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Planning Statement Including Heritage Statement and Affordable Housing Statement

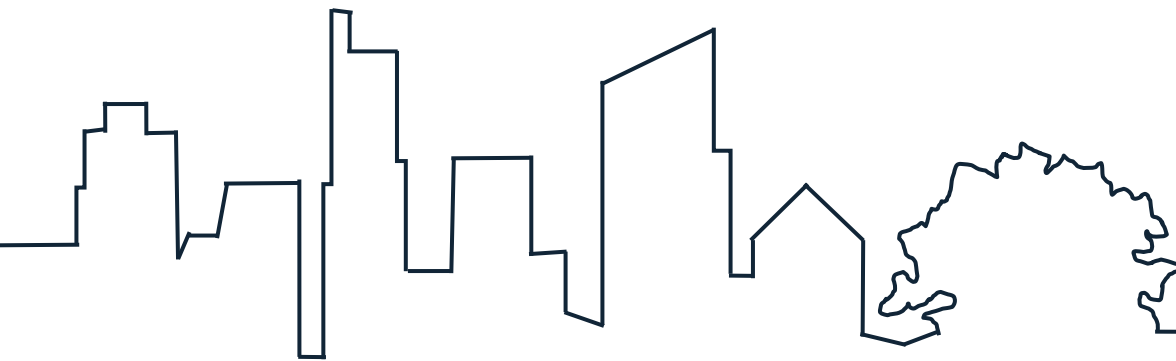
Hartwells Garage site, Newbridge Road, Bath

April 2019

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1. INTRODUCTION

1.1 Walsingham Planning has been instructed by Oakhill Group Ltd to submit an application for outline planning permission to Bath and North East Somerset Council (“BANES”) for the demolition and redevelopment of the Hartwell Garage Site, Newbridge Road, Bath to provide 104 residential units and 186 student bedrooms.

1.2 The application is submitted in outline, with all matters reserved except for access and layout. The description of development is as follows:

“Outline application with all matters reserved except for access and layout comprising the demolition of the existing buildings on the site; construction of replacement buildings ranging in height from 3 to 5 storeys providing a mixed use development comprising up to 104 residential units (Class C3 Use), up to 186 student bedrooms (Sui Generis Use), and a commercial retail unit (flexible A1/A3 Use); formation of new vehicular access from Newbridge Road, construction of new access ramp, and provision of vehicle parking spaces; provision of new shared bicycle and pedestrian sustainable transport route through the site and formation of new access and linkages on the eastern and western boundary; and provision of hard and soft landscaping scheme across entire site.”

1.3 This application is made following a pre-application enquiry and a series of meetings with BANES from October 2018 to January 2019, and follows a public exhibition held on 29 January 2019.

1.4 This report has been prepared following an examination of the site and surroundings, an examination of relevant policy documents, and consideration of various technical assessments relating to the site and the proposals. This report provides the background information on the site and an assessment of the proposals in relation to planning policy and other material considerations.

1.5 This report is set out under the following sections:

- Chapter 2 provides the factual background to the site;
- Chapter 3 sets out the proposals;

- Chapter 4 sets out the relevant planning policy and guidance;
- Chapter 5 discusses the planning issues and considerations; and
- Chapter 6 sets out our conclusions.

Supporting Information

1.6 This Planning Statement should be read in conjunction with the following documents submitted in support of the application:

- Design & Access Statement by AWW
- Drawings by AWW
- Landscape and Visual Impact Assessment by Nicholas Pearson Associates
- Visually Verified Montages by Nicholas Pearson Associates
- Hard and Soft Landscape Proposals by Nicholas Pearson Associates
- Planning Statement, including Heritage Statement and Affordable Housing Statement, by Walsingham Planning
- Arboricultural Impact Assessment and Arboricultural Method Statement, including Tree Survey and Tree Protection Plan, by Tree Research
- Ventilation & Extraction Statement by Hoare Lea
- Energy Statement, including Sustainable Construction Checklist, by Hoare Lea
- Statement of Community Engagement by Creatrix
- Viability Statement by CBRE
- Transport Assessment by Mayer Brown
- Framework Travel Plan by Mayer Brown
- Framework Management Plan by Walsingham Planning
- Ecological Appraisal by Windrush Ecology

- Foul & Surface Water Drainage Strategy by Hydrock
- Noise Impact Assessment by Matrix Acoustics
- Land Contamination Assessment by Ground Investigation (South West) Ltd.

2. FACTUAL BACKGROUND

- 2.1 The site to which this application relates is the Hartwell Garage site on Newbridge Road, Bath. The site has an area of 1.49ha and comprises previously developed brownfield land within the western suburb of Newbridge.



Aerial image showing the site outlined in red

- 2.2 At present the site accommodates a large car showroom, orientated north to front Newbridge Road. A workshop is also present on site. Please refer to p.11 of the Design & Access Statement for photographs of the existing situation on site.
- 2.3 The site is bisected from north to south by Osborne Road, which is a bridge over the former railway line running in an east-west alignment across the lower part of the site. The upper part of the site accommodates a two-storey car showroom fronting Newbridge Road, and the lower part accommodates a workshop and areas of hardstanding and informal parking.
- 2.4 There is a significant height differential across the site, dropping down approximately 7 metres in elevation from the northern boundary with Newbridge Road to the southern boundary of the site.

- 2.5 The existing vehicular access is on the west side of the site; the access road passes in front of the showroom building and down a steep slope to the southern part of the site.
- 2.6 A sewer main runs along the southern part of the site (along a similar alignment to the former track bed) which has an easement either side which restricts development of that part of the site.
- 2.7 The surrounding area is predominantly residential and suburban in nature, however industrial buildings extend southwards towards the river. Immediately adjacent to the site to the west is a concrete batching plant.
- 2.8 The Bath Conservation Area covers part of the site in the east, up to Osborne Road. The main built up section of the site west of Osborne Road does not lie within the conservation area.



Map of western edge of the Bath Conservation Area with the railway cutting identified

- 2.9 Local facilities include a newsagent at 153 Newbridge Road, the Locksbrook Inn public house on Brassmill Lane a short walk south of the site, and Electric Bear Brewing situated on the industrial estate immediately south of the site. There is a designated local centre at Chelsea

Road - less than a five-minute walk to the east of the site – which provides local shops, services and facilities.

- 2.10 The site enjoys good access to public transport. Newbridge Road is a main bus route which provides access between the city centre to the east and Bath Spa University to the west. There are both west-bound and east-bound stops located in front of the site. Oldfield Park train station is a 20-minute walk to the south-east of the site across the river.
- 2.11 The Design & Access Statement which accompanies the application includes further information about the site and surroundings.

Relevant Planning History

- 2.12 The site was formerly used as a quarry at what was then the western edge of Bath. This use is understood to have ended around 1900. The London Midland and Scottish Railway formerly ran through the site. The garage use began in the early 1950s and the concrete batching plant was installed in the late 1960s, originally on a temporary basis.
- 2.13 A Certificate of Appropriate Alternative Development was issued on 8 October 2010 for residential redevelopment of the site (10/03384/CAAD). This set out several key design parameters, namely a maximum residential density of 80 dwellings per hectare and maximum heights of buildings – 8m above road level for dwellings fronting Newbridge Road and 14m above ground level for dwellings at the base of the quarry.
- 2.14 In September 2014, an outline planning application was submitted for 194 student bedrooms in three blocks (14/03977/OUT), excluding the concrete batching plant. The scheme included a shared pedestrian/cycle way along the southern part of the site and left the area to the east of Osborne Road undeveloped. The application was withdrawn in November 2014 following a change in planning policy.
- 2.15 A pre-application enquiry was made to the Council in May 2016, followed by a subsequent follow-up meeting in June 2017. On 03 July 2017 the Planning Officer confirmed:

“The proposed uses are acceptable in principle. The provision of residential uses fronting Newbridge Road has the support of the local planning authority as does the provision of student accommodation to the rear on the proviso that the redevelopment provides at least 80 residential units (i.e. non-student). The principle of retail as a subordinate element of the development is also acceptable subject to retail impact considerations.”

The scale of the development including the number of units achievable and the heights of the proposed buildings will be informed by the constraints (and opportunities of the site) and as such I can comment no further at this stage. I recommend that you work-up a detailed scheme based upon that discussed on 16 June and submit it to the Council for formal pre-application discussions.”

- 2.16 New architects were appointed and, on the basis of this advice, a new scheme was developed and a formal pre-application enquiry submitted to the Council in October 2018 with a series of follow-up meetings with Officers at the Council.

Screening Opinion

- 2.17 A screening request was submitted in July 2017 whereby the Council confirmed that there is no requirement for an Environmental Impact Assessment. The scheme has not changed to the extent where a different conclusion could be reached.

3. PROPOSED DEVELOPMENT

- 3.1 The Hartwell Garage has now closed and the car showroom is boarded up. The existing buildings on the site are in a poor state of repair and the wider hard surfaced site is poor quality and detracts from the surrounding area.
- 3.2 It is proposed to demolish the existing buildings as part of a comprehensive redevelopment of the whole site, including new sustainable connections and landscaped areas.
- 3.3 The site (including the concrete batching works) is the subject of an allocation in the current and emerging development plan for the comprehensive redevelopment of the site to provide 80-100 residential units.
- 3.4 The proposal involves the erection of new buildings to provide 104 new residential units as part of a mixed-use development which also proposes 186 student bedrooms. A small flexible use A1/A3 retail unit is proposed at ground floor level on the Newbridge Road frontage. This approach to mixed use development has been confirmed as part of the pre-application enquiry with the Council.
- 3.5 The breakdown of the mix of residential units is as follows:
- 24 x 1b1p
 - 40 x 1b2p
 - 5 x 2b3p
 - 35 x 2b4p
 - Total: 104 units
- 3.6 The purpose-built student accommodation is provided as follows:
- 157 bedspaces arranged in cluster flats
 - 29 self-contained studios
 - Total: 186 bedspaces
- 3.7 The flexible use commercial unit is 148sqm in size.

- 3.8 If outline planning permission is granted, a reserved matters application will then be submitted to seek approval of matters including appearance, detailed design, and landscaping.
- 3.9 The site layout plan shows a terrace of buildings fronting Newbridge Road with a new vehicular access point at the eastern end of this frontage. This ramp provides access to the lower part of the site on the quarry floor and former railway trackbed, providing access to residents' parking spaces. A smaller car park is proposed on the existing decked area on the western edge of the site above the concrete batching plant, also accessed from Newbridge Road via the existing vehicular access point. In total 113 residential parking spaces are proposed, including 4 disabled spaces. Three further spaces are included for the commercial unit, and one additional car club space.
- 3.10 Behind the Newbridge Road frontage buildings the ground level drops away onto the former quarry floor. This sudden change in elevation allows for two 5 storey blocks of student accommodation to be constructed which are the same height as the 3 storey Newbridge Road terrace.
- 3.11 The scale, form and rhythm of the houses will respect and help to unify the established residential street frontage. The terrace will be three storeys plus roof in height – not exceeding 11.3m in total – and will be built in materials to reflect its setting.



- 3.12 The two blocks of student accommodation provide a total of 186 bedspaces, the majority arranged in clusters where students share a communal kitchen/lounge.
- 3.13 In addition to the vehicle parking spaces, secure bicycle parking spaces are provided within the buildings providing 208 spaces in total for the residential use and 72 spaces in total for the student accommodation. A further 24 visitor spaces are provided via 12 Sheffield stands located externally.

- 3.14 Internal courtyard areas between the buildings provide a sense of place and destination within the development and are linked via the main pedestrian route through the site up a staircase and on to Newbridge Road. These linkages provide access from Newbridge Road onto the new Sustainable Transport route being provided along the former railway trackbed.
- 3.15 This shared bicycle and pedestrian route runs east-west across the site linking the Bristol and Bath railway path into the centre of the City. It is a fully segregated route and will be built to Sustrans design standards.
- 3.16 The open nature of the proposed scheme will allow sufficient space for a substantial scheme of soft landscaping across the site. This includes the spaces around and between the main residential and student buildings, but also woven across the site following the sustainable transport route and taking in the railway cutting to the east beyond the bridge.



Artist's impression of the proposed development

4. PLANNING POLICY

- 4.1 Section 38(6) of the 2004 Planning & Compulsory Purchase Act requires that determination of any planning application must be in accordance with the development plan, unless material considerations indicate otherwise.
- 4.2 In this instance the Development Plan comprises the Bath & North East Somerset Local Plan, which is split into two parts: Part 1 is the Core Strategy adopted July 2014, and Part 2 is the Placemaking Plan adopted July 2017.
- 4.3 The Local Plan 2016-2036 is an emerging document which underwent an 'Options' consultation from November 2019 to January 2019. This follows an initial 'Issues and Options' consultation in November 2017. Adoption of this emerging plan is still some way off – the Council anticipates the Publication version of the plan to be issued summer 2019, with submission to the Secretary of State late summer/early autumn. The examination will take place end of 2019 or early 2020, with adoption in spring 2020.
- 4.4 The National Planning Policy Framework is also of relevance.

Current Development Plan

- 4.5 The site lies within Bath World Heritage Site and the eastern section of the site forms part of Bath Conservation Area. There is a designated Sustainable Transport Route running through the southern part of the site. The Maltings Industrial Estate to the south is classified as a Core Business Area and a triangle of open land to the west is designated for allotments.

Core Strategy and Placemaking Plan - Volume 1 District-wide Strategy and Policies

- 4.6 Volume 1 of the Core Strategy and Placemaking Plan contains many policies covering all aspects of development within Bath and North East Somerset. The key policies considered to be of most relevance to the proposed development are summarised below.
- 4.7 The Strategic Objectives of the Core Strategy are as follows:

Objective 1 - Pursue a low carbon and sustainable future in a changing climate

Objective 2 – Protect and enhance the District's natural, built and cultural assets and provide green infrastructure

Objective 3 – Encourage economic development, diversification and prosperity

Objective 4 – Invest in our city, town and local centres

Objective 5 – Meet housing needs (including ensuring the accommodation needs of any increase in the number of students can be met sustainably)

Objective 6 – Plan for development that promotes health and well being

Objective 7 – Deliver well connected places accessible by sustainable means of transport

- 4.8 **Policy DW1 – District-Wide Spatial Strategy** - states how the overarching strategy for B&NES is to promote sustainable development by focussing new housing, jobs and community facilities in Bath, Keynsham, and the Somer Valley; prioritising the use of brownfield opportunities for new development in order to limit the need for development on greenfield sites; and protecting, conserving and enhancing the districts nationally and locally important cultural and historic assets.
- 4.9 **Policy SD1 – Presumption in favour of sustainable development** – advises that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
- 4.10 **Policy CP2** makes clear how sustainable design and construction will be integral to new development in Bath & North East Somerset.
- 4.11 **Policy CP5 – Flood Risk Management** expects all development to incorporate sustainable drainage systems to reduce surface water run-off and minimise its contribution to flood risks elsewhere.
- 4.12 **Policy SU1 – Sustainable Drainage** states that SUDS are to be employed for the management of runoff for major development. They are to comply with the relevant technical standards and guidance, and outline applications are to be supported by a SUDS Proof of Concept.
- 4.13 **Policy CP6 – Environmental Quality** – states that the distinctive quality, character and diversity of the district’s environmental assets will be promoted, protected, conserved or enhanced through high quality and inclusive design which reinforces and contributes to its specific local context, creating attractive, inspiring and safe places. The Council will protect,

conserve and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets. The distinctive character and quality of Bath and North East Somerset's landscapes will be conserved or enhanced. The quality, extent & robustness of protected sites and valued habitats will be enhanced, and networks of valued habitat will be restored or created.

4.14 **Policy D1 – General Urban Design Principles** – sets out general design principles to be applied to new developments:

- a) Places should be designed for people – to be safe, comfortable, varied and attractive. They should offer opportunities for interaction and delight
- b) Development should enrich the character and qualities of places and should contribute positively to local distinctiveness, identity and history
- c) Development should make connections – by foot, cycle, public transport and by car – in that order. Streets and Spaces must be legible and easy to move around
- d) Development should work with the landscape structure and should contribute positively to the characteristics of the settlement
- e) Places should be mixed use and should respond to context
- f) Buildings and spaces must be flexible and adaptable
- g) Buildings and spaces should be designed to be energy efficient (e.g. consider natural light and passive heating and cooling)

Developments that reflect these general urban design principles will be supported

4.15 **Policy D2 – Local Character and Distinctiveness** – states that development proposals will be supported where they contribute positively to and do not harm local character and distinctiveness, and sets out a number of criteria against which proposals are assessed.

4.16 **Policy D3** requires development to contribute positively to the urban fabric and states that development should:

- a. *Be designed for ease of walking and cycling and provide safe and high-quality routes, ideally providing new green infrastructure;*

- b. Be permeable, by offering a choice of routes through a site, and connecting with the existing route networks in and through adjoining areas;*
- c. Deliver perimeter block layouts wherever possible;*
- d. Be of an appropriate grain, reflecting local character;*
- e. Be mixed use particularly at public transport nodes, and at local, district, city and town centres;*
- f. Be designed to maximise natural surveillance of the public realm;*
- g. Be designed with careful consideration of “edges” avoiding blank and inactive frontages. Active internal uses and habitable rooms are required at ground floor level;*
- h. Ensure where ground floor uses are residential, frontages also allow for privacy for example incorporating level changes, boundary treatment while maintaining natural surveillance;*
- i. Ensure development forms with inactive or blank frontages are carefully located, so that they can be wrapped by smaller buildings/active frontages or be placed in locations where at least one edge requires no active frontage. Horizontal mixing with other uses will also be encouraged;*
- j. Give careful consideration to the design of corner plots, which should incorporate two active frontages;*
- k. Create positive micro-climate effects (e.g. avoid pockets of cold, areas of overheating, heat, dazzle, wind or shade);*
- l. Be designed to provide continuity of street frontage and for development to relate positively to the street. There should be a clear distinction between backs and fronts of buildings;*
- m. Be designed in a way that does not adversely prejudice existing/future development or compromise adjoining sites.*

4.17 **Policy D4 – Streets and Spaces** – requires development proposals to be well connected and, amongst other things, states that shared surfaces must be legible and safe for all users, and that the impact of parking provision on connectivity needs to be resolved to avoid poor quality routes and poorly defined streets.

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- 4.18 **Policy D5 - Building Design** – requires development proposals to be well detailed, in particular:
- a. *Building facades, reveals and entrances must be well designed, all elevations must be well articulated and an appropriate building line and/or boundary treatment should be maintained;*
 - b. *Building frontages should face and relate to the public realm, and should define the street;*
 - c. *Good modern, innovative design is supported. Historical styles are likely to be considered appropriate where the development is re-unifying lost compositions;*
 - d. *Buildings and spaces should be designed to provide new or improved wildlife habitats and features (e.g. spaces for swifts and swallows; bat bricks; new hedgerows and other green infrastructure*
- 4.19 **Policy D6** requires development to provide appropriate levels of amenity.
- 4.20 **Policy D8 – Lighting** – states that proposals for artificial lighting will only be permitted where they would not give rise to an unacceptable level of illumination into urban areas; it can be demonstrated that additional lighting on site will have no detrimental impact on visual and residential amenity, the historic environment or local ecology; and any adverse impact of lighting proposals in all new development, including light spill and energy use, is minimised through design or technological solutions or by controlling the hours of use. Development will be expected to reduce or at best maintain existing light levels to protect or improve the darkness of ecological corridors.
- 4.21 **Policy D10 – Public Realm** – requires that development proposals must be designed to enhance the public realm and should contribute towards achieving public realm infrastructure improvements.
- 4.22 **Policy HE1** seeks to safeguard the **District’s Heritage Assets**. It states that development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to enhance or better reveal its significance and/or setting, and make a positive contribution to its character and appearance. The district’s historic environment shall be sustained and enhanced, including all heritage assets including the Bath World Heritage Site, historic buildings, and conservation areas.
- 4.23 **Policy NE2 – Conserving and Enhancing the Landscape and Landscape Character** – states that development will be permitted where it:
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- a. conserves or enhances local landscape character, landscape features and local distinctiveness
 - b. incorporates green space within the scheme that positively contributes to creating a high-quality environment by enhancing landscape character and biodiversity and providing sustainable public access and other landscape benefits
 - c. is demonstrated that the whole scheme, including hard landscape and planting proposals, will contribute positively to the local area including reference to relevant existing landscape assessments supplemented by any additional assessments
 - d. conserves or enhances important views particularly those to significant landmarks and features and take opportunities to create new local views and vistas
- 4.24 **Policy NE2** goes on to state that proposals with potential to impact on the landscape/townscape character of an area or on views should be accompanied by a Landscape and Visual Impact Assessment undertaken by a qualified practitioner to inform the design and location of any new development.
- 4.25 **Policy NE3 – Sites, Species and Habitats** – states that in all cases any harm to the nature conservation value of the site is minimised; compensatory provision of at least equal nature conservation value is made for any outstanding harm, and that ecological enhancements are made. Policy NE3 continues, requiring development to provide for the management of retained and created habitat features, and that site lighting details are designed to avoid harm to nature conservation interests including habitat connectivity and function as part of an ecological corridor.
- 4.26 **Policy NE6 – Trees and Woodland Conservation** – only permits development where it includes the appropriate retention of trees and, if an adverse impact on trees is unavoidable, appropriate compensatory provision is made.
- 4.27 **Policy CP7 – Green Infrastructure** – states how the integrity, multi-functionality, quality and connectivity of the strategic Green Infrastructure network will be maintained, protected and enhanced. Opportunities will be taken to connect with, improve and extend the network.
- 4.28 **Policy NE1 – Development and Green Infrastructure** – requires schemes to make a positive contribution to the GI network through the creation, enhancement and management of new, and existing GI assets.

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- 4.29 **Policy PCS1 – Pollution and Nuisance** – states that development will only be permitted providing there is no unacceptable risk from existing or potential sources of pollution or nuisance on the development, or from the development.
- 4.30 **Policy PCS2 – Noise and Vibration** – states that noise-sensitive development should avoid locations wherever possible where the occupants would be subject to unacceptable levels of noise or vibration from an existing noise source.
- 4.31 **Policy PCS3 – Air Quality** – states that development will only be permitted where the proposal does not give rise to polluting emissions which have an unacceptable adverse impact on air quality, health, the natural (in particular designated wildlife sites) or built environment or local amenity of existing or proposed uses from air polluting activities; or is not located where it would be at unacceptable risk from, or be adversely affected by existing sources of odour, dust and /or other forms of air pollution.
- 4.32 **Policy PCS5 – Contamination** – states that development will only be permitted on land either known to be or strongly suspected of being contaminated, or where development may result in the release of contaminants from adjoining land, provided remediation measures are put in place as appropriate, and any identified potential harm can be suitably mitigated.
- 4.33 **Policy CP9 – Affordable Housing** – requires on-site provision in developments of 10 dwellings or 0.5 hectare and above at 40% provision in the application site location.
- 4.34 **Policy CP10 – Housing Mix** – requires new market and affordable housing to provide a variety of housing types and sizes to accommodate a range of different households
- 4.35 **Policy CR4 – Dispersed Local Shops** – states that outside the centres defined in Core Strategy Policy CP12 and on the Policies Map, proposals for development of appropriately located small-scale local shops (less than 280sqm gross floorspace which provide for local needs) within the existing urban area of Bath or a settlement with a defined Housing Development Boundary will be supported.
- 4.36 **Policy ST1 – Promoting Sustainable Travel** – seeks to:
- reduce the growth and the overall level of traffic and congestion by measures which encourage movement by public transport, bicycle and on foot;
 - reduce dependency on the private car;

- provide and enhance facilities for pedestrians, cyclists and the mobility impaired including segregated provision that is fit for purpose;
- safeguard, enhance and extend the network of public rights of way and cycle routes;
- promote the use of car clubs and electric cars;
- ensure access to high quality public transport facilities is achieved by improving existing and providing new public transport facilities which would increase the proportion of journeys made by public transport.

4.37 **Policy ST2 – Sustainable Transport Routes** – states that development which prejudices the use of former railway land for sustainable transport purposes as shown on the Policies Map will not be permitted.

4.38 **Policy ST7 – Transport Requirements for Managing Development** – requires that development does not prejudice highway safety, provides safe and convenient access to and within the site for pedestrians, cyclists and those with a mobility impairment is provided or enhanced, and provides suitable vehicular access.

4.39 The Policy continues, stating that planning applications for developments that generate significant levels of movement should be accompanied by a transport assessment or transport statement in accordance with National Planning Policy Framework and Planning Practice Guidance. Schemes will be expected to be tested through the Council's transport modelling, as necessary.

4.40 With regards to parking, **Policy ST7** states:

- a. An appropriate level of on-site servicing and vehicle parking and cycle parking should be provided in accordance with the parking standards;
- b. there should be no increase in on street parking in the vicinity of the site which would affect highway safety and/or residential amenity;
- c. to ensure that parking standards are applied using a flexible approach departures from the prescribed minimum and maximum parking standards are able to be sought where specific circumstances can be demonstrated. Any reduction in minimum residential parking standards will require the completion of an accessibility assessment which will form the basis for any discount from the prescribed standard.

4.41 **Policy CP13** deals with **Infrastructure Provision**. CIL and S106 Planning Obligations are also dealt with by this chapter.

Core Strategy and Placemaking Plan - Volume 2 Bath

4.42 **Policy B1 – Bath Spatial Strategy** – sets out policy requirements relating to 1) the natural and built environment, 2) economic development, 3) housing, 4) the relationship between population, labour supply and employment, 5) previously developed land, 6) shopping, 7) higher education, 8) tourism, culture and sport, 9) public realm, 10) transport, infrastructure and delivery, and 11) energy conservation and sustainable energy production.

4.43 **Part (1) of Policy B1** places emphasis on the need to *sustain and enhance the significance of the city's heritage assets and green infrastructure including:*

- a) *The Outstanding Universal Value of the City of Bath World Heritage Site and its setting.*
- b) *Listed buildings, the Bath conservation area and their settings*
- c) *Archaeology, scheduled ancient monuments, and historic parks and gardens*
- d) *Non-designated heritage assets of local interest and value*
- e) *Giving great weight to conserving landscape and scenic beauty in the Cotswolds Area of Outstanding Natural Beauty*
- f) *The network of green spaces and wildlife corridors including the River Avon and Kennet and Avon Canal, Local Nature Reserves, formal and informal parks and recreational areas, trees and woodlands*
- g) *The biodiversity resource including species and habitats of European importance.*

4.44 **Part (3) of Policy B1** will enable the development of about 7,020 new homes, increasing the overall stock of housing from about 40,000 to 47,000.

4.45 **Policy B4 – World Heritage Site and its Setting** – states that proposals which would harm the Outstanding Universal Values of the City of Bath World Heritage Site, including its authenticity and integrity will be refused.

4.46 **Policy BD1 – Bath Design Policy** – states that all significant or sensitive development proposals within Bath are required to incorporate in their Design and Access Statement:

1. *How the Bath design values and the relevant evidence base, have informed the chosen urban design, architectural and landscape approach, in terms of the pattern of development, aesthetics, building form, use, materials and detailing.*
2. *How the height and scale of proposed development has respected, responded and positively contributed to the character of Bath, its heritage and the values associated with it, and important views.*
3. *How the proposals maintain the significance, integrity and authenticity of the World Heritage Site.*
4. *How the proposals preserve or enhance the character or appearance of that part of the conservation area.”*

4.47 **Policy SB15 – Hartwells Garage** – is of principal relevance to this application. This site allocation sets out the following development requirements and design principles:

1. *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.*
2. *On the upper part of the site, the Upper Bristol Road street frontage should be defined by an active frontage (dwellings could be arranged as houses or flats inside) and the articulation of facades and roofs should help these buildings integrate with the surrounding context.*
3. *An apartment typology would be appropriate for the lower part of the site and enable efficient use of it. This typology should have a comfortable scale with the surroundings, both existing and proposed. The view of the site from Kelston View amongst others is an important consideration in relation to the setting of the conservation and the impact on the OUV of the WHS.*
4. *The design response must recognise the importance of the disused railway line as a connective habitat, particularly as dark corridor for bats, and as a protected sustainable transport route.*
5. *Ease of access to any upgrade of the disused railway line as a cycle route should be achieved.*

6. *If development is phased then the design response on phase 1 (likely to be the garage) should not prejudice the achievement of the good design and efficient use of land within phase 2 (likely to be the concrete batching area).*

7. *Undertake a detailed historic environment assessment, and where necessary evaluation, in order to identify and implement appropriate mitigation*

4.48 **Policy B5** is the strategic policy for **Bath's universities**, and states that proposals for off-campus student accommodation (whether in the form, C2, C4 or sui generis residential units) or teaching space will be refused within the Central Area, the Enterprise Zone and on MoD land 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).

Emerging Local Plan

4.49 The initial issues & options consultation on the new Local Plan has only just concluded. There will be objections to the initial draft policies as proposed, and there will be changes made to the emerging policies in the next stages of the plan-making process. The Plan has yet to be submitted to the Secretary of State and is some way off being independently examined and even further off being adopted.

4.50 Therefore, little if any weight can be attached to these emerging policies at this very early stage.

4.51 In any event, the wording of Policy SB15 – the site allocation policy guiding the principle of redevelopment of the Hartwells Garage site – is not being changed as currently proposed.

National Planning Policy Framework (NPPF)

4.52 The National Planning Policy Framework (February 2019) sets out the Government's intention for the planning system to contribute to the achievement of sustainable development, performing an economic, social and environmental role.

4.53 At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11) which for decision-taking means that development proposals that accord with the development plan should be approved without delay.

4.54 Section 5 sets out how the government's objective of significantly boosting the supply of homes will be achieved. Paragraph 64 states with regards to affordable housing:

Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:

- a) provides solely for Build to Rent homes;*
- b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);*
- c) is proposed to be developed by people who wish to build or commission their own homes; or*
- d) is exclusively for affordable housing, an entry-level exception site or a rural exception site.*

4.55 Section 9 concerns promoting sustainable transport. Paragraph 103 states that *“significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.”*

4.56 Paragraph 105 states that *“if setting local parking standards for residential and non-residential development, policies should take into account:*

- a) the accessibility of the development;*
- b) the type, mix and use of development;*
- c) the availability of and opportunities for public transport;*
- d) local car ownership levels; and*
- e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.”*

4.57 Section 11 is concerned with making effective use of land, and paragraph 117 states how *“planning policies and decisions should promote an effective use of land in meeting the need*

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- for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.”*
- 4.58 Paragraph 118 continues, stating how planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.
- 4.59 With regards to achieving appropriate densities, paragraph 122 states how *“planning policies and decisions should support development that makes efficient use of land, taking into account:*
- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
 - b) local market conditions and viability;*
 - c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
 - d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
 - e) the importance of securing well-designed, attractive and healthy places.”*
- 4.60 Section 12 seeks to achieve well-designed places. Paragraph 124 states that *“the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve”*. Paragraph 124 also sets out that good design is a key aspect to creating sustainable development and making better places for people to live and work in, helping to make development acceptable to communities.
- 4.61 Paragraph 127 continues, stating that planning policies and decisions should ensure that developments:
- a) “will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
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- c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

4.62 Paragraph 184 states that Heritage Assets “*should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.*”

4.63 Paragraph 189 states that “*in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.*”

4.64 Paragraph 196 states that “*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*”

5. PLANNING CONSIDERATIONS

5.1 This section of the Planning Statement assesses the development proposals against national and local planning policy and other relevant material planning considerations and considers each main aspect of the proposed development, namely:

- Principle of redevelopment of the site
- Proposed mix of uses
- Design and appearance
- Heritage assessment
- Affordable housing
- Transport
- Management of student accommodation
- Sustainability
- Ecology
- Trees
- Flooding and drainage
- Archaeology
- Land contamination
- Planning contributions and S106 Agreement

Principle of redevelopment of the site

- 5.2 The existing buildings forming the Hartwells Garage application site are tired and unattractive buildings that are outdated and unsuited to the needs of modern occupiers. Indeed, the car showroom has now closed.
- 5.3 These existing buildings do not make a positive contribution to the Newbridge Road street scene or the character or appearance of the area. The site is allocated for redevelopment by Policy SB15 in order to revitalise and regenerate this brownfield site which fails to live up to its potential.
- 5.4 There is no policy to protect the existing use on the site, indeed Policy SB15 seeks to facilitate the redevelopment of the site which will include the loss of the Hartwell Garage.
- 5.5 The NPPF supports the change of use from commercial to residential where there is an identified need and provided there are no strong economic reasons why such development would be inappropriate.
- 5.6 The redevelopment of brownfield land is prioritised by both the Core Strategy and Placemaking Plan Policy DW1 – focusing new housing, jobs and community facilities on brownfield opportunities in order to limit the need for development on greenfield sites – and is a core principle of the National Planning Policy Framework. The redevelopment of this vacant, brownfield site is by its very nature “sustainable development”.
- 5.7 This is echoed by Policy SD1 which advises how the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.
- 5.8 The redevelopment of a vacant brownfield site – allocated for residential development by Policy SB15 – for the provision of housing and student accommodation is in accordance with national and district-level policies, it is by its very nature sustainable development and accords with the main thrust of the Presumption in Favour of Sustainable Development.

Provision of a mixed-use development

- 5.9 Policy B1 states that residential development within the existing urban area will be considered acceptable in principle. Policy B1 also enables the provision of additional on-campus student bed spaces at the University of Bath and at Bath Spa University, and new off-campus student accommodation (subject to Policy B5), thereby facilitating growth in the overall number of students whilst avoiding growth of the independent student lettings market.

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- 5.10 Whilst Bath and Bath Spa University both have plans to provide more student accommodation on campus, this will need to be supplemented by purpose-built off campus student accommodation provision in order to relieve pressure on normal housing stock.
- 5.11 The university sites are constrained, and it is unrealistic to expect all student accommodation to be provided on their campuses. A limited amount will need to be provided off-campus, which will help to ensure the existing housing stock isn't lost to student accommodation. This is a highly sustainable brownfield site, it is ideal to provide some student accommodation which will not be at the expense of other development plan objectives in particular housing. The submitted scheme demonstrates how 104 residential units can be satisfactorily provided on site alongside 186 student bedrooms.
- 5.12 The recent emerging policy consultation on student accommodation in the City presented a range of options. As discussed earlier in this document, these emerging policies are at a very early stage in the consultation process and there are objections to the wording of the proposed policies. The future content of the policies is uncertain, and this future wording has not been independently examined, therefore little if any weight can be afforded to this emerging policy at this stage.
- 5.13 Current Core Strategy Policy B5 sets out certain areas within Bath where the development of student accommodation will be more restricted to realise the broader spatial strategy. The application site does not lie within one of these specified areas and the site is therefore an appropriate location for such development (subject to the provisions of Policy SB15).
- 5.14 Policy SB15 specifically concerns the application site and states:
- “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” (our emphasis)*
- 5.15 The provision of student accommodation on the site will not prejudice the delivery of around 100 dwellings, in accordance with the aims and objective of the Policy. The residential units and student accommodation can be delivered together as opposed to at the expense of each other, making efficient use of this accessible brownfield site with good transport links and good local facilities. They are compatible uses of a residential nature which will sit comfortably alongside each other.
- 5.16 The student accommodation is a critical component of the scheme from a commercial viability perspective. Therefore, to achieve the level of traditional residential that is compliant with Policy
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- SB15, while being commercially viable as a significant capital investment, the density of the development and unit sizes being provided (both residential and student accommodation) have been informed by viability considerations and an understanding of the current market from the outset.
- 5.17 Notwithstanding the emerging policy, current Policy SB15 will not change. It should be noted that the Council has confirmed the approach to mixed use development on the site and how student accommodation could be acceptable provided that it does not prejudice the delivery of 80-100 homes on the site.
- 5.18 It is Oakhill's intention to develop this site themselves with the housing offered on a private 'build to rent' basis. Oakhill also intend to retain and manage the student accommodation.
- 5.19 A small flexible use A1/A3 retail unit is proposed at ground floor level on the Newbridge Road frontage. It was initially envisaged that this would be a coffee shop, however following feedback from the public consultation event there is a preference within the local community for a small convenience store. Accordingly, a flexible retail use is proposed by this application, with the precise nature of the future occupier to be determined.
- 5.20 Policy CR4 actively supports a small-scale retail use in this location of the size and use proposed. At 148sqm, the flexible use retail unit does not require a sequential test to be undertaken.

Design & Appearance

- 5.21 The proposed scheme for a mix of residential units and student accommodation has been prepared in outline with all matters reserved except for access and layout, therefore details such as the appearance, landscaping, and scale are indicative only at this stage.
- 5.22 The layout within the site has been revised to reflect previous Officer comments, principally focused on the creation of larger courtyard areas and breaking up the massing and form of the buildings. The buildings and their layout across the site have been carefully designed over an extended period of time with input from the Council's Planning and Urban Design Officers to ensure that it sits comfortably within the site and its surroundings.
- 5.23 The Council has provided detailed guidance on the design of the proposal as part of pre-application discussions. These recommendations have been incorporated into the final proposals which include a high degree of indicative detail for the design of the buildings. It is clear from the indicative scheme set out in the proposal drawings and Design & Access Statement that an appropriate design is capable of being delivered. The broad parameters for

the design comprise terraced development at the front of the site, a curved vehicular access from Newbridge Road (to deal with the level difference), flatted development including student accommodation in the rear (lower section) of the site and open space in the eastern part.

- 5.24 The result is a scheme which will greatly enhance the street scene of Newbridge Road by removing an unattractive building and filling in the gap with a terrace of properties which will respect the prevailing front building line and shoulder height of the buildings along this section of road. The development will sit comfortably in the views from the west and east along Newbridge Road and reflect the local vernacular.
- 5.25 Considerable care has been taken to design the rear student accommodation blocks so that they will not dominate the site. The buildings will have four full storeys, with the fifth floor recessed at roof level. This, together with a change in material, will reduce the visual impact of the form when viewed in the wider context of the setting, breaking up the massing and introduce architectural variation into the facades.
- 5.26 The Design & Access Statement sets out how the design has been based around the aim of developing a new distinctive typology for a mixed-use development in Bath whilst at the same time being sensitive to the surrounding historic street grain, roofscape and context. The scheme achieves this aim by focusing on five key themes:
- Identity
 - Appropriate scale and legibility
 - Use of contextual materials
 - Improving permeability through the site
 - Creating a new high quality pedestrianised public realm consisting of inter-linked human scaled courtyards
- 5.27 Whilst it should be emphasised that this application is submitted in outline with all matters reserved except for layout and access – therefore the appearance, detailed massing and materials shown in the Design & Access Statement are illustrative and will be developed further at the reserved matters stage – the architectural appearance and use of the materials has been carefully considered at this early stage to ensure a proposal is developed which draws from the surrounding context and sits comfortably in the street scene.

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- 5.28 It is proposed to use two types of yellow in tone brickwork on the main buildings, split-faced brick on the lower floors and buff brick on the upper floors. A soldier course between each floor will break up the façade and the massing further. Ashlar stone is proposed for the Newbridge Road elevation, and standing seam metal roofs are proposed on all buildings. The stone and brick facades will be articulated with human-scale components such as recessed windows and metal panels.
- 5.29 The scale and massing of the proposal – and the approach to building heights and roof level articulation – ensures the development would have no adverse impact on long range views into the World Heritage Site.
- 5.30 A full Landscape and Visual Impact Assessment (LVIA) has been prepared in consultation with Officers at BANES to agree the long range and close up assessment points. The proposal has been assessed in accordance with the requirements of Policy NE2 which has informed the design of the development, and the Assessment concludes:
- *The proposals will result in the complete redevelopment of the existing site and provide a positive regeneration and associated high quality designed buildings, within the local character area.*
 - *The increase in the scale and mass of the proposed built form is noted, with a response being a high-quality design and a positive approach to the street frontage along Newbridge Road.*
 - *Beyond the local area there will be very limited effects, with the character of the wider area (including the WHS and Conservation Area) not subject to a material change as a result of the proposals.*
 - *Overall, the visual effects of the proposed development will primarily relate to the changes to the close proximity views along the adjacent section of Newbridge Road and Osborne Road, and from adjacent locations (including residential properties) within Avon Park and Rudmore Park.*
 - *In such views the new development, including the increase in scale and height of building will be apparent and locally prominent. The proposals will conceal existing views of the southern hillside, when available, from along Newbridge Road. However, the change will result in the replacement of a local detractor, and partially derelict site, with a positive scheme designed to visually integrate with the context. In other local views to the south, the proposed development will often be concealed by intervening*

built form, and when visible will be seen in the context of the existing mixed development, including The Maltings Industrial Estate.

- *In elevated mid distance views from the south (upper parts of Twerton) and to the north west (Penn Hill), the development will be seen as replacing the existing noticeable and detracting building. The proposed development will be visible as an increase in scale and mass, however the building design and proposed materials will provide a good level of visual Integration,*
- *In more distant views from around the city, including from key locations such as the Cotswold Way and Sham Castle, the proposed development will be barely perceptible. It is considered that in such views there will be no material effect to the character of the panoramic views across the city, and views of the hillsides and key features in the city will be unaffected and maintained.*

- 5.31 Turning to landscaping within the site, the Landscape Strategy outlined in the Design & Access Statement sets out how the site history, characteristics, and constraints has informed the holistic approach to the site. A strong landscape and external realm theme provides good legibility through site, and a large landscaped amenity area will be created to provide a central focus to the development. There is a focus on accommodating the required access and permeability through the site, including north-south pedestrian linkages and the east-west sustainable cycle route. The proposal therefore accords with the principles and objectives of Policy NE2.
- 5.32 There is a new revised treatment to the car park area fronting Newbridge Road, whereby it is proposed to utilise architectural devices to 'extend' the façade of the adjacent buildings across the front of the decked car park. This reduces the visual impact of the car park in this location – which cannot be moved as it is a roof and a flying freehold to the concrete batching site below – and ensures it is read as a continuous frontage along this part of the road.
- 5.33 The small flexible use retail unit provides an active frontage on Newbridge Road, in accordance with Policy SB15.
- 5.34 The indicative proposal demonstrates that it would be possible to deliver a high-quality redevelopment scheme which would be an attractive addition to Bath and would improve the street scene of Newbridge Road, in accordance with **Policies D1, D2, D3, D4, and D5** of the Core Strategy and Placemaking Plan.

Heritage Assessment

- 5.35 There are no listed buildings on, adjacent to, or near to the application site. The eastern part of the site - to the east of Osborne Road - lies within the Bath Conservation Area. No built development is proposed within this part of the site, only the creation of the shared cycle way / footway / car parking area on the bed of the old railway line.
- 5.36 Paragraph 184 of the NPPF requires heritage assets to be *“conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.”*
- 5.37 The NPPF requires an appraisal of the Heritage Asset proportionate to its value and with the nature of the proposal. Paragraph 189 states that *“in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.”*
- 5.38 The heritage asset is the Bath Conservation Area, which covers the eastern section of the site beyond the Osborne Road bridge. The Design & Access Statement includes a detailed analysis of the character of the area including historical development, typical building footprints, orientation of residential buildings, housing typologies, routes, topography and long-range views.
- 5.39 This analysis has informed the scheme design, in particular the long-range views from Kelston Hill and Penn View. The LVIA demonstrates that it is possible to deliver a scheme of the quantum of development that is proposed which would be in keeping with the surrounding areas in terms of height, massing, form, and orientation. Indeed, the scheme can be considered to improve the World Heritage Site when compared with the existing buildings on the site.
- 5.40 The only development proposed within the part of the site which lies within the Bath Conservation Area is the creation of the shared cycle/footpath and some overflow car parking. At present, this part of the site is part hard surfaced and is used from time to time for car storage.
- 5.41 Turning to the tests within the NPPF, Paragraph 196 states that *“where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*

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- 5.42 Whilst the NPPF only refers to “substantial” and “less than substantial” harm, the latter is - by these limited criteria - certainly applicable. Paragraph 196 of the NPPF is therefore engaged. It should be emphasised that whilst the NPPF only allows an assessment of whether any harm is “substantial” or “less than substantial”, it is considered that the application will result in no harm to the designated heritage assets – the redevelopment of the site does not affect any listed buildings or result in harm to the Conservation Area.
- 5.43 Indeed, the Conservation Area stands to benefit by the proposals before the Council, the overall impact of the redevelopment of the site on the Conservation Area will ultimately be positive.
- 5.44 The proposal will enhance the former railway cutting through the provision of a high-quality sustainable transport route and associated landscaping, integrated with the wider redevelopment of the site to the west. The proposed use would therefore improve the character and appearance of this part of the Conservation Area. The proposal is therefore considered to accord with Policy HE1, and paragraphs 184, 189, and 196 of the NPPF.

Affordable Housing Statement

- 5.45 The residential element of the development will be operated as a private rented scheme (PRS model) providing both open market rental accommodation and affordable rent accommodation. The affordable rent accommodation will be secured via a Section 106 agreement which will include provisions in relation to level of rental discount and retaining the affordable rent accommodation in perpetuity.
- 5.46 A level of affordable housing will be provided in accordance with Policy CP9, which requires developments to take into account viability, including the achievement of other planning objectives. In this regard, a Viability Assessment prepared by CBRE accompanies this application and has been prepared on the basis of the applicant’s intention to retain the completed development as a build to rent investment. As such, the viability has been assessed on an investment basis taking account of the ability of the owner to take a lower risk adjusted return.
- 5.47 The Viability Assessment clearly demonstrates that the residual land value for a 40% affordable housing scheme would be a negative land value, and therefore this level of provision is unviable. However, reducing the level of affordable housing to 10% coupled with Oakhill’s investment decision to take a lower risk adjusted profit margin increases the notional profit margin to a level that is just about viable.
- 5.48 To achieve a viable development it will be necessary cap the affordable rented accommodation at no less than 20% of local market rents. Any level below this would compromise the viability

of the scheme. The NPPF advises that affordable housing for rent should be at a minimum of at least 20% below market rents (including service charges), the landlord should be a registered provider except where the accommodation is part of a build to rent scheme, and there should be provisions in place to ensure that the affordable accommodation remain at an affordable price for future eligible households. It also advises that for build to rent schemes affordable housing for rent is expected to be the normal form of provision. Accordingly the application proposals meet the criteria set out within Annex 2 of the NPPF,

- 5.49 Paragraph 64 of the NPPF requires a minimum of 10% of homes provided in any major development to be affordable except where the development provides solely for build to rent homes. This exception applies to this development, as it is providing solely build to rent residential accommodation.
- 5.50 The viability statement demonstrates that the proposal is therefore in accordance with Policy CP9 and Paragraph 64 and Annexe 2 of the NPPF.

Transport

- 5.51 The NPPF directs new development to locations that are highly accessible by public transport, walking and cycling, recognising that an integrated transport system is necessary to support a strong and prosperous economy.
- 5.52 The NPPF at paragraph 108 outlines how *“in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
 - b) safe and suitable access to the site can be achieved for all users; and*
 - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”*
- 5.53 The development site is a sustainable site and the development will be – by definition – sustainable development.
- 5.54 The site is well located for access to public transport, with frequent buses stopping immediately outside the proposed development giving direct links to Bath Spa University as well as to Bath city centre, Keynsham and Bristol. The site is located close to the Bristol-Bath railway cycle path and off-road routes towards Bath city centre, and the development will provide a new cycle

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- route connection through the site to link up with the existing infrastructure and complete this section of the route. There is a pedestrian crossing immediately outside the site and footway links will be provided to the surrounding network. Improvements will be made to the footway and bus stop on the site frontage. A financial contribution would also be made towards upgrading the sustainable transport route outside of the applicant's ownership.
- 5.55 The position and form of the indicative proposed access has been developed using current design guidance taking account of observed traffic speeds on Newbridge Road and ensuring safe visibility splays are provided. For full details please see Section 4 of the Transport Assessment.
- 5.56 The proposed pavement widening would also improve visibility to the west as well as pedestrian convenience and safety.
- 5.57 A fully segregated sustainable transport route is achieved, ensuring there is no conflict between spaces used by vehicles and the future bicycle route anywhere within the site.
- 5.58 The site is well situated to allow cycling and walking to be attractive options. A shared 3.5m wide cycle / pedestrian path will be provided along the former railway track bed running east-west through the site. This will improve pedestrian and cycle linkages through the site and enables flexibility to connect with the proposed sustainable transport route. The existing footpath from Newbridge Road along the western edge of the site will not be affected by the development.
- 5.59 The development is in accordance with **Policy ST1** in promoting sustainable travel, would support **Policy CP7** which prioritises the enhancement of the Green Infrastructure network in Bath, and is in accordance with **Policy ST2** in safeguarding sustainable transport routes.
- 5.60 Vehicle parking is a key concern for existing local residents due to limited existing on-street availability and demand from commuters and the hospital.
- 5.61 117 vehicle parking spaces are proposed overall, including 4 disabled spaces. This allows an allocation of one space per residential unit, a car club space and 9 visitor spaces. Three spaces are provided for the retail unit on the decked car park level.
- 5.62 BANES parking standards indicate a minimum requirement of one parking space per one-bed property and two parking spaces per two-bed dwelling. However, there is scope for this to be reduced based on accessibility levels. The completed Accessibility Appraisal (appended to the Transport Assessment) confirms that an up to 25% reduction is achievable based on the site's sustainability credentials, in accordance with the provisions of **Policy ST7**.
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- 5.63 In addition, Census data from 2011 indicates that overall in the district car ownership is relatively low with nearly half of all households in flats or apartments not having a car, and 42% having only one car.
- 5.64 Therefore, given the size of the units and the target (rented) market for the occupiers – combined with the site’s excellent sustainability credentials and cycle-friendly infrastructure – it is envisaged that the proposed level of parking provision is appropriate for the proposed development. Furthermore, it is approximately commensurate with local standards permitting a 25% reduction and will allow some spaces for variation in these figures without overspill onto surrounding streets.
- 5.65 A total of 72 bicycle spaces will be provided for the students. Two spaces per residential unit will be provided, giving 208 spaces in total. The residential and student cycle parking will all be provided in covered secure storage areas at ground floor level. A further 24 visitor spaces will be provided in the form of 12 Sheffield stands spread around the site.
- 5.66 Whilst this level of provision is in line with the Council’s bicycle parking standards, the use of the secure bicycle parking for the residential units will be monitored as it is not expected that all of the 1-bed flats will utilise their 1 vehicle parking space plus 2 bicycle parking spaces. As is detailed in the Framework Travel Plan, bicycle parking spaces across the site can be reallocated in the future should demand or usage patterns shift.
- 5.67 Regardless, a total of 300 bicycle parking spaces provided across the site will provide good sustainability credentials and provide a realistic alternative to the private car for future residents when the new cycle route is delivered.
- 5.68 The student accommodation does not have any vehicle parking. Students will sign up to tenancy agreements which will prevent them from bringing their vehicle to the city, and this will be set out in the Section 106 agreement for the site and is discussed in detail below.
- 5.69 Paragraph 111 of the NPPF outlines how developments that will generate significant amounts of movement should be supported by a Transport Assessment and a Travel Plan. In addition, an Accessibility Statement has been completed which gives a score of allowing for some reduction in the minimum level of parking.
- 5.70 These documents have been prepared by Mayer Brown and accompany the application. The Transport Assessment concludes:

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- Accident data has been reviewed and it has been concluded that there are no highway safety issues at the site entrance, and no local safety issues that can be confirmed as having resulted from highway design or visibility problems.
 - Trip generation has been undertaken using the TRICS database, to determine the new flows that will be derived from the site; there will be slight increase in vehicular movements during the network peak hours and similar overall flows throughout the day when compared with the former use of the site.
 - The proposals will result in only a slight increase in vehicular trips on the local highway network compared to the previous and lawful garage use and that proposed parking levels are appropriate for the land use in this location. A safe and suitable access is proposed and therefore there are no transportation or highways matters that should preclude the granting of planning permission.

5.71 The Travel Plan Measures include:

- Infrastructure improvements proposed as part of the development which will improve sustainable transport options for occupiers of the development and residents in the area.
- Travel noticeboard displayed in each building.
- Travel Plan Information Pack provided to each new resident prior to initial occupation.
- Encouraging walking and cycling.
- Encouraging use of public transport.
- Potential for a future car club scheme at the site.

5.72 On balance therefore, whilst the level of vehicle parking on site is slightly below the standards, the site's sustainability credentials, nature of accommodation provided, and other benefits the scheme is delivering ensure the proposed level of parking is acceptable.

5.73 The level of car parking provision proposed within the site, taken together with the secure bicycle parking provision and direct access to the new sustainable transport route running through the site, will encourage the use of sustainable modes of travel. This is in accordance with paragraph 105 of the NPPF, which states how local parking standards should take into

account factors including the accessibility of the development, the type, mix and use of the development, and the availability of and opportunities for public transport.

- 5.74 The proposal would enjoy a sustainable location, provide a safe vehicular access and additional pedestrian accesses and support the improvement of public transport. It is therefore in accordance with **Policies ST1, ST2, and ST7**.
- 5.75 The proposed layout of the site has been designed to accommodate the delivery and servicing needs of the proposed development for both residents and students alike.
- 5.76 The main point of servicing the site for larger refuse and delivery vehicles is via The Maltings Industrial Estate to the south of the site. Access is via a secure gate into a clearly marked turning area for deliveries and drop-offs, segregated from the cycle route. The adjacent management office is adjacent to this area, so that deliveries and servicing can be easily managed by the on-site team.
- 5.77 The vehicle access ramp from Newbridge Road is suitable for cars or vans only and access will be controlled via a gate. The small retail unit will be serviced from Newbridge Road, via the decked car park area.

Management of Student Accommodation

- 5.78 Whilst this application is submitted in outline, the management of student accommodation proposed by the development has been highlighted as a principal concern of residents.
- 5.79 Students will sign up to tenancy agreements which will prevent them from bringing their vehicle to the city, this will be secured via a S106 Agreement. Students will not be permitted to keep a motor vehicle within 3km of the site (unless they are eligible to use the disabled parking bays) and a disciplinary process will be set out in tenancy agreements and student information packs for students who do park in surrounding streets.
- 5.80 The on-site management team will undertake checks where possible to observe if any students are using cars, and a dialogue with local residents will be encouraged so that they can easily bring to the attention of the site management any instances of students parking in the area to enable investigation and disciplinary processes to commence.
- 5.81 Parking surveys of the site will be undertaken prior to occupation by the students and following occupation. If these surveys demonstrate any significant change in on-street parking from term time to non-term time then further investigation will need to be undertaken to understand

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- whether this is related to the student accommodation at the site and, if so, support further reviews and investigations of student behaviour.
- 5.82 On student moving in/out days, visitor parking will be suspended on agreed days with students only permitted to use this area for loading and unloading. Students will be asked to select preferred times from 20 or 30-minute-long arrival periods between 09:00 and 17:00 on set days, organised by the site management.
- 5.83 A Framework Management Plan has been prepared at the request of Officers and in response to concerns raised by local residents on how the site will be managed once the redevelopment is complete, including management of car parking, cycle parking, refuse collection and deliveries, and management of the student element of the development.
- 5.84 An experienced Management Company will be put in place to manage the development, including both the letting of residential and student space as well as dealing with site specific management issues. With specific regards to the student accommodation, in addition to the matters discussed above, the Management Plan will cover:
- Maintenance and of all common internal areas and all external areas
 - Maintenance of all communal open space areas
 - Management of car parking including issuing of permits
 - Management of cycle parking
 - Liaison with external car club and cycle providers
 - Site security including on-site student behaviour
 - Enforcement of non-student parking controls
 - Refuse collection
 - Site deliveries
 - Utilities and services management
- 5.85 Details will be secured at the reserved matters stage once an operator has been appointed who will be required to sign up to any management plan secured via S106 Agreement.

Amenity

- 5.86 A Noise Assessment has been prepared by Matrix Acoustics in support of the proposed residential and student accommodation. The noise survey has determined the industrial noise levels and makes recommendations to ensure a good standard of amenity to the future residents. It concludes:
- The dominant noise sources affecting the site are road traffic on Newbridge Road and nearby industrial activities/plant
 - A 'medium' noise risk has been established on the Newbridge Road frontage and an indicative façade sound insulation scheme has therefore been provided to comply with noise ingress limits
 - A 'significant adverse' noise impact from industrial noise is at the worst affected facades, depending on the context. Noise ingress limits have been determined and an indicative façade sound insulation scheme has been provided to comply with these limits.
 - By implementing these recommendations into the final design at the reserved matters stage, suitable noise ingress levels can be achieved and therefore the development is acceptable on noise grounds.
- 5.87 Accordingly, the proposed development is in accordance with **Policies D6, PCS1 and PCS2**.

Sustainability

- 5.88 The proposal would make efficient use of a brownfield site within the existing settlement boundary – it is by definition sustainable development, delivering homes on previously developed land. Its location and design of the development will reduce reliance on the private motor vehicle and seek to enhance journeys by foot, bicycle, and public transport.
- 5.89 The Design & Access Statement sets out how passive design and energy efficiency measures will form the basis for the reduction in overall energy demand and carbon emissions for the proposed development.
- 5.90 As a starting point, the energy strategy is focused on reducing energy demand within the development by optimising the envelope and building services and by adopting the 'Be Lean', 'Be Clean', 'Be Green' energy hierarchy approach to development. By reducing the overall

carbon dioxide emissions from the development, the result will be a more energy efficient building where demand is minimised and the supply is made efficient.

- 5.91 Full details are set out in the accompanying Energy Statement and Ventilation Strategy prepared by Hoare Lea. In accordance with **Policy CP2** the application is accompanied by a Sustainable Construction Checklist.

Ecology

- 5.92 An Ecological Appraisal prepared by Windrush Ecology accompanies the application. It provides details of the assessment of habitats or potential habitats and provides recommendations and where appropriate proposes mitigation as required.

- No further ecological survey is considered necessary to assess the impacts of the proposed development.
- New landscape planting should include native trees and shrubs, and that consideration should be given to a landscape design that creates connectivity between habitats.
- Non-native (garden) species that are also of value for wildlife could be used more widely throughout the site given the urban nature of the scheme.
- For badgers, all contractors and site personnel should be informed of the presence of the badger sett and the sett should be clearly marked with a visual and physical barrier, in order to prevent any inadvertent disturbance to the animals. Full details of the recommended measures to be adopted are set out at 5.2.2 of the report.
- For bats, the lighting strategy should consider providing a dark corridor for movement through the site, with particular consideration to maintaining an east-west corridor for bats along the alignment of the disused railway line. In addition, it is recommended that the landscape scheme provides enhanced habitat connectivity for bats through the site.
- For birds, it is recommended that the clearing of scrub vegetation is avoided in the main bird breeding season.
- For reptiles, it is recommended that scrub vegetation is cleared using handheld strimming and cutting equipment so that the progressive clearance of the vegetation is slow. Furthermore, creating small piles of rubble and/or log piles in boundary habitats of the site will provide potential areas of refuge for reptiles.

5.93 Accordingly, there would be no significant harm to ecology as a result of the proposed development and that reducing the amount of hard surfacing on the site could improve its ecological contribution. The proposed development is in accordance with **Policies NE2, NE3, and NE6.**

Trees

5.94 A Tree Survey has been undertaken and the accompanying report confirms that no trees of significant amenity value would be lost. Any loss of trees due to the requirements of using the site efficiently would be more than outweighed by the proposed new tree planting and landscaping throughout the site.

5.95 The proposal would therefore comply with **Policy NE6** which requires the retention of trees where possible and the planting of new trees.

Flooding and Drainage

5.96 The site lies within Flood Zone 1 and is a brownfield former industrial site, however the site is over 1ha in size therefore a flood risk assessment is required.

5.97 A Flood Risk Assessment and Drainage Strategy report have been prepared, which provides brownfield runoff and greenfield runoff calculations and provides a surface water management strategy. It concludes:

- The proposed development is considered to be at low risk of flooding from all sources and is fully compliant with the NPPG.
- The surface water drainage strategy will attenuate flows before discharge to the public network.
- Site wide surface water strategy incorporates a number of SuDS features to manage flows within the site.

5.98 The proposal complies with **Policies CP5 and SU1.**

Archaeology

5.99 The Council's archaeologist has previously noted in the 2014 application that due to the former use of the site as a quarry, any below ground archaeological deposits on site are likely to have already been removed or destroyed. It was confirmed that no further archaeological investigation or conditions would be required.

Land Contamination

- 5.100 A Phase I Contamination Desk Study was previously undertaken with the previous application which concluded that, given the historical and contemporary site land uses, the primary ground contamination issues are considered to relate to former fuel station on the north-west of the site, other car related uses, chemical and oil storage areas, historical landfilling and railway at the site, and asbestos.
- 5.101 The data and information provided by this earlier report has informed the Phase 2 Intrusive Investigation and Assessment, and this new report accompanies this application in accordance with **Policy PCS5**.

S106 Contributions

- 5.102 In accordance with the Planning Obligations SPD 2015, the development will make a financial contribution of c.£20,000 towards education and a financial contribution of c.£25,000 towards allotments. The Council have previously confirmed that as long as a good quality sustainable transport route is delivered the requirement for green space under **Policy LCR6** is met.
- 5.103 Significantly, the application proposes to deliver the 'missing link' of the cycle path through this part of Newbridge. In addition to the construction of the route within the applicant's red line boundary, the development will also fund the construction of the route either side of the site along the former railway bed via either a Section 106 contribution or, as is clearly intended by the Council's Regulation 123 List, from the CIL contribution arising from the development.
- 5.104 In this respect, the Regulation 123 List includes "*Strategic Transport Infrastructure including cycling and walking infrastructure, and public transport (excluding development specific mitigation works on, or directly related to, a development site).*" As delivering the sustainable transport route is a Development plan policy objective and a benefit to the city as a whole, it is considered that it is entirely legitimate for it to be funded by CIL contributions.
- 5.105 The Viability Assessment accompanying the application makes the assumption that the estimated £285,000 cost for the missing links of the cycle route will be met via CIL contributions and not from S106 contributions. In the event that BANES disagree and require the completion of the route to be funded by a S106 contribution, then Oakhill will agree to this albeit it will impact negatively on the scheme viability and potentially the level of affordable rented accommodation that the development can provide. Either way the completion of the missing links to the sustainable transport route including through the site and either side of the site will be a significant benefit arising out of the proposals.

5.106 The development will also fund the upgrading of the bus shelter on Newbridge Road at a cost of £20,000.

5.107 The draft Heads of Terms are expected to secure the following:

- Affordable housing
- Safeguarding and provision of sustainable transport route
- Education contribution
- Improvements to the public highway including new pavement and kerbs
- Upgrading of bus stop
- Monitoring of bus network capacity
- Enforcing a car-free student development

6. SUMMARY AND CONCLUSIONS

- 6.1 The Hartwells Garage has recently closed, and the buildings sit vacant. The buildings are nearing the end of their operational life and an opportunity presents itself to regenerate and significantly improve this sustainably located brownfield site.
- 6.2 It is proposed to demolish the existing buildings and redevelop the site to provide up to 104 residential units, up to 186 student bedrooms, and a small flexible use commercial unit in a series of buildings across the site.
- 6.3 The site is allocated in the current Development Plan by Policy SB15 for redevelopment and the provision of up to 80-100 dwellings. Council Officers have confirmed that the provision of student accommodation on the site is acceptable so long as it does not prejudice the delivery of the residential units. These two types of residential accommodation are compatible, with the residential use being 1-bed and 2-bed flats operated on a build to rent basis targeted at recent graduates, young professionals, and key workers.
- 6.4 The proposal represents an excellent opportunity to significantly boost the supply of housing and purpose-built student accommodation in Bath, thereby supporting the objectives of the Core Strategy and Placemaking Plan. Much-needed new homes targeted at a particular demographic will be provided, whilst at the same time the provision of purpose-built student accommodation will relieve pressure on the City's stock of family housing.
- 6.5 This sustainably located brownfield site is ideally situated to serve Bath Spa University and the associated Bath School of Art and Design campus nearby on Locksbrook Road. Frequent bus services run into the City Centre, and the delivery of the sustainable cycle route will provide a safe and convenient means of reaching the City Centre for both students and commuters alike.
- 6.6 The proposals have been informed by dialogue and consultation with officers at the Council, as well as being shaped by feedback from public consultation.
- 6.7 The indicative proposal demonstrates that it would be possible to deliver a high-quality redevelopment scheme which would be an attractive addition to Bath, improve the street scene of Newbridge Road, and deliver this section of the Bristol to Bath cycle route.
- 6.8 It has been demonstrated through the detailed Landscape and Visual Impact Assessment that the proposed height, massing, layout, and form of the development can be achieved without adverse impact on identified long range and short-range views. Indeed, the proposal is

- considered to represent a considerable enhancement to the current buildings and areas of hardstanding on the site.
- 6.9 The ecological and arboricultural credentials of the site would be enhanced by the proposals, and the landscaping proposals demonstrate an approach to the creation of courtyards, spaces, and pedestrian-friendly linkages throughout the site.
- 6.10 The redevelopment would improve the existing site entrance and would protect the safety and convenience of the highway. Vehicle parking is provided for the residential units at a 1:1 ratio, which is considered acceptable given the flexibility of Policy ST7, the excellent sustainability credentials of the site including the new bicycle route, and the build to rent nature of the residential units provided and their target market.
- 6.11 Bicycle parking is provided at a level which reflects the site's ability to greatly benefit from the new sustainable cycle route, in accordance with current adopted standards.
- 6.12 The Hartwell Garage site is an extremely challenging site both physically and economically, however it has been possible to design a scheme which meets the Council's ambitions for the site to deliver 80-100 homes which at the same time is, importantly, viable and deliverable.
- 6.13 For all the above reasons, it is considered the proposal accords with the policies and objectives of the development plan and the National Planning Policy Framework, and it is respectfully requested that outline planning permission is granted.