA and Co-living to be included on this part of SB8 allocation. Such an approach would enable the subject site to be developed without reliance of public subsidy and would make the plan sound in this regard.



Amendment: A ISSUED FOR PLANNING  
 Date: 04/12/2015

- KEY**
- Application Boundary
  - - - Proposed buildings forming part of consented BWR masterplan



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 e bath@fcbstudios.com

P L A N N I N G

Amendment: UPPER BRISTOL ROAD, BATH SITE LOCATION PLAN AS EXISTING Do not scale (except for planning purposes) Original printed at A1	Job/Drawing No: 1755/SU/001 Amendment: A Scale: 1:1250 (1:2500 @ A3) Date: 27/11/2015 Drawn:
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**Appendix B: Site Photographs (February 2020)**  
**Former Gas Works, Windsor Bridge-Upper Bristol Road , Bath**



**Site Photographs**  
**Former Gas Works, Windsor Bridge-Upper Bristol Road , Bath**



**Site Photographs**  
**Former Gas Works, Windsor Bridge-Upper Bristol Road , Bath**



**Site Photographs**  
**Former Gas Works, Windsor Bridge-Upper Bristol Road , Bath**



**Site Photographs**  
**Former Gas Works, Windsor Bridge-Upper Bristol Road , Bath**



**Site Photographs**  
**Former Gas Works, Windsor Bridge-Upper Bristol Road , Bath**





## Appeal Decision

Hearing held on 15-17 September and 4 November 2020

Site visit made on 23 September 2020

**by John Woolcock BNatRes(Hons) MURP DipLaw MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 December 2020

**Appeal Ref: APP/F0114/W/20/3244862**

**Plumb Center, Locksbrook Road, Newbridge, Bath BA1 3EU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Summix LRB Developments Ltd against the decision of Bath & North East Somerset Council (B&NES).
- The application No.18/05047/FUL, dated 6 November 2018, was refused by notice dated 14 August 2019.
- The development proposed is the demolition of the former Plumb Center and Genesis Lifestyle Centre and the erection of a 3 storey (plus mezzanine) mixed use building for 1,354 m<sup>2</sup> of B1c Light Industrial, 364 m<sup>2</sup> of D2 Assembly and Leisure, 52 student studios and 28 student en suite rooms in cluster flats.

### Decision

1. The appeal is allowed and planning permission granted for the demolition of the former Plumb Center and Genesis Lifestyle Centre and the erection of a 3 storey (plus mezzanine) mixed use building for 1,354 m<sup>2</sup> of B1c Light Industrial, 364 m<sup>2</sup> of D2 Assembly and Leisure, 52 student studios and 28 student en suite rooms in cluster flats at the Plumb Center, Locksbrook Road, Newbridge, Bath BA1 3EU, in accordance with the terms of the application No.18/05047/FUL, dated 6 November 2018, as amended, subject to the conditions set out in the Schedule of Conditions attached to this decision.

### Preliminary matters

2. The development description on the application form is; "The demolition of the former Plumb Center and Genesis Lifestyle Centre and the erection of a 4 storey (plus mezzanine) mixed use building for 1354 m<sup>2</sup> of B1c Light Industrial, 364 m<sup>2</sup> of D2 Assembly and Leisure, 61 student studios and 42 student en suite rooms in cluster flats". In February 2019 B&NES agreed to amend the description and, following consultation, considered a revised scheme from that originally submitted with the application. The revised scheme reduced the height of the proposed building and the number of student studios and en suite rooms in cluster flats. The agreed revised description is set out in the above bullet points.
3. Further amendments were submitted at the appeal stage. These propose revision of the quantity and location of cycle parking. The plans as determined by B&NES showed a total of 90 cycle parking spaces located along the northern side of the building. New plans were submitted with a total of 76 cycle parking spaces split between the north, east and southern sides of the building, along

with associated changes to the proposed landscaping. The plans as determined by B&NES included a total of 23 car parking spaces. The proposed revised scheme would reduce car parking to 18 spaces. Hard landscaping along the southern building frontage was proposed in the scheme as determined by B&NES. The scheme now proposed includes several ivy plants within 500 mm raised planters positioned along the south façade of the building. The plans as determined by B&NES indicated that the eastern first floor roof terrace would be entirely accessible. The scheme submitted for the appeal proposes a reduction in the size of the accessible area so that it would no longer run directly adjacent to the windows of studio rooms 13 and 14, with this area proposed for landscape planting.

4. I consider these to be minor changes that would not substantially alter the proposal. Those attending the Hearing had the opportunity to comment on the request to deal with the appeal on the basis of the further revisions to the scheme. No objections were raised. Objectors at the application and appeal stages raised concerns about the adequacy of car parking. This is, therefore, already an issue to be dealt with in determining the appeal and the proposed further reduction of five spaces would be unlikely to be prejudicial to the interests of those opposing the scheme by reason of parking provision. B&NES took a pragmatic approach to the appellant's multiple amendments to the proposed development during the appeal process and has no objection to these alterations. Determining the appeal on the basis of these further amendments to the scheme would not be prejudicial to the interests of any other party. I have, therefore, determined the appeal on the basis of the amended scheme as shown on the plans and drawings listed in the Schedule of Plans attached to this decision.
5. A unilateral planning obligation, dated 17 September 2020, provides for financial contributions towards a traffic regulation order, a residents' parking scheme and green space.<sup>1</sup> It also includes targeted recruitment provisions.
6. During the discussion about biodiversity on the second day of the Hearing, the appellant volunteered to submit information to enable an Appropriate Assessment (AA) to be undertaken in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended). The Hearing was adjourned to enable this to take place and for Natural England (NE) to be consulted.<sup>2</sup> This matter was discussed at the resumption of the Hearing on 4 November 2020. A unilateral undertaking of the same date provides for payment of an off-site ecological contribution (£5,000) before commencement of development.<sup>3</sup> B&NES submitted a revised Community Infrastructure Levy Compliance Statement at the Hearing.<sup>4</sup>

### **Planning policy**

7. The development plan for the area includes the Bath and North East Somerset Core Strategy and Placemaking Plan adopted in July 2017. All the Policy references in this decision are to this Plan.
8. Policy B1 provides that the Bath Spatial Strategy for Higher Education is to enable provision of additional on-campus student bed spaces and new off-campus student accommodation subject to Policy B5, thereby facilitating

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<sup>1</sup> HD18.

<sup>2</sup> HD16, HD20, HD21, HD22, HD23 and HD27.

<sup>3</sup> HD24.

<sup>4</sup> HD25.

growth in the overall number of students whilst avoiding growth of the student lettings market.

9. Policy B5 provides, among other things, that proposals for off-campus student accommodation will be refused within the Enterprise Zone where this would adversely affect the realisation of other aspects of the vision and spatial strategy for the City in relation to delivering housing, and economic development (in respect of office, industrial, retail and hotel space). Other Policies are cited in this decision where relevant.
10. I have also taken account of the *National Planning Policy Framework* (hereinafter the *Framework*) and the *Planning Practice Guidance* (hereinafter the *Guidance*).

### **Main issues**

11. The main issues in this appeal are:

- (a) The effects of the proposed development on employment provision.
- (b) The effects on the living conditions of future occupiers of the proposed development by reason of privacy, outlook and light.
- (c) The effects of the proposal on biodiversity.
- (d) Whether parking provision would be adequate.
- (e) The effects of the proposed development on heritage assets.
- (f) The need for student accommodation.
- (g) Whether there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding and the application of the sequential test.
- (h) The effects of the proposed development on the vision and spatial strategy for the City.

### **Reasons**

#### *The site and surroundings*

12. The 0.2245 ha appeal site lies within an industrial estate in the Newbridge area of Bath. The building currently on the appeal site comprises two units; a trade counter (1,085 m<sup>2</sup>), which is a B8 use with ancillary A1, and a gymnasium (285 m<sup>2</sup>), which is a D2 use, along with associated parking. It is immediately opposite the grade II listed Herman Miller industrial building, which was designed by Sir Nicholas Grimshaw and constructed in 1976/77. The listed building is now the Locksbrook Campus for the Bath School of Art and Design, Bath Spa University. Beyond the appeal site's northern boundary is a disused railway embankment with mature trees. To the east of the site is a B&NES Transport Services depot, and to the west there is a veterinary surgery and a welding business, along with residential properties on the other side of this part of Station Road. The appeal site lies within Bath Conservation Area, Bath World Heritage Site, Bath's defined Enterprise Zone and the Newbridge Riverside Strategic Industrial Estate.

*Employment provision*

13. The current B8 with ancillary A1 use (1,085 m<sup>2</sup>) provides for five full time equivalent jobs. The appellant estimates that the proposed light industrial use (1,354 m<sup>2</sup>) would provide for up to 28 full time equivalent employees. Policy B3 states that Newbridge Riverside will function as Bath's primary location for industrial enterprise, providing for a range of activities including advanced manufacturing. There is a presumption in favour of retaining land and premises in the B1, B2 and B8 use classes. This policy identifies the risk of an excessive loss of industrial space harming Bath's mixed economic profile, and highlights conflict between industrial activity and residential areas – particularly with regard to movement of heavy goods vehicles (HGV).
14. The proposal for light industrial use is, in accordance with Policy ED2A, acceptable in principle within Newbridge Riverside. The replacement gymnasium and purpose-built student accommodation (PBSA) would be 'other uses', which the policy states would be inappropriate because of the economic significance of Newbridge Riverside. Policy ED2A sets out the evidence that would be necessary to show that there is no reasonable prospect of land or premises being used for the allocated purpose. But that does not apply to the circumstances here, where the scheme would provide a net increase in business space, as advocated by the Development Requirement for Newbridge Riverside in Policy B3.3.1. However, Policy ED2A.3 is relevant and requires demonstration that non-industrial uses would not have an adverse impact on the sustainability of the provision of services from industrial premises that remained around the site.
15. The existing gymnasium (285 m<sup>2</sup>) has been in operation since 1997 without any apparent adverse impact on nearby industrial uses. Its replacement within larger premises (364 m<sup>2</sup>) would not be likely to materially alter this situation. The proposed PBSA would complement the university use of the converted Herman Miller building on the opposite side of Locksbrook Road. To the east, beyond a proposed covered cycle storage area, the PBSA would face towards the rear of a transport depot building. Activity and any related noise and disturbance would be more likely to arise at the front of this depot building and near to its access onto the road. This access would be separated from the PBSA by the large depot building. Given this relationship, the proximity of student accommodation would not be likely to impair the sustainability of the existing depot use.
16. Similar considerations apply to the specialist manufacturing business operated by Horstman from a large industrial building located to the east of the transport depot building and on the opposite side of the road. Vehicular access from Locksbrook Road to this property is at the western end of the Horstman site, but at a sufficient distance from the proposed PBSA so that any noise from activities such as loading/unloading would not be likely to result in any significant conflict between the uses. The proposed PBSA would add to pedestrian/cycle movements along and across Locksbrook Road, but the Highway Authority raises no issues regarding highway safety. The proposal would not materially exacerbate any existing conflict between industrial activity and residential development due to HGV movements in Newbridge Riverside. The proposed PBSA would not unduly constrain the use or redevelopment of the existing uses to the west of the appeal site any more so than currently exists due to the proximity of residential dwellings in Station Road.

17. The proposal would result in an increase in business floorspace of 260 m<sup>2</sup>. It would provide modern flexible premises suitable for high tech or advanced manufacturing with the potential to provide for significantly more jobs than the existing use. Subject to reasonable planning conditions with respect to hours of operation/deliveries and noise emissions, the proximity of the PBSA would not unduly constrain a light industrial use at ground and mezzanine level. I find no conflict with Policies B3.1 or ED2A. The proposed development would have a positive effect on employment provision and gains support from Policy B1.2 because it would contribute to an increase in jobs in the business services sector. This is a consideration that weighs in favour of the proposal.

#### *Living conditions*

18. The windows in the north facing elevation of the proposed PBSA would face towards the belt of trees on the adjoining land. These rooms would have a single aspect from one north facing window. Students might, at times, need to spend long periods of the day in these rooms, but I consider that the outlook would not impair the residential amenity of the accommodation. The proposed building would be set back from the embankment and line of trees. New planting and landscaping within the appeal site could be designed and managed to maintain an appropriate outlook. The view in summer would be towards attractive vegetation. The deciduous trees in winter would enable adequate light to these windows. Measures would be necessary to limit the emission of artificial light from north facing windows for biodiversity reasons, but that need not be at the expense of these rooms receiving adequate natural daylight.
19. The revisions to the scheme shown on drawing number AP 0 35A, along with the appellant's suggestion that the approved windows to studios 13 and 14 should be one-way glazing, would reasonably address B&NES's concerns about the use of the roof terraces potentially compromising privacy.
20. Potential noise and disturbance from a light industrial use on the ground and mezzanine floors impacting upon the student accommodation could be addressed by the imposition of conditions dealing with the level and character of noise emissions. The suggested conditions provide for an approved Sound Insulation Plan to include monitoring to ensure that the agreed internal ambient noise level performance for the proposed PBSA was not breached by any future occupation of the employment part of the building.
21. Subject to the imposition of appropriate planning conditions, the scheme would not result in unacceptable living conditions for the occupiers of the student accommodation. The scheme would comply with Policy D6 with respect to appropriate levels of privacy, outlook and natural light.

#### *Biodiversity*

22. There is reasonable evidence to assume that the belt of trees to the north of the appeal site forms part of a network of habitat features used by horseshoe bats in the River Avon corridor. These trees are about 3 km from the nearest part of the Bath and Bradford-on-Avon Bats Special Area of Conservation (SAC). Tree pruning necessary to facilitate the appeal scheme would not be likely to have a significant effect on bats, which are a European protected species. However, in the absence of appropriate mitigation, artificial lighting would have the potential to result in the degradation of supporting habitat for bats. Future development of the site to the north of the appeal site could also potentially affect the trees within this corridor. It cannot be excluded on the

basis of objective information that the proposal, alone or in combination with other plans and projects, would have a significant effect on the conservation objectives of the SAC.

23. Evidence was submitted at the Hearing to enable me to undertake an AA and NE was consulted. With the imposition of a planning condition to control artificial lighting NE concluded, beyond reasonable scientific doubt, that the proposed development would not adversely affect the integrity of the SAC. The suggested condition would, among other things, require an assessment to demonstrate levels of light spill onto the tree line no greater than 0.37 lux. With appropriate planning conditions the scheme would retain a dark corridor for bats to the north of the appeal site, which is a matter included in the Placemaking Principles for Newbridge Riverside in Policy B3. I have considered the conservation objectives for the SAC and I am satisfied that with the avoidance and mitigation measures proposed the appeal scheme would not adversely affect the integrity of the SAC.
24. Other nature conservation interests could be safeguarded by the imposition of appropriate conditions. There are no reasons to find against the proposal on the grounds of an adverse impact on biodiversity. I find no conflict with Policies NE3 and NE5 concerning protected species/habitats and ecological networks. Subject to appropriate conditions lighting would not have a detrimental impact on local ecology and so the proposal would comply with Policy D8. The scheme would not result in the fragmentation of existing habitats (Policy CP6.4), and would not be at odds with Policies NE1 and CP7 regarding green infrastructure.

#### *Parking provision*

25. Local residents object to the proposed development because of inadequate car parking provision, but this is not a matter raised by B&NES. The appeal site lies within a reasonably accessible location within the City, where 18 car parking spaces would be appropriate for the proposed industrial and gymnasium uses. There is no policy requirement for car parking provision to serve the proposed PBSA. This is of particular concern to the local community, where there is considerable demand for on-street parking in an area that contains residential and industrial development, along with a university campus.
26. However, the suggested condition for an approved student management plan includes parking restrictions and enforcement measures, which the appellant stated would be included within the students' tenancy agreements. This condition would be necessary and reasonable in the circumstances. The imposition of this condition would enable B&NES to approve appropriate mechanisms to manage student car parking, without the need to impose a residents' parking scheme. I am satisfied that this would be a sensible and effective approach to addressing local concerns about on-street parking congestion. The provision of 76 cycle parking spaces would be enough to encourage occupiers of the proposed development to use a sustainable travel mode.
27. In the circumstances that apply here both the proposed car parking and cycle storage provision would be adequate. There are no grounds to find against the proposal because of its likely effect on parking congestion in the local area.

*Design and heritage assets*

28. Submissions at the application and appeal stages included criticism of the modern building design and its effect on heritage assets, but these are not matters included in B&NES's reasons for refusing the application. The proposed building's exposed structure and modern materials, with dark metal panelling, are of particular concern to some objectors. However, the listed Herman Miller factory building was an innovative 'high tech' style for the 1970s, with its exterior comprising an aluminium cladding frame holding moulded glass reinforced GRP panels. The appeal scheme would continue this trend of high-quality and innovative industrial architecture.
29. In terms of bulk, the proposed building would be slightly higher than the listed building, but its mass would be broken up by the roof terraces above the mezzanine level. In addition, the listed building has a much longer street frontage than the proposed building. The proportions of the proposed building would not be out of scale in this context. Its innovative design takes appropriate clues from the industrial heritage of the area. The overall design and materials would result in a high-quality contemporary building for this part of the Enterprise Zone. The design approach responds appropriately to the Key Development Opportunities in Policy B3, which acknowledge that the varied context provides for a range of building typologies and scope for architectural freedom in Newbridge Riverside.
30. In accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of Bath Conservation Area. The site lies within the Brassmill Lane, Locksbrook and Western Riverside character area of Bath Conservation Area. In the 2015 appraisal for this area, the Plumb Center building was identified as a "negative building and townscape feature". Key characteristics of the area include a long history of industrial and commercial use associated with the river, with mixed commercial and light industry with urban/suburban residential buildings and post-industrial redevelopment transforming parts of the character area. Given this local context, I consider that the proposed development would preserve the character and appearance of the Conservation Area.
31. I am required by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting of a listed building. The grade II listed former Herman Miller building has a long frontage to Locksbrook Road, which is part of its setting. However, little of its heritage significance derives from its relationship with its setting. Its architectural importance is more significant, and this would not be diminished by the appeal scheme. The replacement of the existing Plumb Center building with a contemporary 'high tech' structure would enhance the setting of Sir Nicholas Grimshaw's listed industrial building.
32. The Outstanding Universal Value of Bath World Heritage Site concerns its Roman and Georgian architecture, the hot springs, along with the green setting of the City. It is only the latter that could potentially be affected by the appeal scheme. However, the limited tree pruning proposed would not impact on Bath's green setting. The proposal would not harm the authenticity, integrity or cultural value of the World Heritage Site, and so would not conflict with Policy B4.

33. The siting and design of the building would accord with Policy NE6 concerning trees. I find that the proposed development would be of high-quality design consistent with Policy CP6.1.a. It would preserve the character and appearance of Bath Conservation Area and would enhance the setting of the listed building. The appeal scheme complies with Policies CP6.2 and HE1. There are no reasons to find against the proposal on design or heritage grounds.

*Need for student accommodation*

34. B&NES acknowledges the benefits that PBSA can bring but gives this minor weight. The appellant considers that the proposal could “free-up” in excess of twenty dwellings for the local private rented sector. B&NES argues that there is no evidence that previous PBSA schemes have had this effect and that the proposed accommodation would be unlikely to be a comparable alternative to shared accommodation in Houses in Multiple Occupation (HMO), because it would be more expensive. However, it seems to me that this ‘freeing-up’ effect may not have been apparent in the past because of the increasing numbers of students needing accommodation, along with the dominant role of the private rented sector in Bath.
35. There is evidence that between 2014/15 and 2018/19 combined student numbers at Bath and Bath Spa Universities increased by 908 per annum, and that currently it is estimated that 60% of the total full-time student population of 23,142 students lives in HMOs. The universities currently provide accommodation for about 5,811 students. The 13 existing private PBSA schemes have 1,713 bed spaces, with some 879 bed spaces under construction or in the pipeline. An estimated 1,630 students live at home with parents. It is difficult to be precise about the number of PBSA bed spaces that are likely to be needed, but I prefer the appellant’s more up to date analysis, which points to only 0.36 purpose-built bed spaces per student. 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.
36. It is difficult to predict what effect the COVID-19 pandemic might have on the number of international students attending the universities in Bath in the future, and on the overall need for PBSA. However, it is a reasonable assumption that in the lifetime of the appeal scheme, there will be strong demand for student accommodation. There are some advantages to both the students and to the local community in meeting this demand in dedicated student accommodation, rather than it being met by the private rented sector. There is some support for this in the *Guidance*, which states that all student accommodation can, in principle, count towards an authority’s housing land supply, and can allow existing properties to return to general residential use or to remain in such use rather than being converted to student accommodation.<sup>5</sup> This is a concern reflected in Policy B5, which provides for monitoring of conversions from C3 dwellings to C4 HMOs, and for compensatory provision if achieving Bath and North East Somerset Core Strategy and Placemaking Plan’s housing requirement is at risk.
37. It seems to me that making significant inroads into reducing the dominance of the private rented sector in meeting the demand for student accommodation in Bath would be likely to result in a substantial future demand for PBSA. The

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<sup>5</sup> *Guidance* paragraph 034 Ref ID:68-034-20190722.



likely demand for dedicated student accommodation is a consideration that weighs heavily in favour of the appeal scheme. I consider that the proposal would gain support from Policy B1 by facilitating growth in the overall number of students whilst avoiding growth of the student lettings market, but only if it complies with Policy B5, a matter I consider later in this decision.

### *Flood policy*

38. *Framework* paragraph 158 states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. It adds that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Policy CP5, concerning flood risk management, follows the sequential approach set out in the *Framework*. The *Guidance* advises that when applying the sequential test, a pragmatic approach on the availability of alternatives should be taken.<sup>6</sup>
39. Most of the appeal site lies within Flood Zone 2, with sections along its northern boundary located within Zone 1. There is a medium probability of flooding in Zone 2, which the appellant acknowledges only concerns the proposed PBSA, and not the light industrial or gymnasium elements of the appeal scheme. The proposed employment use would be located within a site allocated for that purpose in the development plan through the sequential test. Therefore, the test for this use does not need to be applied again.<sup>7</sup> The increase in the floorspace of the gymnasium from 285 m<sup>2</sup> to 364 m<sup>2</sup> would be a minor development that should not be subject to the sequential test.<sup>8</sup>
40. In my Pre-Hearing Note, the parties were invited to indicate whether the 'proposed development' and associated catchment for a sequential test assessment should comprise a mixed use building for B1c, D2 and student accommodation, or a disaggregation of these as separate buildings that could occur on different sites. I have taken the submissions from the parties into account in applying national policy to the particular circumstances that apply here.
41. I was not referred to any specific policy or guidance about disaggregating schemes for the purposes of applying the sequential test. It is not ruled out by policy/guidance. On the contrary, the reference in the *Guidance* to defining the catchment area to apply to the sequential test is to the "type of development" and not specifically to the actual scheme that is proposed.<sup>9</sup> The parties agree that it is a matter of planning judgement as to whether or not a scheme should be disaggregated. It seems to me that this turns on the strength of any nexus between the constituent parts of a composite scheme.
42. The appellant argues that the nexus here is a cross-funding link between the PBSA and the re-provision and improvement of the employment space and gymnasium. However, no convincing evidence was submitted about the significance of any cross-funding in this regard. The proposal is described as a "mixed use building", but there are no physical connections between the proposed uses. Furthermore, there are no functional or operational reasons why there should be. I was not referred to any other commercial, legal or management mechanisms linking the different uses. Any common use of the

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<sup>6</sup> *Guidance* paragraph 033 Ref ID:7-033-20140306.

<sup>7</sup> *Framework* paragraph 162.

<sup>8</sup> *Framework* paragraph 164 and *Guidance* paragraph 033 Ref ID:7-033-20140306.

<sup>9</sup> *Guidance* paragraph 033 Ref ID:7-033-20140306.

- access, parking and landscaping would fall far short of amounting to a nexus that results in a meaningful bond between the proposed uses. The appellant has advanced no sound reasons why the PBSA and the employment/gymnasium uses could not be in separate buildings on separate sites within appropriate catchment areas for the respective uses.
43. The *Guidance* distinguishes between the uses for the purposes of applying flood risk policy, with PBSA included as 'more vulnerable', and the replacement employment and gymnasium as 'less vulnerable'.<sup>10</sup> My judgement here is that the proposed PBSA and the employment/gymnasium uses should be disaggregated for the purposes of applying the sequential test. The 'type of development' for defining the appropriate catchment area and applying the sequential test comprises 52 student studios and 28 student en suite rooms in cluster flats. The appellant disputes the appropriateness and availability of the four sites in Flood Zone 1 identified by B&NES as being sequentially preferable to the appeal site. These sites are located at Claverton campus, Burlington, Jews Lane and Shaftesbury Road.
44. The strategy in Policy B5 seeks development of about 2,000 study bedrooms at the Claverton campus, but the Hearing was advised that only 1,000 have been provided so far. An area within the University of Bath at Claverton is allocated by Policy SB19 for additional student residential accommodation. However, this is an area of pre-existing development where redevelopment or new development for student accommodation would be supported in principle. The University's emerging Development Framework indicated a potential capacity of up to 930 beds of student accommodation on the campus. But the evidence adduced at the Hearing is that a new masterplan remains to be developed, with no current opportunities to expand the campus. Moreover, it is not clear to what extent areas identified in the emerging masterplan are currently required for car parking or playing fields. The Hearing was advised that the University is considering replacement parking and artificial pitches, but there is no indication of progress or likely timing. Claverton campus is likely to provide additional student accommodation in the longer term, but the evidence does not demonstrate that it is currently a reasonably available site for the student accommodation proposed in the appeal scheme.
45. With disaggregation of the proposed development and flexibility in the design of 52 student studios and 28 student en suite rooms in cluster flats, the 0.13 ha Burlington site would not be inappropriate by reason of its size. Policy SB16 includes residential development, which can include student accommodation, in the Development Requirements and Design Principles for this site. With disaggregation of the appeal scheme there is no evidence to show that the Burlington site is not reasonably available for PBSA.
46. Similar considerations apply to the 0.18 ha Old Bakery site in Jews Lane. This site has planning permission for a student accommodation building with 63 bedrooms and a flexible employment building (Class B1). The appellant argues that the site has not been marketed, but that need not rule out the possibility that it could be reasonably available to provide PBSA. No other convincing reasons have been advanced to demonstrate that this site is not reasonably available for the development of 52 student studios and 28 student en suite rooms in cluster flats.

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<sup>10</sup> *Guidance* Table 2 paragraph 066 Ref ID:7-066-20140306.

47. The 0.445 ha Scala site on Shaftesbury Road is the subject of a planning application for a mixed development that includes the erection of student accommodation, including 96 student bedrooms and associated ancillary space. B&NES recognises the potential of this site for development, although it is not allocated or included in housing land availability assessments. At the time of the Hearing, the application had not been determined and there were objections to the proposal. Nevertheless, for the purposes of applying national flood policy, and taking a pragmatic approach, it seems to me that this is a site that can be considered reasonably available for the PBSA element of the appeal scheme. Again, any absence of active marketing is not determinative of availability.
48. The appellant's case is that even if another site in Flood Zone 1 was appropriate and reasonably available, that would not warrant refusal of the appeal scheme as all material considerations have to be weighed in the planning balance. It is argued that this would be particularly so if it was necessary, in order to meet the need, for all the currently appropriate and available sites to be developed. Prior to the masterplan for the Claverton campus bringing forward sites for student accommodation there are only three sites in Flood Zone 1 that can reasonably be considered available for PBSA. It is unlikely, in my view, that these three sites, even if all were developed, would make much of an inroad into meeting the likely future demand for student accommodation identified above. This is particularly so if B&NES's aims are to be achieved with respect to facilitating growth in the overall number of students whilst avoiding growth of the student lettings market and not adding to concentrations of HMOs (Policies B1 and B5).
49. The *Framework* states that the sequential test aims to steer new development to areas with the lowest risk of flooding. But it seems to me that this policy acknowledges that it might not be possible to do so in all circumstances. The wording of the policy, which aims to 'steer' development, and indicates that development 'should' not be permitted if there are reasonably available sites appropriate for the development, admits of some discretion rather than requiring a mandatory refusal. Meeting the current need for PBSA is likely to require more than the totality of the three sites I have found to be appropriate and available. In the particular circumstances that apply in this case, regarding the need for PBSA and the limited availability of appropriate sites in Flood Zone 1, I consider that the sequential test is met. If I am wrong about that and applying the sequential test indicates that the development should not be permitted, then the proposal would be at odds with flood risk policy in the *Framework* and would also conflict with Policy CP5. I deal with this in the planning balance section of this decision.
50. Leaving aside matters concerning the sequential test, the proposed habitable accommodation would be on the upper floors of the building where electrical infrastructure could be designed to be above flood levels. A safe escape route could be provided to higher ground. The proposed development would minimise its contribution to flood risks elsewhere and, subject to the imposition of appropriate planning conditions, could be made safe throughout its lifetime by incorporating mitigation measures. In this regard the appeal scheme would comply with the requirements of Policy CP5.

*Vision and spatial strategy for the City*

51. B&NES is concerned about the proposed PBSA adding to an overconcentration of student accommodation in this part of the City. The site lies within an area with a recorded HMO concentration of 10%-14%. There are two PBSA developments nearby, on the opposite side of the river to the appeal site that are within the Policy B3 boundary. Others are promoted further to both the east and west of the appeal site, outside, but adjoining, the Policy B3 boundary. B&NES's views about an overconcentration of student accommodation are not convincing. It seems to me that the acknowledged demand for student accommodation would either be met in PBSA or in HMOs. In the absence of the appeal scheme, the likelihood would be that more of the private rented sector housing would be occupied by students, thereby adding to any overconcentration of HMOs. If, as some submissions suggest, students are associated with anti-social behaviour and parking congestion, it would be preferable to accommodate them in a limited number of sites rather than in HMOs dispersed throughout residential areas. This would provide better opportunities to manage occupation of the accommodation and car parking. On the appellant's evidence, the appeal scheme could potentially free-up more than 20 HMOs, whereas dismissing the appeal could lead to more than 20 dwellings being converted to student accommodation.
52. The proposal would not be at odds with the vision set out in the Bath and North East Somerset Core Strategy and Placemaking Plan, which seeks to conserve and enhance Bath's unique sense of place of international significance to maintain its key competitive advantage as a high-quality environment. The vision adds that the realisation of a range of development opportunities within the Enterprise Zone would greatly improve the City aesthetically and as a business-friendly place. The appeal scheme is consistent with these aims. The proposed development would also accord with the vision in delivering new housing and enabling regeneration in a more energy and resource efficient manner.
53. In terms of the spatial strategy for the District, the proposal would accord with five of the matters included in Policy DW1, by which the overarching strategy to promote sustainable development would be achieved. These are: 1. Focussing new housing, jobs and community facilities in Bath; 2. Making provision to accommodate a net increase in jobs and the supply of housing; 3. Prioritising the use of brownfield opportunities for new development; 5. Designing development in a way that is resilient to the impacts of climate change; and 7. Protecting the biodiversity resource.
54. Policy B1 sets out Bath's spatial strategy for the City. The appeal scheme would contribute to a net increase in jobs, and would assist in countering B&NES's concern about too rapid a rate in the contraction of industrial floorspace.<sup>11</sup> The proposal would not conflict with the spatial strategy's aim to sustain a mixed economy to support Bath's multi-skilled workforce and multi-faceted economic base by retaining a presumption in favour of industrial land in the Newbridge Riverside area. It would regenerate a part of the Enterprise Zone to create a new area of attractive and productive townscape in accordance with Policy B1.5.a. The proposed rooftop solar panels would accord with Policy B1.11.a by enabling renewable energy generation. The 52 student

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<sup>11</sup> The strategy for Bath in Policy B1.2.e includes planning "for a contraction in the demand of industrial floor space from about 167,000 m<sup>2</sup> in 2011 to about 127,000 m<sup>2</sup> in 2029".

studios and 28 student en suite rooms in cluster flats would contribute to the choice in tenure and housing type in Bath. I find no conflict with Policy CP10 concerning housing mix.

55. The appeal site lies within the Enterprise Zone. However, the proposed development would not adversely affect the realisation of other aspects of the vision and spatial strategy for the City in relation to housing and economic development. I find no conflict with Policy B5, and so the proposal would accord with Policy B1.7.a.

*Planning balance and policy*

56. The starting point for the determination of this appeal is the development plan. I am required to make my determination in accordance with it, unless material considerations indicate otherwise. The proposed development gains support from Policy B1, since it would contribute to an increase in jobs in the business services sector, regenerate a part of the Enterprise Zone and provide off-campus student accommodation in accordance with Policy B5, so assisting to avoid growth of the student lettings market. Even if I had concluded differently about applying the sequential test, such that conflict with Policy CP5 is a policy consideration that pulls in the opposite direction, my judgement is that this conflict would be outweighed by the support the scheme gains from Policy B1, and so, overall, the proposal would accord with the development plan as a whole.
57. If the proposed development were to be at odds with the *Framework's* sequential test, it would, nevertheless, contribute towards meeting the needs of a group with specific housing requirements. Allowing the appeal would also gain some support from the *Guidance* insofar as the dedicated student accommodation would assist in taking pressure off the private rented sector.<sup>12</sup> Thus, even if I am wrong about the sequential test, my judgement is that, taken overall, and having regard to the specific circumstances that apply in this case, the proposal would reasonably comply with national policy and guidance.
58. Nevertheless, if the proposal fails to meet the sequential test that would bring it into conflict with a key element of national and local flood risk policy. This would weigh heavily against the proposal. However, in my judgement, the contribution the proposed development would make to meeting the current need in Bath for PBSA, along with the provision of improved employment space, outweighs any harm resulting from conflict with national and local flood risk policy. I find that the planning balance falls in favour of the proposal.

*Other matters*

59. I have taken into account all the other matters raised in the evidence, including the objection from the occupier of the Plumb Center drawing attention to the fact that the existing premises are currently being used productively as a builders' merchants in accordance with relevant policy for the industrial estate. Neither this, nor any of the other matters raised, are sufficient to outweigh my conclusions on the main issues, which have led to my decision on this appeal.

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<sup>12</sup> *Guidance* paragraph 004 Ref ID:67-004-20190722.

## Conditions and obligations

60. The parties have suggested conditions that would be acceptable if the appeal were to be allowed, including pre-commencement conditions. I have considered the need for these and their wording in the light of the advice contained in the *Guidance*. Where necessary minor changes to the suggested wording would be required so that conditions would be precise and enforceable.
61. The standard commencement period would be appropriate (Condition 1). Otherwise than as set out in this decision and conditions, it would be necessary that the development be carried out in accordance with the approved plans discussed at the Hearing, to provide certainty for all parties (Condition 2). An approved Construction Management Plan would be required to safeguard the amenity of the area in accordance with Policies D6 and ST7 (Condition 3). External materials would need to be approved in the interests of the appearance of the area and to comply with Policy CP6 (Condition 4). To accord with Policy PCS5 measures to deal with any land contamination would be necessary given the past use of the site (Conditions 5-8).
62. Flood management measures would need to be approved and implemented before the first occupation of the development given that part of the site lies within Flood Zone 2 (Condition 9). Measures to protect trees would be necessary for townscape and biodiversity reasons in accordance with Policy NE6 (Condition 10). More details about landscaping would be required for similar reasons (Condition 11). To comply with Policies CP6 and NE3 potential light pollution would need to be controlled to safeguard the bat corridor (Condition 12). Construction of the revised vehicular access would be required, and the existing access closed, for highway safety reasons in accordance with Policy ST7 (Conditions 13 and 17). The amenity of the area would need to be safeguarded by an approved student management plan (Condition 14).
63. An approved Travel Plan compliant with Policy ST1 would assist in maximizing the sustainable transport advantages of the development (Condition 15). To comply with Policy ST7 spaces for the parking of vehicles would need to be kept available for that purpose, and cycle storage provided (Conditions 16 and 22). An approved detailed drainage strategy would be required for amenity reasons in accordance with Policy CP5 (Condition 18). A Sound Insulation Plan would need to be approved, implemented and verified to limit noise between the light industrial use and the PBSA (Conditions 19 and 20). Measures would be necessary to comply with Policy SCR1 and B&NES's Sustainable Construction Supplementary Planning Document (Condition 21).
64. Hours of operation for the permitted uses would be required to safeguard the amenity of the occupiers of the PBSA (Conditions 23 and 24). Rights under the Use Classes Order and permitted development rights for the industrial and gymnasium uses would need to be restricted to maintain the strategic objectives of the industrial estate and to safeguard the amenity of the occupiers of the PBSA (Conditions 25 and 26). A Wildlife Protection and Enhancement Scheme would need to be approved and implemented in the interests of biodiversity (Condition 27). Approval of proposed ground levels would be necessary for flood risk reasons and in the interests of the amenity of the area (Condition 28). Insufficient details are available about the proposed rooftop solar panels and so approval (Condition 29) would be necessary prior to implementation, and retention thereafter, in accordance with Policy SCR1.

65. The targeted recruitment and financial contributions towards a traffic regulation order and green space provided for in the unilateral planning obligation dated 17 September 2020 would be necessary to enable the development to proceed for the reasons set out in HD25. However, the contribution towards a residents' parking scheme would not be reasonable given that the student management plan required by Condition 14 would include provisions for student parking restrictions that would be enforced by means of tenancy agreements. I am satisfied that the development would be acceptable without the need for a contribution towards a residents' parking scheme. The respective obligation is therefore unnecessary, and I have not taken it into account in determining this appeal.
66. The off-site ecological contribution of £5,000 included in the 4 November 2020 unilateral undertaking would be necessary and reasonable to allow enhancement and management of trees and vegetation to the north of the appeal site given that the proposed development would require some canopy and crown reduction of trees that overhang the boundary.

### **Conclusions**

67. The planning balance falls in favour of the proposed development. While relevant policies may pull in different directions, overall, the appeal scheme would comply with the development plan. It would also reasonably accord with national policy and guidance when taken as a whole. There are no material considerations here to indicate that the appeal should be determined other than in accordance with the development plan. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

*John Woolcock*  
Inspector

## SCHEDULE OF PLANS

SITE LOCATION PLAN AP 0 01B  
EXISTING PLAN SITE AP 0 02B  
EXISTING PLAN GROUND AP 0 04B  
EXISTING ELEVATIONS AP 0 05B  
EXISTING ELEVATIONS SECTION A AP 0 06B  
PROPOSED PLAN SITE AP 0 10L  
PROPOSED PLAN GROUND AP 0 11T  
PROPOSED PLAN MEZZANINE AP 0 12M  
PROPOSED PLAN FIRST AP 0 13J  
PROPOSED PLAN SECOND AP 0 14J  
PROPOSED PLAN ROOF AP 0 16H  
PROPOSED ELEVATION SOUTH EAST AP 0 20H  
PROPOSED ELEVATION NORTH WEST AL 0 21J  
PROPOSED ELEVATIONS COURTYARDS/TERRACES AP 0 22E  
PROPOSED SOUTH INNER AL 0 23B  
PROPOSED ELEVATIONS BAY AP 0 27D  
PROPOSED SECTION AA AP 0 30G/J  
PROPOSED VISUAL ONE AP 0 32C  
PROPOSED VISUAL TWO AP 0 33C  
PROPOSED AERIAL VIEW AP 0 34C  
ROOF TERRACE AMENITY AREAS AP 0 35A  
PROPOSED PLAN GROUND ZONES AP 0 51H  
PROPOSED PLAN MEZZANINE ZONES AP 0 52F  
PROPOSED PLAN FIRST ZONES AP 0 53D  
PROPOSED PLAN SECOND ZONES AP 0 54D  
LANDSCAPE PLAN – GROUND LEVEL AGM-LOC-LS-001E  
LANDSCAPE PLAN – ROOF AND TERRACES AGM-LOC-LS-002B



## SCHEDULE OF CONDITIONS (1-29)

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
  - SITE LOCATION PLAN AP 0 01B
  - EXISTING PLAN SITE AP 0 02B
  - EXISTING PLAN GROUND AP 0 04B
  - EXISTING ELEVATIONS AP 0 05B
  - EXISTING ELEVATIONS SECTION A AP 0 06B
  - PROPOSED PLAN SITE AP 0 10L
  - PROPOSED PLAN GROUND AP 0 11T
  - PROPOSED PLAN MEZZANINE AP 0 12M
  - PROPOSED PLAN FIRST AP 0 13J
  - PROPOSED PLAN SECOND AP 0 14J
  - PROPOSED PLAN ROOF AP 0 16H
  - PROPOSED ELEVATION SOUTH EAST AP 0 20H
  - PROPOSED ELEVATION NORTH WEST AL 0 21J
  - PROPOSED ELEVATIONS COURTYARDS/TERRACES AP 0 22E
  - PROPOSED SOUTH INNER AL 0 23B
  - PROPOSED ELEVATIONS BAY AP 0 27D
  - PROPOSED SECTION AA AP 0 30G/J
  - PROPOSED VISUAL ONE AP 0 32C
  - PROPOSED VISUAL TWO AP 0 33C
  - PROPOSED AERIAL VIEW AP 0 34C
  - ROOF TERRACE AMENITY AREAS AP 0 35A
  - PROPOSED PLAN GROUND ZONES AP 0 51H
  - PROPOSED PLAN MEZZANINE ZONES AP 0 52F
  - PROPOSED PLAN FIRST ZONES AP 0 53D
  - PROPOSED PLAN SECOND ZONES AP 0 54D
  - LANDSCAPE PLAN – GROUND LEVEL AGM-LOC-LS-001E
  - LANDSCAPE PLAN – ROOF AND TERRACES AGM-LOC-LS-002B
- 3) No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the following: 1. Deliveries (including storage arrangements and timings); 2. Contractor parking; 3. Traffic management; 4. Working hours; 5. Site opening times; 6. Wheel wash facilities; 7. Site compound arrangements; and 8. Measures for the control of dust. The construction of the development shall thereafter be undertaken in accordance with the approved details.
- 4) No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including windows and roofs, have been submitted to and approved in writing by the Local Planning Authority. The schedule shall include: 1. Detailed specification of the proposed materials (including type, size, colour, brand and quarry location); 2. Photographs of all of the proposed materials; 3. An annotated drawing showing the parts of the development using each material. The approved windows to studios 13 and 14 shall have one-

way glazing to prevent visibility into these units from the roof terrace. The development shall thereafter be carried out only in accordance with the approved details.

- 5) No development shall commence, except for ground investigations and demolition, required to undertake such investigations, until an investigation and risk assessment of the nature and extent of contamination on site and its findings has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. The assessment must be conducted in accordance with DEFRA and the Environment Agency's *Model Procedures for the Management of Land Contamination, CLR 11* and shall include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments; and (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- 6) No development shall commence, except for ground investigations and demolition required to undertake such investigations, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required. The scheme shall include; (i) all works to be undertaken; (ii) proposed remediation objectives and remediation criteria; (iii) timetable of works and site management procedures; and (iv) where required, a monitoring and maintenance scheme to monitor the long-term effectiveness of the proposed remediation and a timetable for the submission of reports that demonstrate the effectiveness of the monitoring and maintenance carried out. The remediation scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out prior to the commencement of development, other than that required to carry out remediation, or in accordance with the approved timetable of works.
- 7) No occupation shall commence until a verification report that demonstrates the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required.
- 8) In the event that contamination that was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. Thereafter an investigation and risk assessment shall be undertaken, and where remediation is necessary, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation

- scheme, a verification report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.
- 9) No development shall commence, except ground investigations, until details of the proposed flood management measures (as outlined in Flood Risk Assessment, Premier Water Solutions Ltd, May 2018, and Flood Risk Addendum by SLR dated December 2019, but also specifying details about a safe egress evacuation route) are submitted to and approved in writing by the Local Planning Authority. The approved flood management measures shall be implemented before the first occupation of the development hereby permitted and shall thereafter be retained.
  - 10) The development hereby permitted shall be carried out in accordance with the Arboricultural Method Statement and Tree Protection Plan (Furse Landscape Architects, dated 31 October 2018). No occupation of the development hereby permitted shall commence until a signed certificate of compliance by the appointed Arboriculturalist has been submitted to and approved in writing by the Local Planning Authority.
  - 11) No occupation of the development shall commence until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority showing details of the following: 1. All trees, hedgerows and other planting to be retained; 2. A planting specification to include numbers, size, species and positions of all new trees and shrubs; 3. Details of existing and proposed walls, fences, other boundary treatment and surface treatments of the open parts of the site; 4. Details and specification of the green roof; 5. Details of wildlife measures and ecological enhancements; 6. A programme of implementation for the landscaping scheme. All hard and soft landscape works shall be carried out in accordance with the approved details and programme of implementation. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.
  - 12) The development shall be constructed in accordance with the details and recommendations within the submitted Lighting Impact Assessment (Hydrock, dated 1 July 2020). No occupation of the development shall occur until the mitigation measures outlined in paragraph 6.4 of the Lighting Impact Assessment have been implemented and an 'as built' lighting assessment (by a suitably qualified person) demonstrating that the light spill is no greater than the predicted light levels within appendices C, E and G of the Lighting Impact Assessment (Hydrock, dated 1 July 2020) has been submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter be maintained in accordance with the approved lighting design and at the approved levels of light spill onto the tree line.
  - 13) No occupation of the development shall commence until the vehicular access has been constructed with a bound and compacted surfacing material (not loose stone or gravel).

- 14) The student accommodation hereby permitted shall not be occupied until a student management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following: 1. The arrangements for student drop off / pick up at the start and end of each university semester; 2. Details of refuse storage, management and collection; 3. Details of site security and access arrangements; 4. Contact information for site management including information for third parties wishing to make complaints; 5. Details of student parking restrictions and enforcement measures; 6. Details of a scheme for monitoring the effectiveness of the parking restrictions and enforcement measures under point 5 including any necessary remedial measures; 7. Details of the management of the first floor outdoor amenity areas (as shown on drawing number AP 0 35A), including hours of use and arrangements to prevent access outside of these hours. The student accommodation use shall thereafter operate only in accordance with the approved student management plan.
- 15) No occupation of the development shall commence until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the approved Travel Plan.
- 16) The areas allocated for parking and turning on the Proposed Site Plan (drawing number AP 0 10L) shall include the provision of two disabled parking spaces and shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
- 17) The new accesses hereby permitted shall not be brought into use until the existing vehicular access has been permanently closed and a footway crossing constructed, including the raising of dropped kerbs, in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.
- 18) No development shall commence, except ground investigations and remediation, until a detailed drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include plans, calculations (demonstrating performance at the critical 1:1, 1:30 & 1:100+40% events), confirmation that the discharge is acceptable to Wessex water (rate and location) together with an operation and maintenance document detailing how the system will be maintained for the life of the development. The development hereby permitted shall thereafter be completed and operated in accordance with the approved drainage strategy.
- 19) No development shall commence until a scheme of sound insulation measures (the Sound Insulation Plan) between the purpose-built student accommodation (PBSA) and the light industrial B1(c) use has been submitted to and approved in writing by the Local Planning Authority. The Sound Insulation Plan shall include the following: 1. A desktop design assessment demonstrating, by calculation, the airborne sound insulation performance of the "as built" separating floor between the employment use, hereby permitted, and habitable rooms of the PBSA at 1<sup>st</sup> floor level, can achieve a sound insulation performance of at least 75 dB DnT,w ≈ circa 95 dB Rw, using an appropriate calculation methodology, which

shall include BS EN ISO 12354-1:2017 *Building acoustics — Estimation of acoustic performance of buildings from the performance of elements — Part 1: Airborne sound insulation between rooms*. 2. A technical demonstration that the resultant noise levels within those habitable rooms within the PBSA as a result of the adjacent commercial tenant in isolation shall conform to a Noise Rating curve of NR15 and NR20 (Based on the associated  $L_{eq}$  and  $L_{Max, Fast}$  spectral characteristics). 3 The Sound Insulation Plan shall include details of ongoing monitoring and review processes to ensure that the agreed internal ambient noise level performance, as provided in (2) above is not breached by any future occupation of the employment use hereby permitted. In the event of any breach remediation measures shall be immediately taken with the guidance of a suitably qualified acoustician to ensure compliance with the performance criteria in (2) above. The development shall thereafter be undertaken in accordance with the approved Sound Insulation Plan.

- 20) Prior to the first occupation of the development hereby permitted, a summary review from a competent person of the "as built" drawings and specifications to confirm that the recommendations produced by Hydrock, within Supplementary Noise Planning Report (dated 16 December 2019) have been adhered to, inclusive of design measures in Section 10 (BS8233:2014) and Section 12 (BS4142:2014+A1:2019), shall be submitted to and approved in writing by the Local Planning Authority.
- 21) Prior to first occupation of the development hereby permitted the following tables (as set out in the Council's Sustainable Construction Supplementary Planning Document, Adopted November 2018) shall be completed in respect of the development and submitted to and approved in writing by the Local Planning Authority together with the further documentation listed below: 1. Table 2.1 Energy Strategy (including detail of renewables); 2. Table 2.2 Proposals with more than one building type (if relevant); 3. Table 2.3 (Calculations); 4. Building Regulations Part L post-completion documents for renewables; 5. Building Regulations Part L post-completion documents for energy efficiency; 6. Microgeneration Certification Scheme (MCS) Certificate/s (if renewables have been used).
- 22) No occupation of the development shall commence until secure, covered cycle storage for 76 bikes has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be retained permanently thereafter.
- 23) The gymnasium use hereby permitted shall not be carried on and no customer shall be served or remain on the premises outside the hours of 0700 - 2100 hours Monday to Fridays; 0800 - 1600 hours Saturdays and 0900 - 1300 hours Sunday.
- 24) No machinery shall be operated, no process shall be carried out and no deliveries shall arrive, be received or despatched from the light industrial use hereby permitted outside the hours 0700 - 2130 hours Monday to Fridays; 0900 - 1700 hours Saturdays and 1000 - 1400 hours Sunday.
- 25) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking

and re-enacting those Orders with or without modification), the employment spaces shown on the Proposed Ground Floor (AP 0 11T) and Proposed Mezzanine Floor (AP 0 12M) shall be used for light industrial use only.

- 26) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking and re-enacting those Orders with or without modification), the gymnasium use hereby permitted shall only be used as a gymnasium.
- 27) No development shall take place until full details of a Wildlife Protection and Enhancement Scheme, that shall be in accordance with the recommendations of Section 3.2 of the approved Ecological Report by Seasons Ecology dated November 2019 have been submitted to and approved in writing by the Local Planning Authority. These details shall include: 1. Method statement for pre-construction and construction phases to provide full details of all necessary protection and mitigation measures, including, where applicable, proposed pre-commencement checks and update surveys, for the avoidance of harm to bats, reptiles, nesting birds and other wildlife, and proposed reporting of findings to the Local Planning Authority prior to commencement of works; 2. Badger Protection and Mitigation Strategy to include updated pre-commencement checks of badger activity. All works within the scheme shall be carried out in accordance with the approved details and completed in accordance with specified timescales and prior to the occupation of the development.
- 28) No development shall commence until details of the existing and proposed ground levels have been submitted to and approved in writing by the Local Planning Authority. These details shall include: 1. A topographical plan of the site including spot levels; 2. The approved site plan including spot levels ;3. Site sections showing existing and proposed ground/finished floor levels in relation to the land adjoining the site. The development shall thereafter be undertaken in accordance with the approved details.
- 29) Prior to the installation of the solar panels (PV array shown on drawing number AP 0 16H) details of the proposed solar panels shall be submitted to and approved in writing by the Local Planning Authority. The solar panels shall be installed in accordance with the approved details prior to the occupation of the building and thereafter retained.

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY (B&NES):

Christopher Griggs-Trevarthen MSc MRTPI	Senior Planning Officer
Kaoru Jacques MSc MRTPI	Principal Planning Policy Officer
Byron Hammond MSc MRICS	Associate Director Lambert Smith Hampton
Colm O'Kelly BSc(Hons) MPhil CMLI MBA PGDip	Tree and Landscape Officer
Lucy Corner BSc PGDip	Ecologist

### FOR THE APPELLANT:

Paul G Tucker QC	Kings Chambers
Philip Robson Junior Counsel	Kings Chambers
Patrick Marks	Senior Planner AGM Ltd
Stuart Black	Summix LRB Developments Ltd
Matthew Bowen FRSA	Partner Knight Frank
Colin Scragg FRICS	Partner Carter Jonas
Trevor Furse CMLI MCI Hort ISA	Director Furse Landscape Architects Ltd
John Blanchard	Director Hydrock
Joanna Freyther	Associate Planner SLR Consulting
Jacob Hepworth-Bell BSc(Hons)	Associate Director Ecology Solutions Ltd
Alex Robinson	Director Pegasus Group
Vince Taylor	Senior Acoustic Consultant Hydrock

### INTERESTED PERSONS:

Patricia Spencer-Barclay	Local resident
Thomas Mills	On behalf of the site occupier

## DOCUMENTS SUBMITTED AT THE HEARING

HD1	Bath and North East Somerset Annual Monitoring Report March 2019 – Industrial Floorspace
HD2	Statement of Case Carter Jonas August 2020
HD3	Bath Demand Study Locksbrook Road Knight Frank
HD4	Planning permission for Horstman site at Locksbrook Road for the erection of engineering workshop dated 1 June 1954
HD5	Email dated 15 September 2020 from B&NES providing operational times of Horstman site
HD6.1	Suggested planning conditions 15 September 2020
HD6.2	Suggested planning conditions 17 September 2020
HD6.3	Suggested planning conditions 25 September 2020
HD7	Revised Community Infrastructure Levy Compliance Statement
HD8	St Austell appeal Ref:APP/D0840/W/16/3158466
HD9	Sandtoft appeal Ref:APP/Y2003/A/08/2081677
HD10	Extracts from Local Plan 2016-36 Options Consultation Winter 2018
HD11	Badgers and Development Interim Guidance Document Natural England
HD12	Interpretation of 'Disturbance' in relation to badgers occupying a sett Natural England
HD13	Supplementary lighting note Hydrock 17 September 2020
HD14	Site visit itinerary
HD15	Points from appeal Hearing by Patricia Spencer-Barclay
HD16	Information to enable a Habitats Regulations Assessment (HRA) September 2020 Ecology Solutions
HD17	Council's Closing Statement
HD18	Certified copy of unilateral undertaking dated 17 September 2020
HD19	Closing submissions on behalf of the appellant
HD20	Email dated 12 October 2020 from Natural England providing comments on HD16
HD21	Email from appellant dated 15 October 2020 in response to HD20
HD22	B&NES comments on appellant's shadow HRA received on 23 October 2020
HD23	Appellant's Addendum Information dated October 2020 re Habitats Regulations Assessment
HD24	Certified copy of unilateral undertaking dated 4 November 2020 for Offsite Ecological Contribution
HD25	Community Infrastructure Levy Compliance Statement
HD26	Email from B&NES dated 2 November 2020 setting out the Council's position in respect of £5,000 contribution towards Ecological Enhancement
HD27	Email from Natural England dated 3 November 2020





# Bath Demand Assessment

CLIENT: Blue Coast Capital

September 2021



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# 1 Introduction

This demand assessment has been prepared by JLL on behalf of Blue Coast Capital (“the Applicant”) in support of an application for full planning permission for the redevelopment of the former Bath Gas Works, Windsor Bridge Road, Bath (“the Site”).

The subject site comprises a large development site, situated at the junction of Windsor Bridge Road and Upper Bristol Road, approximately one mile to the west of Bath city centre, which is within a circa twenty minute walk.

The site is bordered to the north by Upper Bristol Road, to the west by Windsor Bridge Road, to the south by the River Avon and the Bristol and Bath Railway Path and to the east by the Bath Recycling Centre and Kelso Place which provides office accommodation. The site comprises an area of cleared land together with two detached terraced industrial units.

The development proposed (“Proposed Development”) would comprise 355 student bed spaces arranged as a mix of studios, en-suite cluster flat apartments and non en-suite cluster flat apartments, together with associated student amenity space. The scheme will also provide four DDA parking spaces and four visitor parking spaces.

## 1.1 Sources of Information

Our analysis has been undertaken using publicly available data. Our approach has been agreed with the Client. Unless otherwise stated, we have not sought to verify the information provided.

## 1.2 Confidentiality

This report is confidential to the Blue Coast Capital (“the Client”) and prepared solely for the purposes set out in our proposal. No other party is entitled to rely on the report for any purpose whatsoever and we accept no duty of care or liability to any party who is shown or gains access to this report, except for parties (agreed between JLL and the Client) who have had such duty of care separately confirmed in writing by JLL. We have agreed that the Client will share this report with Bath and North East Somerset Council (on a non-reliance basis) as part of the planning process.

# 2 Executive Summary

Bath represents a strong student housing market in the UK – with 24,125 full time students studying across the University of Bath and Bath Spa University. Both universities are ranked in the Times Good University Guide 2022, with the University of Bath at 9<sup>th</sup> and Bath Spa University at 103<sup>rd</sup>. The strength of the universities is a draw for domestic and international students. International demand currently makes up around a quarter of the student population.

While Bath has an established purpose-built student housing market, it does not yet provide enough accommodation required to house Bath students, with approximately 15,000 full time students having to find accommodation outside of this purpose-built sector, mostly in Houses in Multiple Occupation, which puts further pressure on the residential market.

The location of the site is within a 25 minute walk of Bath Spa Train Station. Both the University of Bath and Bath Spa University are situated outside of the city centre and are accessible via a 30 minute bus journey. The site is also within walking distance of the amenities of Bath city centre, including the Southgate Shopping Centre. The site is also situated within an area of Bath which is established for Purpose Built Student Accommodation (“PBSA”).

Currently Bath has a total of 24,125 full time students and only 8,024 university bed spaces, equating to a ratio of three full time students for every university-provided bed. This emphasises the requirement for good quality, well located accommodation for students.

The student accommodation development pipeline is diminishing, despite a growing student population. We also do not expect all schemes consented to be delivered due to a variety of factors.

We have considered the impact of Covid-19 but do not think that this will significantly alter demand in the long term. Equally, whilst Brexit has led to reduced demand from EU students from 2021/22, we expect this to be a short term trend.

The Proposed Development would provide much needed new student accommodation, of a layout and specification that is tailored to meet the requirements of students in Bath. The amenities proposed, together with all of those which are available within a relatively short distance, will mean that it will be possible to create a vibrant student community at the Site.

### 3 Context

#### 3.1 The Development

A comprehensive redevelopment comprising purpose built student accommodation (PBSA) c.300 units along with a small element of residential development is being promoted by the site owners.

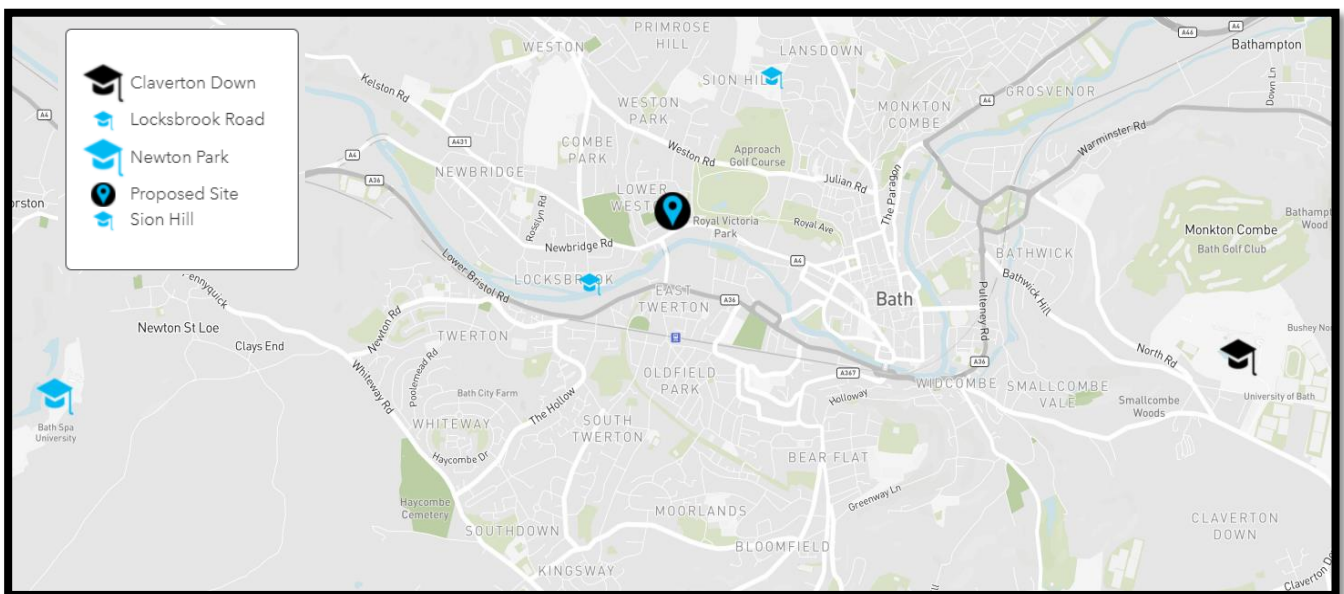
The scheme will respond to Upper Bristol Road, Windsor Bridge and river Avon frontages and will complement the residential development that has been permitted on the adjacent Midland Road waste depot site.

The quantum, form and mix of the redevelopment scheme will be tested through a detailed design development process including a pre-application process of engagement with B&NES Council in due course.

#### 3.2 Location

The site is bordered to the north by Upper Bristol Road, to the west by Windsor Bridge Road, to the south by the River Avon and Bristol and Bath Railway Path and to the east by the Bath Recycling Centre and Kelso Place which provides office accommodation.

The surrounding area has predominantly residential homes, along with commercial uses also in the vicinity. The site is also on the outskirts of the city centre housing local and national retailers and restaurants.



#### 3.3 Situation

Various amenities desired by students, including food and beverage outlets, a supermarket, leisure provision including a gym, and secondary convenience retail, are all easily accessible on foot in the vicinity.

### 3.4 Transport Links and Academic Building Locations

The location of the subject site ensures that students will benefit from being able to access both the University of Bath and Bath Spa University via a 30 minute bus journey, Bath Spa train station within a 25 minute walk, local amenities including national gyms, retailers and restaurants, as well as being in a student community with various other PBSA schemes. Competing schemes in local proximity include Unite Students Charlton Court, iQ Students Twerton Mill and Student Roost's The Depot.

### 3.5 The Need for the Development of Further Student Accommodation

The University of Bath and Bath Spa University have approximately 24,125 full time students and only 8,024 university bed spaces, equating to a ratio of three full time students for every university-provided bed. Whilst some students will not require PBSA for a variety of reasons, this demonstrates clear occupational demand for well-located PBSA such as the proposed development.

The below table comprises data provided by HESA (Higher Education Statistics Agency) in respect of full time students registered for the academic year 2019/20 and University provided/managed bedspaces at the University of Bath and Bath Spa University. Though there are numerous additional factors through which students choose their accommodation, including budget, brand and micro-location preferences. Our experience dictates that in terms of geographical pressures, students in regional locations generally prefer to live within walking distance of their place of study, however, with the main campuses of both the University of Bath and Bath Spa University being outside of the city centre we would consider accommodation within 30 minutes' bus to be 'prime' within this specific market.

Institution / College	Total Number of Full Time Students	University Accommodation (bed spaces)	Student to Bed Ratio	Times Guide Ranking 2022
University of Bath	16,605	6,124	2.7	9 <sup>th</sup>
Bath Spa University	7,520	1,900	3.9	103 <sup>rd</sup>
<b>Total</b>	<b>24,125</b>	<b>8,024</b>		

When the number of Directly Let PBSA beds is taken into account in addition to the University's own stock, the ratio lessens to 2.63 full time students per PBSA bed space. As illustrated later in the report, in Section 3: Demand, this would still be considered a high ratio in comparison to other significant UK cities.

We understand that the population of UK 18 to 21 year olds is projected to grow by over 170,000 between 2020 and 2030. As such, even under cautious growth scenarios, the gap between the available student housing supply and the student population is set to be maintained. Taking into account this growth, along with the anticipated continued increase in participation rates, a recent HEPI (Higher Education Policy Institute) report has projected a potential increase in demand for 350,000 student places by 2030. Given the general increasing population in the UK, the challenge of finding homes for this student population will continue to grow, and consequentially will continue to put pressure on the private rented sector.

There are a number of ways in which PBSA has proven its importance over the past two decades. In terms of HEI (Higher Education Institution) engagement with the sector, PBSA is considered a key tool to improve the student experience, ensure quality accommodation, and where agreements are entered into, to give the HEI in question an efficient method for accommodating its students in safe, communal and where possible, affordable residences.

In general, universities in the UK are seeking housing for their students that is:

- a) affordable;
- b) promotes a communal mode of living; and
- c) contributes to the overall student experience.

Some universities in large regional centres have not taken agreements on schemes which provide a high proportion of studios or all studio schemes. This is due to universities preference for students to mix in the communal areas.

We would highlight that a proportion of cluster flats and townhouses is very much aligned with the first two requirements above.

The amenities proposed, together with those that are available a short walk or journey by public transport away, will mean that it will be possible to create a vibrant student community at the site. While University provided/managed PBSA often has a greater focus on sharing communal spaces within flats in cluster accommodation, directly let accommodation also commonly incorporates studio or twodio accommodation for those with a greater requirement for privacy/autonomy over their space, and/or a greater budget such as international or post graduate students, who also may have 'grown out' of the more communal 'halls' style accommodation. All of these accommodation options also provide an alternative to the traditional HMO, which can help relieve pressure on local communities by allowing said HMOs to revert to residential family homes, and reduce the impact of 'student areas' within a city, which are often considered undesirable, as demonstrated by the significant use of Article 4 directives in place throughout the UK restricting the conversion of family homes into HMO accommodation.

According to the latest data published by HESA, full time student numbers in Bath have increased c.4% between the 2018/19 and 2019/20 academic years further demonstrating the strength of Bath in attracting students, and as a result the need for additional student accommodation within the city.

## 4 Demand

### 4.1 UK Higher Education Sector

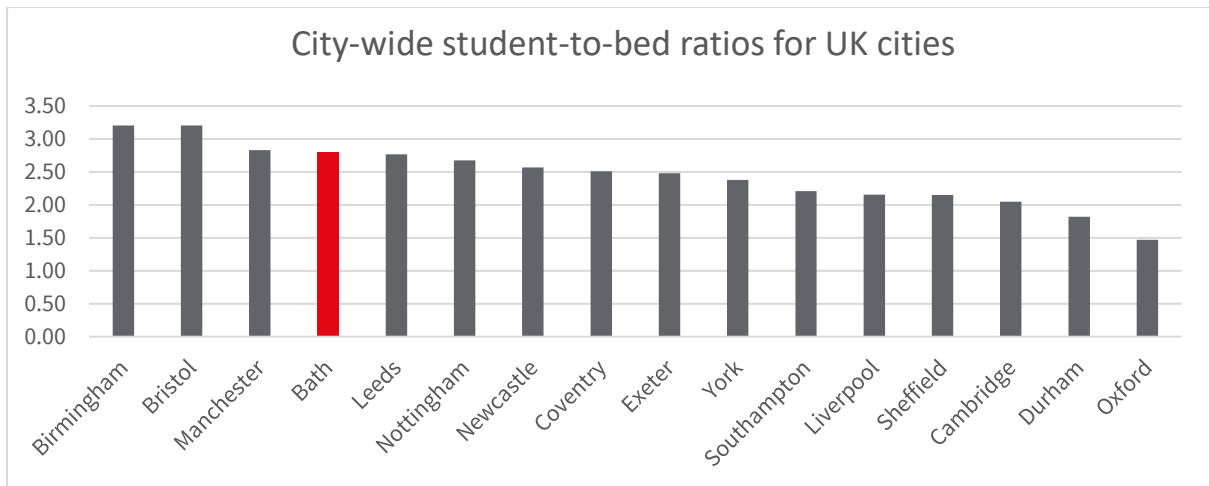
The student accommodation sector has grown significantly over the past fifteen years both in the UK and across the globe, assisted by the active rise in student numbers worldwide, as well as an increase in international student mobility. The latest available information from the Higher Education Statistics Agency (HESA) for the 2019/20 academic year confirms there are c.2.53 million full time and part time students studying in the UK, of which c.556,625 students are international (other EU and non-EU).

With a total of c.2.02 million full time students studying in the UK, there is a significant under-supply of accommodation from both the university and private sector for the increasing student population in the UK.

The chart below compares the supply and demand dynamics across the UK's significant, and more secondary university cities. The student-to-bed ratio in this analysis is calculated as a ratio of the total number of full time students studying at all universities within the city, with the total number of operational purpose-built student beds (both university-controlled and direct-let).

The chart clearly demonstrates that Bath is in top four regional cities with the largest shortfall of purpose built student housing in England.

Given the relatively small development pipeline of 3.01% this disparity is likely to remain, even if all beds currently in the planning pipeline across Bath are built out.



Source: JLL research / HESA 2019/20

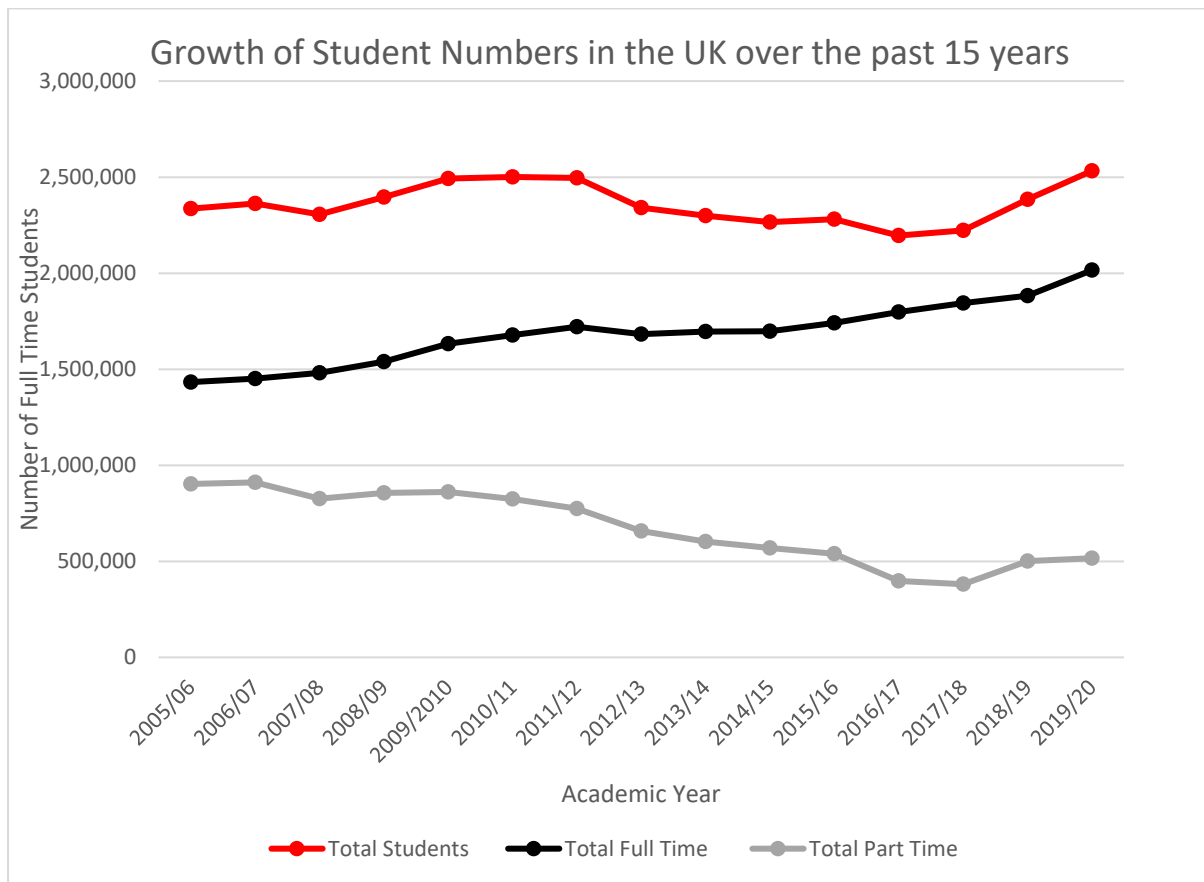
### 4.1.1 Growth in Student Numbers

The UK benefits from a number of world leading Higher Education Institutions (HEIs), and attracts students from around the globe. International students are a key component of the demand for student accommodation across the UK as they are considered less 'price sensitive' in respect of student accommodation. Bath has a total of 24,125 full time students, of which 23.6% are international.

The high ranking of UK HEIs is the most significant factor in attracting international students to the UK. These universities have both significant student populations and high proportions of international students, demonstrating the international appeal of these world-ranked universities. The University of Bath is ranked 9<sup>th</sup> in The Times Good University Guide 2022, while Bath Spa University is ranked 103<sup>rd</sup>.



### 4.1.2 Covid-19 Impact and Market Reaction



Source: HESA 2019/20

In recent years, there has been a decline in the teenage population of the UK. The year-on-year variations in the size of the total UK 18 to 21 year old demographic have a wider impact on the total UK full-time student numbers. The graph above clearly shows that the number of full-time students has continued to rise, and despite the decrease in the size of this demographic over recent years, the total number of university applicants has continued to steadily increase back to levels seen around 2011/12. As previously mentioned we understand that the population of UK 18 to 21 year olds is projected to grow by over 170,000 between 2020 and 2030, which we would expect to be reflected in the growth of student numbers in future academic years.

Though we recognise that the development site is a number of years from practical completion, the impact that the Covid-19 Global Pandemic has, and continues to have, on Universities, prospective and current students, and the PBSA market remains uncertain. The total impact of Covid-19 on student numbers for the 2020/21 academic year will be unknown until early 2022, when the official HESA data for 2020/21 will be released.

The latest UCAS data released on 8 July 2021 shows the total number of student applicants has increased c.4.5% in 2021 from the previous year. Both UK and non EU applicants have increased by 7.3% and 14.4% respectively, while EU applicants appear to have decreased 43%. We believe the decrease in EU students will likely be a short term trend caused by Brexit. Overall, this demonstrates the strength and appeal of the UK's HEIs.

Please note that this commentary is on a fast-moving global situation and events may since have changed.

The COVID-19 global pandemic has been the most significant and disruptive incident for generations, and the scale of the impact and the responses to it from the various governments across the world is unprecedented. Due to the worldwide rollout of the various vaccinations, case numbers generally appear to be showing a downward trend, however the virus still poses a very credible threat to human health. We understand that as at 24 September 2021 the UK has vaccinated 82.1% of the population aged 16 and over (Source: UK Government Website) and the UK Government has also announced that they will be extending the vaccine-roll out to children aged 12 to 15.

The 2020/21 academic year saw a mass migration to online learning and forced closure of UK Higher Education by the UK Government, resulting in significantly reduced occupancy levels at PBSA assets, with the majority of students returning to their parental homes. The 2021/22 academic year has seen the re-opening of university campuses, although many are continuing to adopt on-line learning in some form combined with face to face teaching.

Stage 4 of the Covid-19 roadmap saw the lifting of the majority of UK restrictions on 19 July 2021. However, international travel continues to have some limitations. The government have announced that the 'traffic light system' will be replaced with a single red list from 4 October 2021. Students with a Student Visa travelling from red-list countries will be permitted entry to the UK, but will need to quarantine regardless of their vaccine status.

Latest UCAS application figures for undergraduates show that total applications are 4% higher year on year, with a record 682,000 applicants as of the end of June 2021. Domestic applicants were the largest component, with a record 43% of 18-year olds now applying to study in higher education. Revised projections provided by the ONS suggest that the 18-20 year olds population will increase up to 2029 and at this point the population aged 18-20 will be at its highest since 1990. In addition, the Covid-19 pandemic has limited travel and employment opportunities therefore pursuing higher education appears a sensible response for this age demographic.

The UK Higher Education and student housing markets have historically shown themselves to be resilient, even in times of significant economic and political instability. The global financial crisis in 2008, for example, had little effect on student number growth, both nationally and internationally, with total numbers growing 4% and 3% in the two subsequent years (source: HESA). Likewise, while terrorism incidents such as the London bombings in 2005 had some short-term localised effect on summer conferencing, international student numbers remained robust, particularly in high ranking, globally recognised institutions.

We anticipate Bath continuing to be a popular choice for students, as shown by the ongoing growth in student numbers in the city. With the subject scheme being due for delivery to the market towards the 2024/25 academic year, we are hopeful that the impacts of the pandemic will either be no longer felt, or considerably reduced by the completion date.

## 4.2 Higher Education in Bath

The University of Bath ranks 9<sup>th</sup> in the Times Good University Guide 2022, having improved from 11<sup>th</sup> place in 2020. There were 16,605 full time students in the 2019/20 academic year.

The University of Bath Strategic plan for 2021- 2026 sets out four key goals: fostering an outstanding and inclusive community, driving excellence in education, driving high impact research and enhancing strategic partnerships.

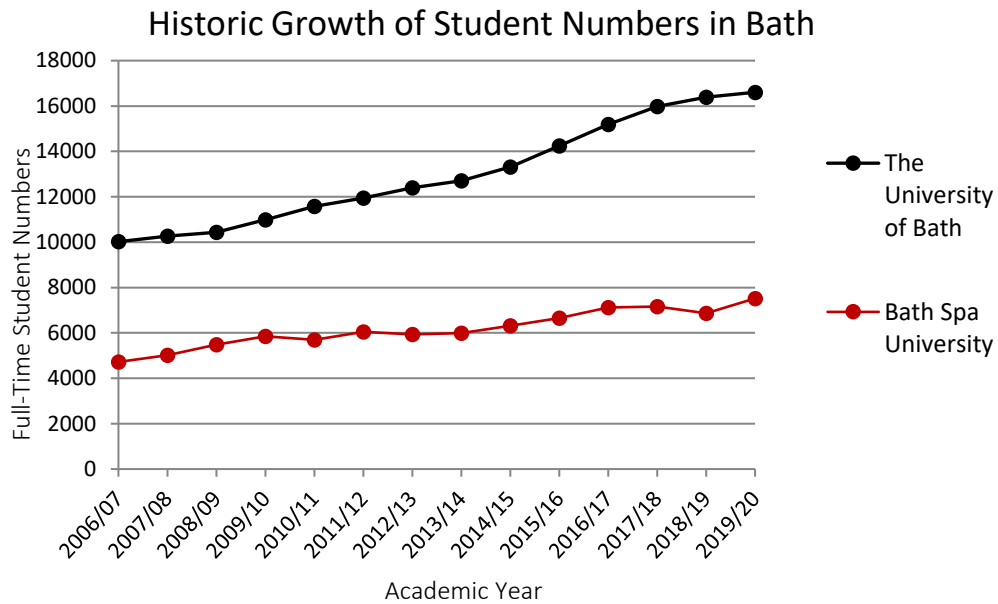
As part of their ongoing investment into their campus, the University of Bath has recently invested £70 million into a new School of Management building which is due to open for the 2022/23 academic year. This has been designed to encourage collaborative working amongst students, academics and employers.

Bath Spa University is ranked 103<sup>rd</sup> in the Times Good University Guide 2022, improving one place since the previous academic year which is reportedly due to their response to the pandemic. There were 7,520 full time students in the 2019/20 academic year.

The Bath Spa vision to 2030 details a number of aims which including growing student numbers from around 8,000 in 2020 to 9,300 in 2021, to teach across a wider range of qualifications, and with a wide partnership of businesses and education providers and to further develop international connections and activities to enhance their research and teaching.

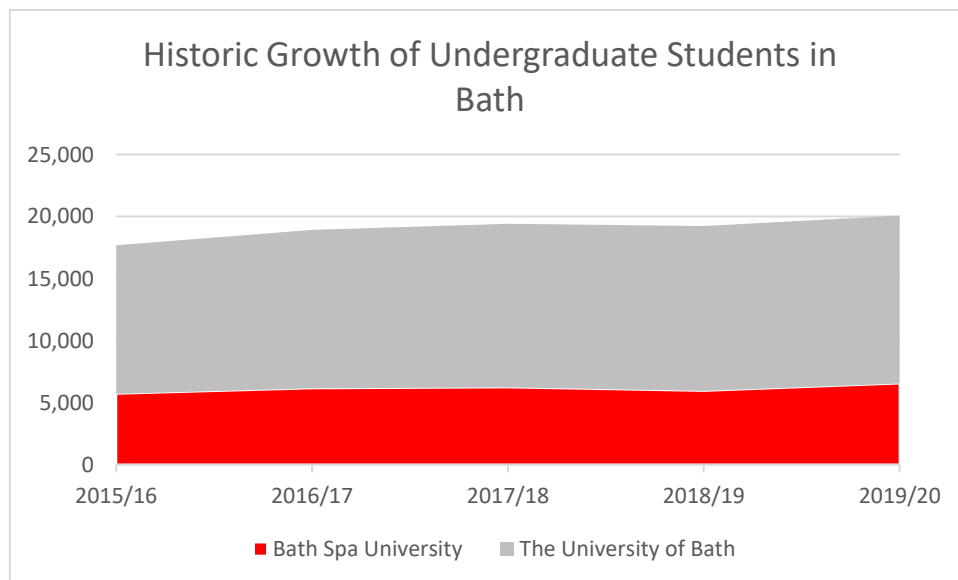
### 4.2.1 Growth in Student Numbers

The graph below shows the growth of student numbers in Bath over the last 15 years. The graph clearly shows how full time student numbers have grown, particularly in the last few years.

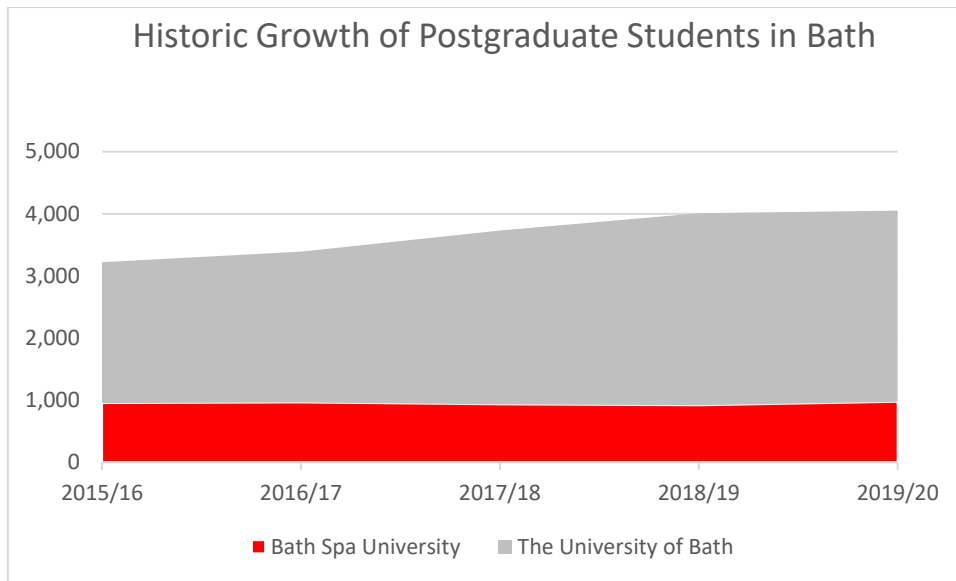


Source: HESA 2019/20

The following two graphs show the growth of student numbers in Bath broken down into both undergraduate and postgraduate students. The graphs clearly show growth amongst both categories.



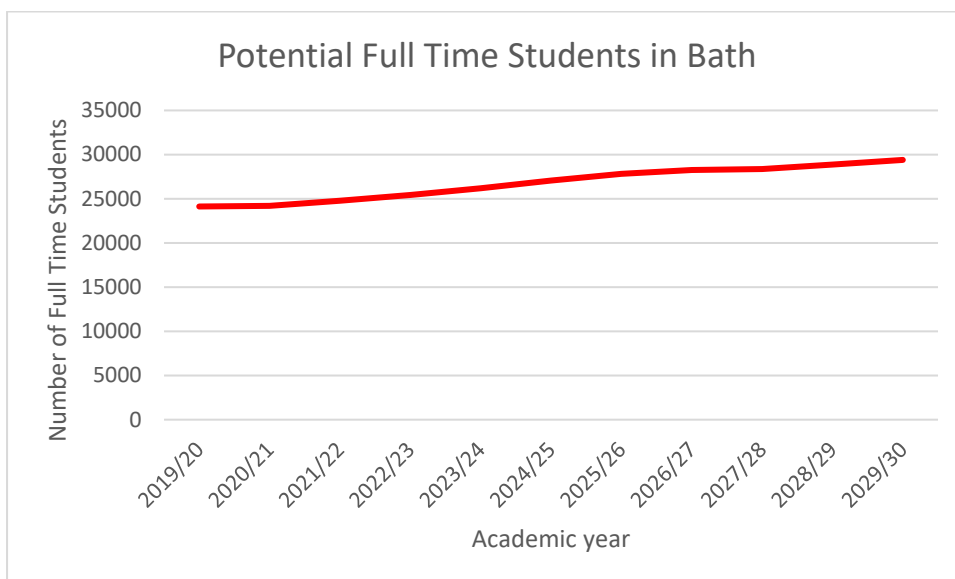
Source: HESA 2019/20



Source: HESA 2019/20

We have also considered the potential growth of student numbers within the catchment, based on the assumption that full time student numbers in Bath will rise with the Office for National Statistics' projections for 18-20 year-olds through to 2030.

The graph below demonstrates that student numbers in Bath could potentially reach c.29,500 by 2030, which is a 22% increase on the 2019/20 academic year.



Source: JLL research/ HESA 2019/20

### 4.3 PBSA Demand – Micro Location

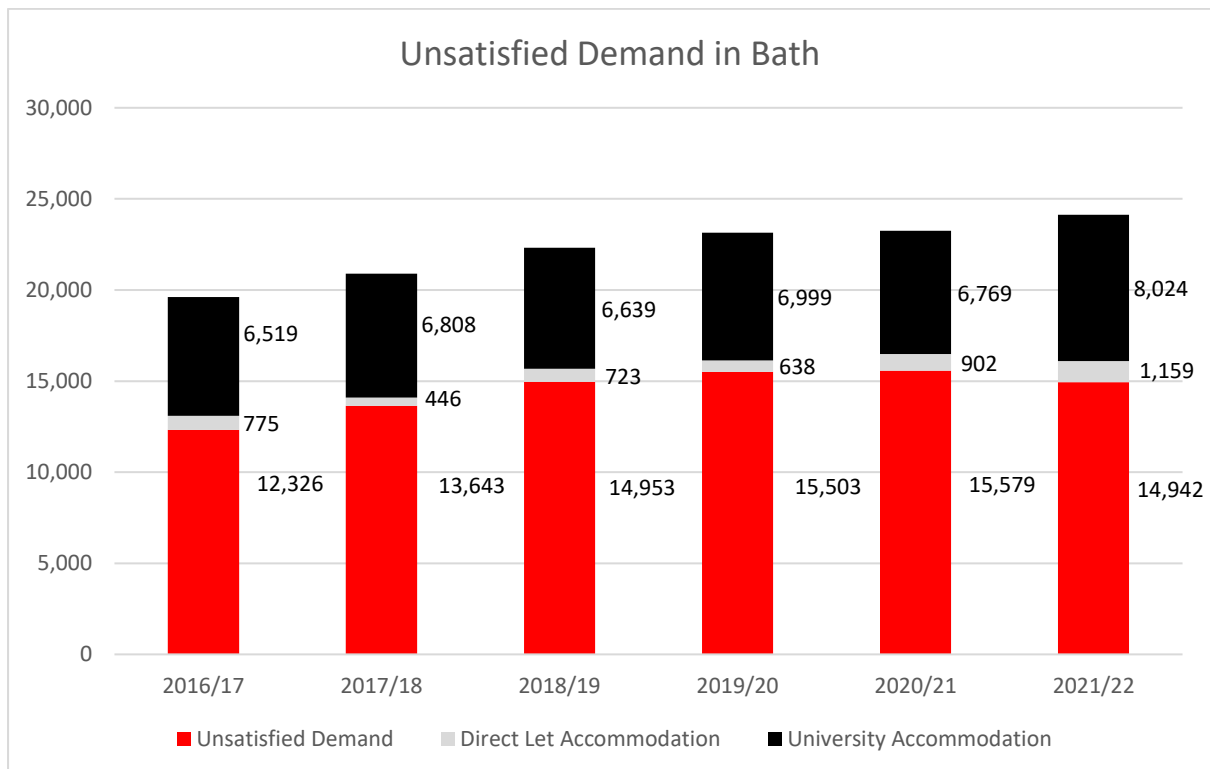
The micro location of the subject site is within the catchment area of c.24,000 full time students studying at both the University of Bath and Bath Spa University. Inevitably, a proportion of this population will remain in their family home or HMO accommodation throughout their time in higher education, while c.8,000 of these students will be accommodated by the Universities themselves. The remainder of the student population will look to PBSA accommodation either in the locality of the site or in other PBSA micro locations in Bath, with nearby and comparable examples analysed in the Supply section below.

## 5 Supply

### 5.1 Direct Let PBSA in Bath

Our current records show that the stock of purpose-built student housing in Bath equates to 4.80% of the full time student population, with 1,159 beds being marketed on a direct let basis in 2021/2022. Investor appetite for this asset class in Bath is good and the proportionally limited growth in bed numbers does not indicate caution, or lack of demand, but rather, competition with other developers for suitable sites, along with external challenges such as availability of land and construction costs.

The chart below shows the make-up of the Bath student housing market since 2016/17. This shows that despite the consistent delivery of additional private student housing beds, there remain c.14,942 students who have to find accommodation outside of the purpose built student housing sector.



Source: JLL research

This analysis considers full time students at the University of Bath and Bath Spa University using data provided by HESA. We have not been able to include the 'grey market' of summer lets and shorter semester programmes, which are often based on shorter leases although they will add to the demand for student housing in Bath.

In terms of demand for PBSA beds, en-suite accommodation has a broad range of occupiers, demand for the specification of which is generally determined by budget, has a private bathroom but shared kitchen works well for many different points in a student's higher education journey.

Studio accommodation is typically occupied by students with a higher budget, such as international students, and is preferred by those who have a desire for enhanced privacy/autonomy over their space, such as post graduate students, who also may have 'grown out' of the more communal 'halls' style accommodation.

## 5.2 Micro Location

The micro location of the property is established for PBSA accommodation. The local area is characterised by having a mixed use albeit primarily residential with PBSA schemes located within a short walk.

Students are increasingly selective of the schemes they wish to live in, wanting modern, well maintained and professionally managed schemes that support their education. Security, on-site amenities and services including study areas (both private and collaborative), post/parcel holding services and luggage storage are key selling features of many of the most modern PBSA schemes.

In considering which schemes are most relevant and applicable to the development in terms of competition, we have considered a range of factors:

- Modernity – Our analysis focuses on schemes predominantly no older than 10 years. Schemes older than this are unlikely to include many of the features outlined above that are currently desired by students.
- Specification – We understand that the development will be of a high-quality specification. We have considered other operators and schemes that provide similar specifications, such as several schemes by CRM and Unite Students.
- Location – Accessibility to either the University of Bath or Bath Spa University is crucial, which includes transport links (where not easily walkable or cyclable), plus access to amenities desired by students. The reputation and prestige of a location is also appealing to students, particularly for international students.
- Amenities (on-site) - Where possible, we have tried to identify schemes offering comparable levels of our understanding of the on-site amenities to be provided, including lounge areas, communal TV/games areas, gym, and laundry facilities, plus private and collaborative study areas.

### 5.2.1 Comparable PBSA – Direct Let bedrooms

Having regard to the above, we have considered PBSA schemes that are currently in the Bath market and that we feel would compete with the development.

Detailed in the tables below are the principal competing properties that we have had regard to in assessing the supply (bed numbers stated are for direct let beds only, the overall property may be much larger due to beds on university nominations agreements which we account for separately within our Market Commentary and analysis).

Operator	Scheme	Direct Let Beds	Distance
IQ Student Accommodation	Twerton Mill	330	0.7m west
Fresh Student Living	Avon Studios	108	0.3m east
Student Roost	The Depot	104	0.5m southeast
Hello Student	James House	41	0.8m east
<b>Total</b>		<b>583</b>	

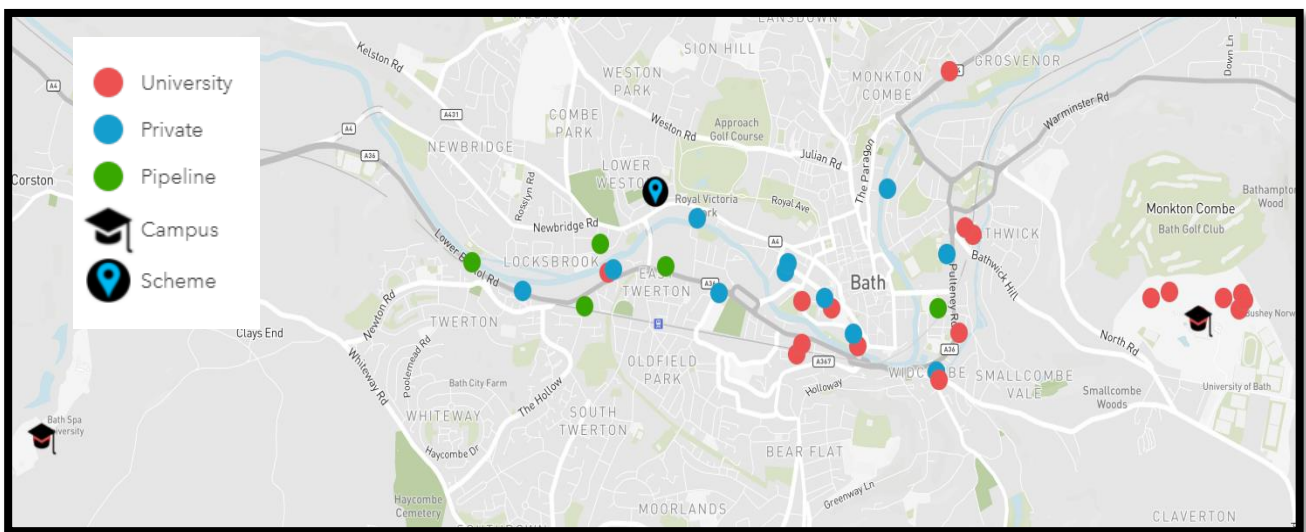
The map provided in below shows the location of each of the above PBSA schemes. We provide an overview of rents from the above schemes within Appendix 1.

## 5.2.2 University Accommodation

As discussed above, the University of Bath and Bath Spa University have approximately 8,024 bed spaces combined in which to house their students, all of which are within walking distance or bus to campus.

The following heatmap shows the location of each of the university beds, private beds and the pipeline of new beds in Bath.

As illustrated by the map it is clear that the majority of Private accommodation is focussed in and around the city centre and away from both the University of Bath and Bath Spa University, while University provided accommodation is spread throughout the city and close to campus with a particular focus around the University of Bath.



## 5.2.3 University Agreements

Within walking distance of the subject property, there are a number of student residences owned and managed by either the University of Bath or Bath Spa University. These include:

University	Halls	No. Beds	Distance
University of Bath	John Wood Building	81	1m east
University of Bath	Carpenter House	133	1.1m east
University of Bath	Pulteney Court	137	1.6m east
University of Bath	Thornbank Gardens	221	0.9m southeast
Bath Spa University	Charlton Court	331	0.2m southwest
Bath Spa University	Waterside court	316	0.2m southwest
Bath Spa University	Green Park House	421	0.8m east
Bath Spa University	Aquila Court	204	0.8m southeast
<b>Total</b>		<b>1,844</b>	

As illustrated on the above map, the university beds are clustered around the University of Bath and the city centre. In total, the accommodation provided by both the University of Bath and Bath Spa University comprises approximately 33% of the PBSA in the city.



## 5.2.4 Pricing Analysis

The table below summarises the rents achievable for non en-suite room, cluster en-suite rooms and studios across both private and university beds in Bath for the 2021/22 academic year.

Private Direct Let				
Accommodation type	Lower Quartile	Median	Upper Quartile	Mean
Non En-suite	£128	£182	£182	£163
En-suite	£176	£191	£196	£187
Studio	£262	£275	£295	£280
University				
Non En-suite	£117	£135	£140	£127
En-suite	£167	£175	£182	£173
Studio	£185	£194	£208	£202
Total				
Non En-suite	£122	£135	£140	£131
En-suite	£169	£178	£187	£177
Studio	£238	£270	£286	£273

Source: JLL research

We also note that at the date of reporting almost all private beds are fully booked for the 2021/22 academic year, clearly demonstrating strong demand for PBSA in Bath.

## 5.2.5 Summary

The proximity of the Proposed Development to the University of Bath and Bath Spa University, local amenities and competing schemes would appear to make it a promising location amongst an established area within Bath for PBSA, whether directly let to students or under an agreement with the university.

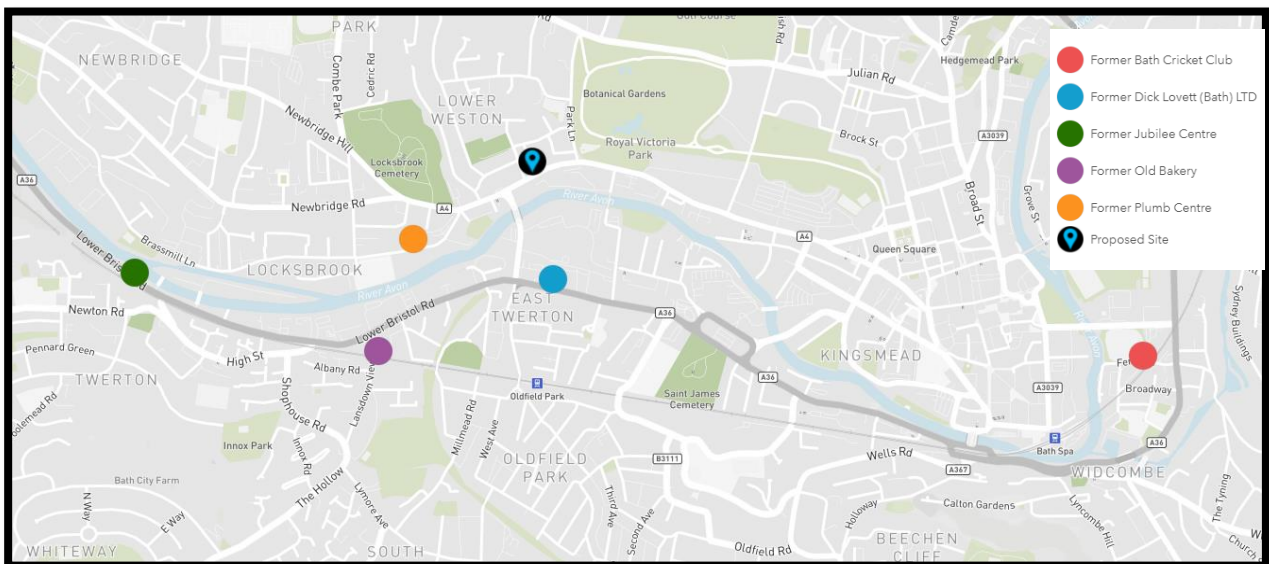
## 5.3 Pipeline

In the table below we provide the latest planning pipeline information for Bath.

No	Address	Agent/Applicant	Estimated no. of Beds	Planning Status	Status
1	Bath Cricket Club, North Parade Bridge Road, Bath	Gilltown Ltd / PlanningSphere Ltd	136	Planning Application 17/04338/FUL Permission Granted 12/10/2018	Under Construction due to complete for the 2022/23 academic year
2	The Old Bakery, Jews Lane, Bath	Deeley Freed Estates / Cushman & Wakefield	63	Planning Application 18/02831/FUL Permission Granted 01/09/2020	Under Construction
3	Plumb Center, Locksbrook Road, Newbridge, Bath, Bath	S Black / Arena Global Management Ltd	72	Planning Application 20/00023/FUL	Awaiting Construction

No	Address	Agent/Applicant	Estimated no. of Beds	Planning Status	Status
	And North East Somerset			Permission Granted 23/02/2021	
4	Dick Lovett (Bath) Ltd, Wellsway Garage, Lower Bristol Road, Westmoreland, Bath, Bath And North East Somerset	Watkin Jones Group / Pegasus Planning Group	335	Planning Application 20/03071/EFUL  Permission Granted	Awaiting Construction
5	Jubilee Centre, Lower Bristol Road, Twerton, Bath, Bath And North East Somerset	Toplocation 4 Ltd & Longacre / PlanningSphere Ltd	120	Planning Application 21/02354/FUL	Awaiting Construction
Total			726		

The following map illustrates the locations of the pipeline schemes of which we are aware. The map shows that there are several applications within the close proximity to the proposed site, the closest being the recent application for 335 beds at the former Dick Lovett (Bath) Ltd site on Lower Bristol Road which was granted in September 2021.



Should all of the above schemes be completed, this still only represents a relatively small proportion of additional supply in the context of the c.24,000 full time students studying within the city.

Ultimately, several of the above developments are likely to provide future competition for the subject property, however we consider it quite likely that student numbers in the catchment may increase at a faster rate than the increase in supply of beds. In addition, not all of the above schemes will proceed, due to viability, financial reasons and other factors.

In summary, we consider that relative to many regional UK PBSA markets, the PBSA development pipeline in Bath is unlikely to have a materially detrimental impact upon the rental values and occupancy levels that can be achieved at the proposed development.

## 6 Conclusions

The purpose of this study has been to assess demand for Purpose Build Student Accommodation (PBSA) proposed as part of Blue Coast Capital scheme on Lower Bristol Road/ Windsor Bridge Road, Bath.

While Bath has an established PBSA market, it does not provide the amount of good quality accommodation required to house Bath's students, with 61.94% of students (14,942) having to find accommodation outside of this purpose built sector, mostly in the private rented sector in Houses in Multiple Occupation, which puts further pressure on the residential market.

The reputation of both the city itself and both the University of Bath and Bath Spa University make Bath a strong option for international students, who currently make up around 23% of the student population.

The location of the site is within a bus journey of both the University of Bath and Bath Spa University and walking distance of local amenities including retail shops, restaurants and a gym. In addition, Bath Spa train station is a 25 minutes' walk from the subject site, making it very accessible for students.

As previously stated, even under cautious growth scenarios, the gap between the available student housing supply and the student population is set to be maintained. Given the general increasing population of students in the UK and the continued growth of student numbers in Bath, the challenge of finding homes for this student population will continue to increase and continue to put pressure on the private rented sector.

The latest UCAS data released on 8 July 2021 shows the total number of student applicants has increased c.4.5% in 2021 from the previous year. Both UK and non EU applicants have increased by 7.3% and 14.4% respectively, while EU applicants appear to have decreased 43%. We believe the decrease in EU students will likely be a short term trend caused by Brexit. Overall, this demonstrates the strength and appeal of the UK's HEIs.

The site is positioned within a strong, established PBSA location. Its size would allow for economies of scale to maximise the benefits of community building and student experience, and as such we would expect it to have the potential to gain a nomination agreement with the University of Bath or Bath Spa University. On a direct let basis, we consider that the mid-range accommodation and additional amenities proposed, together with those that are available a short walk or journey by public transport away, should mean that it could be possible to create a vibrant student community at this location.



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## Ecology Review of B&NES Local Plan Partial Update SB8 -Western Riverside

**Upper Bristol Road, Bath**

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## Document Control

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## Revision Record

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## 1.0 Introduction

- 1.1.1 Bath and North East Somerset Council (B&NES) are undertaking a partial update of their Local Plan. This includes a proposed update to Policy SB8 which relates to the western riverside area. This area includes the Upper Bristol Road site (adjacent to Windsor Bridge) for which (NPA) are acting as ecological consultants.
- 1.1.2 Westmark (Bath) Ltd have instructed Nicholas Pearson Associates (NPA) to review the proposed changes to the ecology policies within SB8.
- 1.1.3 To help inform this review NPA have undertaken a habitat survey of the Upper Bristol Road site on the 12<sup>th</sup> of August 2021.

## 2.0 Proposed Policy

- 2.1.1 The proposed update to policy SB8 includes the development requirements and design principles which relate to ecology shown in Table 2.1 below.

**Table 2.1: SB8 Ecology Requirements/Principles**

<p><b>6 <u>Retain and enhance green infrastructure and habitats along the riverside edge, providing a biodiversity led approach towards the treatment of this area. Built form shall be set back from the existing riverside habitat infrastructure by a buffer of at least 10 metres This buffer could be used for informal public open space but must retain a habitat function, a light shielding function, and improved access to the river for maintenance purposes. Built form must respond appropriately to this habitat buffer.</u></b></p> <p><b>7 <u>Deliver biodiversity net gain of at least 10% in accordance with Policy NE3a . Opportunities to deliver 10% biodiversity net gain within the site curtilage should be fully explored and tested before any off-site measures are proposed. If any off-site provision of biodiversity net gain is required, this should be provided along the Sustainable Transport Route, if practicable.</u></b></p> <p><b>8 <u>Provide and implement a bird and bat enhancement strategy to deliver a minimum of 20 nest or roost site per apartment block, in the form of integrated bird and bat boxes within new buildings, and/or as standalone features within the public realm, such as bat walls and swift towers. Additional features such as log piles, insect hotels, bee bricks, hedgehog connectivity measures and green and brown roofs / walls are also required.</u></b></p>
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- 9 Where appropriate to the layout of development blocks, seek to retain and enhance existing hedgerows throughout the site, providing a 10m protective buffer of new grassland habitat for all retained hedgerows. Any deviation from this buffer allowance must be appropriately justified. Provision of additional hedgerows is encouraged, to create a link across the site, where appropriate in terms of proposed site layout. Any loss of hedgerows must be off set.**
- 10 Ensure that lighting at this location is designed to safeguard the important ecological function of the river corridor, including the retention of a dark corridor for bats.**
- 11 Provide high quality public realm, building on the requirements 5-9 and structural landscaping, designed to provide green infrastructure with a focus on nature recovery and nature-based solutions (visual amenity, health and well-being, green walking and cycling routes, air quality improvements and shading / cooling).**

### **3.0 Review**

- 3.1.1 Requirements/principles 7 to 11 are clear to understand and are likely capable of being met by future proposals for the Upper Bristol Road site.
- 3.1.2 The phrase “existing riverside habitat infrastructure” within requirement 6 is open to interpretation. This is likely to reflect /allow for the different circumstances that exist along watercourse in the SB8 area.
- 3.1.3 At the Upper Bristol Road site the edge of the river is defined by a hard/metal sheet piling vertical edge. Adjacent to which is the hardstanding of the canal towpath.
- 3.1.4 Beyond the towpath there have been changes in habitat over time, including recent vegetation clearance associated with utilities works.
- 3.1.5 Given the hard edge to river at this location and absence of habitat immediately adjacent we would consider that the 10m buffer would apply from the river edge, noting that the 10m is a minimum distance.

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