

Date: 29 October 2018

Our Ref: 18/00017/PADEV
Your Ref: -

Walsingham Planning
Bourne House
Cores End Road
Bourne End
Buckinghamshire
SL8 5AR

Dear Mr Edmunds

Re. Redevelopment of Hartwells Garage, Newbridge Road, Bath to provide 103 residential units, 191 student bedrooms, and 2 retail units

Thank you for your pre-application query received on 2 October 2018 and thank you for explaining the proposals at our Development Team meeting on 16 October 2018. The Council's Development Team has now considered the proposal and this letter sets out the conclusions and opinions drawn.

The site is located within the UNESCO City of Bath World Heritage Site as well as the Bath City Conservation Area. Furthermore the site is identified by the Council as having a potentially contaminative historical use but the site is not on the Contaminated Land Register

Conclusion

There is no objection in principle to the proposed mix of residential, purpose-built student accommodation and retail (subject to the retail sequential test). There is concern however that the tabled development proposals constitute a significant overdevelopment of the site. There does not appear to be sufficient space within the site to accommodate the quantum of development proposed (together with the necessary infrastructure) without harming the character and appearance of the surrounding area and without compromising the safeguarded sustainable transport route.

There is significant concern that a number of the buildings are too tall and as such will have an incongruous and unacceptably harmful impact upon the Conservation Area and World Heritage Site. The significant differential in levels between the Newbridge Road frontage and the rear of the site is acknowledged but this will not mitigate the impact of these tall buildings from vantage points to

east, south and west. The height of the buildings, and wider design matters, needs to be informed by a comprehensive Landscape & Visual Impact Assessment.

The proposed layout involves integrating the safeguarded Sustainable Transport Route with the majority of the car parking serving the development; this is fundamentally unacceptable on highway safety grounds. There is significant potential for conflicting and dangerous vehicular movements within this area. The sustainable transport route must be entirely segregated from vehicular traffic and separate, sufficient car parking provided elsewhere.

It is almost certain that in order to provide a scheme which respects the site's context, and also provides sufficient off-street car parking without compromising the safeguarding sustainable transport route, there will need to be a significant reduction in the number of units.

Main Issues

Matters of Principle

As you will be aware the site is allocated for redevelopment in the Council's adopted Placemaking Plan. In terms of uses and quantum Policy SB15 allocates the site for: "*Residential development of around 80-100 of dwellings, which could include a variety of specialist older persons housing types but not student accommodation, where this would prejudice the achievement of Policy DW.1 and B1 in respect of boosting the supply of standard market and affordable housing*". It is noted that 103 residential units are proposed; this clearly complies with the headline requirements of the policy. An additional 191 student bedrooms are also proposed; this is not unacceptable in principle on the basis that they will form part of a wider mix with a policy compliant quantum of non-student residential. The Council has no reason to believe that the provision of 191 student bedrooms will prejudice the achievement of policies DW1 or B1 provided that they form part of a wider policy compliant mix. Whether the site can satisfactorily accommodate the quantum of the development proposed however, is a separate matter; this is dealt with in the detailed sections below.

It should be noted that the Policy Framework to determine student accommodation is currently being reviewed by the Council and the Local Plan Options Document is published for Cabinet decision on 31st of October. Following the Cabinet meeting, the public consultation will be held from 12th November to 21st December. The Council has been working in partnership to address strategic the challenge to maintain the Universities' success while ensuring the delivery of planned economic and housing growth. The document will set out the student accommodation requirements based on the universities' growth plans and the PBSA provision currently available in the city. The emerging policy for student accommodation is to encourage more 'on-campus' development as the evidence suggests that the future requirements can be met on campus, particularly on the University of Bath Claverton Campus subject to master planning work. It should not be assumed therefore that student accommodation on this site will be supported by the Council in the future; the Council's position may have altered by the time that a future application is submitted. This letter relates to Council policy as it *currently* stands.

In respect of the retail elements of the mix, Placemaking Plan Policy CR4 supports in principle the provision of dispersed small-scale local retail of *below* 280sqm gross floor space. For retail proposals in excess of 280sqm gross floor space (such as that proposed) Policy CR1 and CR2 apply; in short these policies require the application of the retail sequential test but

do not require a retail impact assessment. It is recommended that this matter is discussed further with the Council well in advance of the submission of any planning application.

Urban Design Issues

The Council has significant concerns in respect of the height of the student accommodation (Blocks C and D); this height has no justification grounded in contextual considerations. There is no analysis of near and distant views informing the height, scale, massing, volume and form of buildings. There is no detailed context analysis. Proportions do not appear to be of human scale. In particular there is no understanding of the character or morphology of Newbridge Road demonstrated

Building heights will be a key factor in the consideration of any future planning application. Not only with regard to impacts on the WHS and the attributes of the OUV but also with regard to the developments relationship with the surrounding townscape.

The development proposals must ensure that the location of built structure and specifically its height is proportionate to its neighbours and does not block or detract from existing views to the Georgian architecture or the surrounding green hillside setting especially from close viewpoints and historic viewpoints from the surrounding higher ground.

The proposed development represents a significant increase in built form and a marked change in layout, scale, density, materials and details when compared to the existing retail development. Policy SB15 notes that any development of this site “*should have a comfortable scale with its surroundings, both existing and proposed.*” It also notes that views of the site are an “*important consideration in relation to the setting of the Conservation Area and the impact on the OUV of the WHS.*” It makes clear that “the design response must recognise the importance of the disused railway line as a connective habitat” and “as a protected sustainable transport route” especially with regard to ease of access.

Policy B4 states that “*there is a strong presumption against development that would result in harm to the Outstanding Universal Value of the World Heritage Site [WHS], its authenticity or integrity.*” As such any development proposals within the WHS should not be physically or visually detrimental to the experience of the city’s surviving Georgian architecture and its green setting within a hollow in the hills.

Policy HE1 notes that development “affecting the setting of a conservation area will only be permitted where it will preserve or enhance those elements which contribute to the special character or appearance of the conservation area.” It also notes that “the Council will look for opportunities from new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance.”

The architecture, levels and uses do not line the public routes appropriately. These should be active, easily accessible and open for access by the whole community. There is a missed opportunity to utilise the change in level for appropriate lower storey uses such as parking, and there is no separation of public and private functions at all – every building has four public elevations with no defensible space.

The car park located on the flying freehold land is a harsh break in the street scene and would require some design development to provide a positive contribution using planting or simple structures for scale.

The examples of materials provided should be grounded in an understanding of how those materials are applied and the result of using them. Arbitrary application of materials would not be appropriate.

Servicing requirements and car parking appear to conflict with the cycle route and pedestrian movement (see highway section below) There is no attempt at creating a high quality, fully accessible pedestrian domain and public realm demonstrated. Courtyards are likely to be used for parking, especially where dedicated spaces are some distance from dwellings. Access from the Maltings causes significant conflict and shared space would be very difficult to keep safe in these proposals.

Understanding of the GI and ecological value of the area south of the site is not evident as demonstrated by the conflicting uses proposed. Lighting and biodiversity need consideration and this should inform emerging designs.

Landscape and Arboricultural Issues

Trees on the sites western, northern and eastern boundaries provide significant landscape and visual amenity. Works to or the removal of trees within the eastern portion of the site would require six weeks prior notification to be given to the Local Planning Authority because of their location in a Conservation Area . However trees in the remainder of the site have no such protection and there are currently no Tree Preservation Orders in existence within the boundary of the site or its immediate neighbours.

Policy NE2 makes clear that in order to be permitted development needs to conserve or enhance local landscape character, landscape features, local distinctiveness and important views; incorporate green space in the scheme that contributes positively by enhancing landscape character, biodiversity, public access and other landscape benefits; and seek to avoid or adequately mitigate any adverse landscape and visual impacts.

The policy goes on to make clear that proposals with the potential to impact on the landscape/townscape character of an area or on views should be accompanied by a Landscape and Visual Impact Assessment [LVIA] undertaken by a qualified practitioner to inform the design and location of any new development. The proposals have the potential to impact on the landscape townscape character of the area and on views and that any future planning application should therefore include an LVIA and a rationale which makes clear how this assessment has informed the design and location of the development.

This LVIA should be undertaken in accordance with the recommendations set out in “Guidance for Landscape and Visual Impact Assessment” (2013) Third edition (LI and IEMA) It should contain Accurate Visual Representations (AVRs) in accordance with the guidelines set out in “Photography and Photomontage in Landscape and Visual Impact Assessment” Landscape Institute Technical Guidance Note Public Consultation Draft 2018-06-01. Any such AVRs should ideally show the location, size, degree of visibility, architectural form and use of materials proposed to allow as full an evaluation of the visual impact of the proposals as possible.

Any future planning application should contain hard and soft landscape proposals which include details of all trees, hedgerows and other planting to be retained; a planting specification which includes numbers, size, species and positions of all new trees and shrubs;

details of existing and proposed walls, fences, other boundary treatment and surface treatment of the open parts of the site; and a programme of implementation. Detailed information on how the hard and soft landscape proposals will be maintained should also be included.

The 'Site Layout Plan' in the Planning Pre Application Design Statement (AWW October 2018) would appear to indicate that trees on the western boundary and within the eastern portion of the site may be retained. It would also suggest that new trees would be planted within the proposed courtyard areas. However existing trees on the western boundary of the site are not shown. What is to be retained and what is to be newly planted is therefore unclear. Policy NE6 states that development will only be permitted where it seeks to avoid adverse impacts on trees and includes appropriate retention and new planting. Therefore any future application will need to include information on tree retention, removal, protection and planting.

NE6 notes that "*development will only be permitted where it seeks to avoid any adverse impact on trees and woodlands of wildlife, landscape, historic, amenity, productive and cultural value; and it includes the appropriate retention and new planting of trees and woodlands.*"

The development of a link between the GI to the east and west is considered important but has not been incorporated within the scheme and represents a lost opportunity.

The proposal is not compliant with Policy NE1 of the Placemaking Plan, GI should be incorporated along the length of the cycle route but the proposal does not allow this. Insufficient space has been provided for the new planting at the front. The applicant should consider retaining the existing trees and associated distance to the nearest building.

There appears to be no structured approach on the new planting to make the most of the value of trees. There is no reference in the pre-application statement to trees. The applicant is advised to refer to the publications produced by Trees and Design Action Group such as *Trees in Hard Landscapes: A Guide for Delivery* and *'First Steps in Urban Air Quality'*

On-Site Green Infrastructure (POS/Allotments etc)

The Green Space Strategy 2015 provides the evidence base for the supply of recreational green space in the area of the development related the existing and projected population. Placemaking Plan Policy LCR6 provides the policy requirement for development to meet recreational green space demands generated from proposed development.

The development is located in the Newbridge ward, there is a deficit of allotments (-1.60ha), Amenity Green Space (-0.07ha) and Park & Recreation Ground (-4.18ha), Youth Play Space (-0.13ha). There is a sufficient quantity of natural green space in the area to meet the demand for this typology from future residents.

The development site is directly adjacent to a B&NES Allotment Site. The B&NES Parks & Green Spaces service is the Council's landowner for the old railway path on either side of the site that is held for future use as a sustainable transport route.

The development is expected to be populated by 428 residents (191 students and 237 other residents), these residents create a demand for greenspace that cannot be met by existing

supply equating to; Parks & Green Space 5564m², Amenity Green Space 1284m² and Youth Play 128m² and Allotments 1284m².

The indicative layout includes some small areas of on-site amenity greens space that will be of limited recreational value to residents. It has been previously recognised that the development can provide wider green infrastructure benefits through the delivery of the sustainable transport route. The route will provide improved access to existing green space typologies on the river corridor and beyond. The current design of this route accommodates car parking, turning space and service access, this will compromise the safety and function of the route for pedestrians and cyclists. To comply with the requirements for recreational green space, connective habitat and sustainable transport a planning application will need to ensure the design of the sustainable transport route area takes a green infrastructure approach. In the event that the design of this area is considered successful, the requirement for green space under LCR6 would be met.

Turning to allotments (Policy LCR9), the development will create a demand for allotments (1284m²) due to an increased population and this impact is likely to fall on the adjacent Avon Allotment Site. In the absence of on-site provision a S106 project contribution can be costed and made to make the development acceptable in planning terms.

Affordable Housing

The location of this site falls within a 40% affordable housing sector, based upon a scheme of 103 dwellings overall the affordable housing contribution would amount to 41 affordable dwellings. The tenure required is 31 Social Rent dwellings plus 10 affordable home ownership dwellings; to be delivered on-site via a Registered Housing Provider (RP) who is an approved member of the HomesWest Partnership.

The applicant has proposed the scheme might come forward as Keyworker dwellings. The Council has no policy designating keyworker as an appropriate affordable housing tenure. The tenure must be delivered to the above Social Rent and affordable home ownership tenure split.

Based upon an affordable contribution of 41 dwellings the following mix is sought:

- 1 bed 2 person dwelling 49%
- 2 bed 4 person dwelling 51%
- One bed single person dwellings are not considered appropriate as affordable housing.

The applicant has yet to consider the affordable housing design requirements. Affordable housing design requires certain considerations to be incorporated at the very early design stage. In this instance the scheme is a wholly flatted development and the inclusion of affordable housing requires particular consideration up front. A detailed Affordable Housing Statement is required at the Outline Stage this matter clearly cannot be deferred to the Reserved matters stage.

The affordable housing statement must identify each and every affordable housing plot and robustly demonstrate that each and every plot will meet (1) Building Regulation M4(2) standards and (2) the Nationally Described Space Standards. Up to 4 affordable dwellings may be required to meet Building Regulation M4 (3) standards.

Service charges for affordable dwellings will be capped at max £650 +RPI at date of signing the Section 106 legal document. (note, this is a cap, not a target). This cap is for the combined service charges levied by the Management Company and the Registered Housing Provider.

The applicant is therefore advised to consult early and partner with Registered Providers as their input into the design could inform design characteristics to reduce service charges and housing management cost.

Highway Issues

Placemaking Plan Policy ST2 makes clear that *“development which prejudices the use of former railway land for sustainable transport purposes as shown on the Policies Map will not be permitted”*. Policy ST2A states that *“development which adversely affects the recreational and amenity value of, or access to public rights of way and other publically accessible routes for walking, cycling and riding will not be permitted, unless any harm can be successfully mitigated.”*

The proposed location and layout of the residential parking scheme is considered to be unacceptable. The parking as shown entirely compromises the function and safety of the proposed sustainable transport route, and this would result in a strong objection.

The level of parking needs to be considered against the minimum requirements presented within the adopted Placemaking Plan. This should be undertaken and agreed at this stage as it is likely that this will set certain parameters for the development. As presented, there appears to be a significant under provision for the apartment development.

The highway authority response to planning application 14/03977/OUT made detailed comments relating to the lack of parking for the student scheme. Local residents also raised significant concerns. Given the location of the site and the vulnerability of the local streets to unacceptable parking, this issue needs to be comprehensively reviewed as part of any application.

The highway authority has had some earlier discussions relating to the proposed land use and potential scope of transport work that would be needed to support any future planning application. The scale of the convenience store parking is significant, and there was no mention of a sizeable coffee shop in earlier correspondence.

The travel habits of students at this location needs to be considered. The highway authority has previously identified this issue when reviewing University applications and the current lack of bus capacity now highlights that this is a significant issue that needs to be addressed

Vehicles would be regularly reversing back onto an important and well used cycle route, and this is clearly unacceptable. The parking location also has no appropriate connection with the residential units that they would serve. There is a significant distance between the parking, and residents and vehicles would be vulnerable at these isolated locations. It is questioned whether a comprehensive lighting strategy could overcome such concerns at this location, and the potential ecological impact and proximity to adjacent residential properties would need to be considered at the earliest stage. In summary, it is recommended that this element of the scheme needs to be entirely reconsidered.

Cycle parking for the residential units will need to be provided in accordance with the minimum standards presented in the adopted Placemaking Plan. The servicing of the buildings appears to be scattered around the site and service / refuse collection vehicles would need to enter the most sensitive parts of the site and from the rear. It is recommended that this is reviewed and that the servicing arrangements are comprehensively reviewed. As service strategy that depends on access from the Maltings industrial estate and turning on the proposed cycleway appears to be fundamentally flawed.

The suggested retail parking layout should be reviewed. The “in / out” arrangement appears to be a poor use of space, and this would increase the general inconvenience for pedestrians using the footway along the site frontage. A consolidated access should be provided. The suggested service turning area compromises the rest of the car park behind, and is not located near are likely service access to the retail unit or the bin store location. This suggested parking and servicing arrangement needs to be reconsidered. Finally, the proposed level of car parking appears to be significant given the type of retail use presented within the scheme. The level of parking relating to the retail elements needs to be fully justified.

At this stage the Council has significant concerns relating to the scale and type of development at this location (due to bus capacity issues) the potential impact on the sustainable transport route, the adequacy of the parking arrangements and the proposed service access proposals.

Land Contamination

Taking account of the potentially contaminative historical uses at the site including, quarry, landfill, railway land, fuel station and vehicle repair garage and showroom and the plans to redevelop the site for a sensitive end use (i.e. mixed use including residential), The Council will require as a minimum, a Land Quality Desk Study and Site Reconnaissance (Phase 1 Investigation) survey to be undertaken to develop a conceptual site model and preliminary risk assessment submitted with any application. The desk study is likely to identify that further investigation is required, and this work may be necessary prior to granting planning permission or it may be possible to recommend that contaminated land conditions be applied following approval, if applied and granted.

Ecological and Biodiversity Issues

There is a reasonable likelihood of use of the site, including the buildings, by wildlife including protected species such as bats, badgers and nesting birds. It is also likely that invertebrates are present especially where there is disused railway habitat. A Protected Species Survey and Assessment will be required prior to any consent; this would normally include bat surveys to establish whether bats are foraging around or commuting through the site. However, as there is known bat habitat either side of the site, bat presence (including light sensitive species) could be assumed so that mitigation proposals were based on this assumption).

The application should include proposals for any necessary ecological and protected species mitigation and compensation measures. All such measures should be fully incorporated into the scheme with details shown to scale on plans and drawings as applicable. Policy SB15 (4) of the Placemaking Plan requires the design response for this site to, “*recognise the importance of the disused railway line as a connective habitat, particularly as a dark corridor for bats and as a protected sustainable transport route.*” The Site Layout Plan (Design Statement) shows the route of the cycle path almost entirely as a shared surface for bikes and

cars with very limited planting opportunities, particularly where car parking is located either side of the path. This does not comply with policy SB15. A planning application would be expected to demonstrate accommodation of the disused railway line through the development, combining improvement of its function as an ecological corridor with provision of a sustainable transport route. As above, policy NE1 of the Placemaking Plan, requires proposals to enhance existing GI assets. The current proposals do not achieve this. Policy D8 of the Placemaking Plan requires careful lighting design in order to protect ecological corridors from lighting impacts. A planning application would be expected to include full details of lighting proposals, demonstrating compliance with policy D8.

Members comments

A small number of members sitting on the Planning Committee as well as the relevant ward members have been briefed on your proposals. Members will of course approach any subsequent application with an open mind however there are a small number of issues which they have highlighted for your consideration at this early stage:

1. The mix of uses (student + non-student) is supported; student accommodation is acceptable if part of a wider non-student mix;
2. The architecture is too bland;
3. Five storeys is too high;
4. Flat roofs are objectionable;
5. Retail is not favoured, other employment uses should be explored;
6. The impact on Chelsea Road local centre is a concern;
7. The cycle path must be protected;
8. If any units are lost as a result of amendments these must be student units

Supporting information

In addition to the standard application forms, drawings and fee etc. the application will need to be accompanied by the following supporting information:

- Tree Survey (including adjacent trees beyond the site boundary);
- Arboricultural Impact assessment;
- A Landscape and Visual Impact Assessment including AVR's to level 3;
- An Arboricultural Method Statement and Tree Protection Plan;
- Detailed Hard and Soft Landscape Proposals;
- Affordable Housing Statement;
- Flood Risk Assessment;
- Heritage Statement;
- Noise Impact Assessment (including impact of Concrete Batching Plant);
- Land Contamination Assessment (see above section);
- Lighting Assessment;
- Planning Statement;
- Sustainable Construction Checklist;
- Transport Assessment;
- Travel Plan (Draft);
- Ventilation & Extraction Statement

Technical Requirements

A number of Placemaking Plan policies have implications for your scheme. The Placemaking Plan introduced new technical requirements which your development will be expected to comply with. These are summarised as follows:

Policy CR2 (Sustainable Construction) – this policy requires a 19% reduction in regulated CO2 emissions: The benchmark for demonstrating that energy efficiency has been “maximised” as required by CP2 is a 19% reduction in regulated emissions. 10% of this reduction must be from renewable energy sources (see below) and the remaining 9% may be from other means.

Policy SCR1 (On-site Renewable Energy Requirement) – this policy requires (for developments of 10 or more dwellings or 1000sqm but excluding B2 and B8 uses) a reduction in carbon emissions (from anticipated regulated energy use) of at least 10% by the provision of sufficient renewable energy generation. The 10% reduction must be achieved by means of renewable energy generation not by means of low-carbon technologies or other means of reducing carbon emissions (better insulation for example).

Policy H7 (Housing Accessibility) – this policy requires 20% of market housing to have enhanced accessibility standards. This means your development will be required to meet technical standard 4(2) of Part M of the Building Regulations; this will need to be demonstrated.

Policy STR5 (Water Efficiency) – this policy requires all dwellings to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day. Furthermore rainwater harvesting or another means of capturing rainwater is required if it is technically feasible.

Policy SU1 (Sustainable Drainage Policy) – this policy requires the use of sustainable urban drainage systems but more crucially requires such systems to comply with the “Non-statutory technical standards for sustainable drainage systems” published by DEFRA and the standards/requirements contained in the West of England Sustainable Drainage Developer Guide (2015).

Planning Performance Agreement

You may be interested in entering into a Planning Performance Agreement with the council. This would deliver, for an additional hourly charge, an enhanced service for you/your client in respect of the council’s processing of the planning application (in addition to the planning application fee). The outcome of the application would of course be unaffected. Please contact me if this something which you would wish to pursue.

This letter constitutes an officers informal opinion and does not bind the local planning authority to any future decision should a subsequent application be submitted.

If I can be of further assistance please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Chris Gomm', with a stylized flourish at the end.

**Chris Gomm
Principal Planning Officer**