

Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **22nd September 2021**

AGENDA
ITEM
NUMBER

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RESPONSIBLE OFFICER: Simon de Beer – Head of Planning

TITLE: **APPLICATIONS FOR PLANNING PERMISSION**

WARDS: ALL

BACKGROUND PAPERS:

AN OPEN PUBLIC ITEM

BACKGROUND PAPERS

List of background papers relating to this report of the Head of Planning about applications/proposals for Planning Permission etc. The papers are available for inspection online at <http://planning.bathnes.gov.uk/PublicAccess/>.

- [1] Application forms, letters or other consultation documents, certificates, notices, correspondence and all drawings submitted by and/or on behalf of applicants, Government Departments, agencies or Bath and North East Somerset Council in connection with each application/proposal referred to in this Report.
- [2] Department work sheets relating to each application/proposal as above.
- [3] Responses on the application/proposals as above and any subsequent relevant correspondence from:
 - (i) Sections and officers of the Council, including:
 - Building Control
 - Environmental Services
 - Transport Development
 - Planning Policy, Environment and Projects, Urban Design (Sustainability)
 - (ii) The Environment Agency
 - (iii) Wessex Water
 - (iv) Bristol Water
 - (v) Health and Safety Executive
 - (vi) British Gas
 - (vii) Historic Buildings and Monuments Commission for England (English Heritage)
 - (viii) The Garden History Society
 - (ix) Royal Fine Arts Commission
 - (x) Department of Environment, Food and Rural Affairs
 - (xi) Nature Conservancy Council
 - (xii) Natural England
 - (xiii) National and local amenity societies
 - (xiv) Other interested organisations
 - (xv) Neighbours, residents and other interested persons
 - (xvi) Any other document or correspondence specifically identified with an application/proposal
- [4] The relevant provisions of Acts of Parliament, Statutory Instruments or Government Circulars, or documents produced by the Council or another statutory body such as the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007

The following notes are for information only:-

- [1] "Background Papers" are defined in the Local Government (Access to Information) Act 1985 do not include those disclosing "Exempt" or "Confidential Information" within the meaning of that Act. There may be, therefore, other papers relevant to an application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.

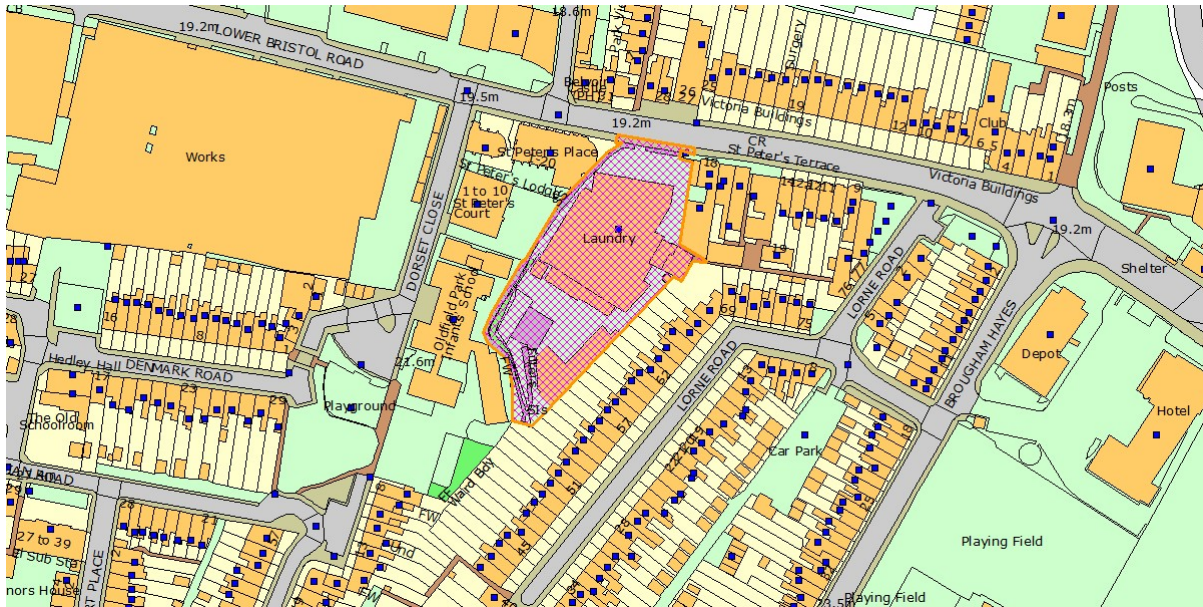
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting the requirements of the above Act, other letters and documents of the above kinds received after the preparation of this report and reported to and taken into account by the Committee will also be available for inspection.
- [4] Copies of documents/plans etc. can be supplied for a reasonable fee if the copyright on the particular item is not thereby infringed or if the copyright is owned by Bath and North East Somerset Council or any other local authority.

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	20/03166/FUL 23 September 2021	Lower Bristol Road Bath Limited Regency Laundry Service, Lower Bristol Road, Westmoreland, Bath, Bath And North East Somerset Erection of two buildings of up to four storeys comprising co-living accommodation with co-working space to the ground floor, alongside landscaping works, cycle parking and disabled car parking bays following demolition of existing buildings.	Westmoreland	Chris Griggs-Trevarthen	REFUSE

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 001
Application No: 20/03166/FUL
Site Location: Regency Laundry Service Lower Bristol Road Westmoreland Bath
Bath And North East Somerset



Ward: Westmoreland **Parish:** N/A **LB Grade:** N/A

Ward Members: Councillor Colin Blackburn Councillor June Player

Application Type: Full Application

Proposal: Erection of two buildings of up to four storeys comprising co-living accommodation with co-working space to the ground floor, alongside landscaping works, cycle parking and disabled car parking bays following demolition of existing buildings.

Constraints: Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, District Heating Priority Area, Flood Zone 2, HMO Stage 1 Test Area (Stage 2 Test Req), LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,

Applicant: Lower Bristol Road Bath Limited

Expiry Date: 23rd September 2021

Case Officer: Chris Griggs-Trevarthen

To view the case click on the link [here](#).

REPORT

REASONS FOR REPORTING TO COMMITTEE

The application is subject to a viability assessment in respect of affordable housing and in accordance with the scheme of delegation is being reported to the Planning Committee.

The application was deferred from the August committee to enable members to undertake a site visit.

DESCRIPTION

The application site measures 0.44 hectares and is located off the Lower Bristol Road, between Dorset Close and Lorne Road approximately 0.6 miles west of the city centre. It currently accommodates the Regency Laundry which comprises a single storey building with a curved roof that reaches approximately three-storey height and a two-storey frontage. The footprint of the existing building covers a large part of the site area.

The site is located within the Bath World Heritage Site but is not located within the Bath Conservation Area. The majority of the site falls within flood zone 2 with only a few areas falling within flood zone 1. There are a number of listed buildings which lie on the north side of Lower Bristol Road directly opposite the site including: Victoria Buildings (Grade II), Belvoir Castle (Grade II) and Park View (Grade II). The site is also identified as a site of potential concern in relation to contaminated land. The site is also located within the Bath Air Quality Management Area ("AQMA") and is within the Bath District Heating Priority Area.

This application seeks permission for the demolition of all existing buildings on the site, the erection of two buildings of up to four storeys comprising co-living accommodation with co-working space to the ground floor, alongside landscaping works, cycle parking and disabled car parking bay. This includes the following:

1. 155 co-living studios
2. Shared kitchen, living, and communal amenity spaces totalling 494 sqm
3. 261 sqm of co-working space at ground floor level, which is part resident only and part publicly accessible
4. External landscaped areas including the opening up of the existing culvert
5. 155 cycle spaces and 2 car parking spaces.

The application proposes to provide 20% of the co-living studios as affordable housing. This equates to the provision of 31 co-living studios. The proposed tenure of these affordable dwellings would be discount market rent provided at 80% of the Open Market Rent. The application also includes an additional financial contribution of £49,000 towards the provision of off-site forms of affordable housing.

PLANNING HISTORY

The site has operated as a laundry for a significant length of time and, other than smaller extensions, alterations to shop fronts and signage, it does not have any planning history of relevance to this current application.

ENVIRONMENTAL IMPACT ASSESSMENT

A screening opinion for this development issued by the Council in June 2020 and concluded that it does not represent EIA development. Whilst there have been minor

changes to the proposals since that date, these have not been of such significance to change the conclusion that the proposal is not EIA development.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HOUSING: No objection, subject to securing affordable housing

CONTAMINATED LAND: No objection, subject to conditions

DRAINAGE AND FLOOD RISK: No objection, subject to conditions.

SUSTAINABILITY ASSESSOR: No objection

ENVIRONMENTAL MONITORING: No objection, subject to conditions

URBAN DESIGN: Scope for revision

The scheme is too great in footprint, scale and mass for the context. Public realm quality is compromised by the layout, highways dominance and scale of development. Sustainable construction measures are inadequate. Architecture lacks provision of quality living spaces and arrangements of homes for residents. There is much scope for improvement of the design for this proposal all round.

CONSERVATION OFFICER: Scope for revision

A scheme that is more unified in both design and use of materials and better reflects and responds to the character of the area is likely to result in more successful scheme

The impact on nearby heritage assets, designated and undesignated, is regarded as less than substantial and at the lower end of harm: negligible to slight.

ARBORICULTURE: No objection, subject to conditions

LANDSCAPE: No objection, subject to conditions

ECOLOGY: No objection, subject to conditions

PARKS: No objection, subject to planning obligations for greenspace enhancement

HIGHWAYS: No objection, subject to conditions and planning obligations

PLANNING POLICY: Objection

Loss of industrial - Policy ED2B 'Non-Strategic Industrial Premises' applies. There are strong economic reasons why this proposal for residential development resulting loss of industrial land is inappropriate taking into account the significant losses of industrial land that have occurred since 2011, the increased demand for industrial land and the lack of future supply in Bath. It is considered that the site is still capable of offering premises for industrial use.

ECONOMIC DEVELOPMENT: Objection

Economic Development cannot support the planned proposal, which would equate to the significant loss of commercial floorspace and employment within Bath & North East Somerset, for the following summarised reasons.

These are as follows:

- o A marketing period of 12 months on the open market has not been undertaken to demonstrate redundancy as an employment use.
- o As noted in the previous response the planned losses of Core Strategy Policy B1 have already been exceeded.
- o There are significant negative impacts of the loss of industrial space within BaNES and Bath in particular. Impacts in terms of employment growth, the proper functioning of the economy and the loss of future activity to other areas, further compounding these issues, if this trend continues.

AVON AND SOMERSET POLICE: No objection

VIABILITY ASSESSOR: Comments

C&W's revised appraisal produces a RLV of £247K, which is in line with the Applicants' appraisal and therefore supports the results of the Applicants' assessment.

Considering the latest information provided by the Applicant, C&W are of the opinion that the revised Affordable Housing proposal from the Applicant appears reasonable in the context of scheme viability.

ENVIRONMENT AGENCY: No objection, subject to conditions

COUNCILLOR JUNE PLAYER: Objection

Cllr. Player objects to the application for the following summarised reasons:

1. The proposals are too tall and dense for its location, it constitutes overdevelopment and will detract from historic buildings near the site.
2. It lacks architectural features of merit and does not follow the pitched roof style of the neighbouring buildings. It is a hard, flat and boring box-like design.
3. The choice of materials includes far too much grey metal cladding and is unsightly.
4. Loss of light and overlooking to St Peter's Place, particularly flats 1, 2, 7, 8 and 13 (and possibly 20), including impacts upon living rooms, gardens and private terraces.
5. Overbearing impact of the eastern building upon the gardens of Lorne Road.
6. The Urban gull management plan is unsuitable and inadequate, and gulls should be designed out from the beginning.
7. Insufficient landscaping for the number of proposed residents and would fail to soften the impact of the development in the street scene.
8. Loss of the exposed Marl Brook to the front of the proposals will have a negative impact upon ecology.
9. The proposals are only offering a single housing type and the short tenancies will not be conducive to building sustainable communities.

10. The loss of further industrial capacity to that already lost in the city will be harmful to the provision of jobs within Bath and to sustaining a mixed economy within the city. The proposals are contrary to policy ED2B.

11. The site could be redeveloped for B1 usage which by its very nature is compatible with residential areas. The applicant has also failed to evaluate a mixed-use development, with a combination of light industrial and residential use. The applicant has also failed to market the site.

12. The submitted LVIA's are of no real benefit as they are from too far away, further LVIA's showing the local impact should be submitted.

13. Planning decisions such as this should be postponed until we know the longer term impact of Covid-19.

14. There is a lack of parking provision in an area which already has serious parking issues.

BATH PRESERVATION TRUST: Objection

In principle, the Trust is supportive of the residential redevelopment of the site. They feel that a scheme of an appropriate design and scale could positively contribute to the social, architectural, and aesthetic significance of the streetscape. However, considering the low-rise appearance of the townscape and high concentration of Grade II 19th century terraces within the immediate contextual setting of the laundry site, they feel the proposed design in its current form would fail to respect or reinforce local distinctiveness and local townscape character, and would harm the setting of multiple Grade II buildings due to the proposed overall increase of site height and massing, and lack of meritorious detailing or form.

They consider the application is therefore contrary to Section 12 and 16 of the NPPF, and Policies B1, B4, BD1, CP6, D1, D2, D3, D5, and HE1 of the Core Strategy and Placemaking Plan. We would therefore encourage a reconsideration of design and use of materials to better complement the existing streetscape of Lower Bristol Road whilst becoming of greater visual interest in its own right.

They also have concerns with the introduction of a co-living scheme within the context of Covid-19, which is overly dependent on communal space to make up for private studio rooms that do not meet nationally described space standards or local policy requirements for housing mix.

BATH HERITAGE WATCHDOG: Objection

The site however does have significance on industrial heritage grounds and there is nothing in the application that marks this, nor properly justifies its loss.

The off-set glazing of the entrance facade throws the whole out of visual aesthetic balance. There is a lack of contemporary detailing. It would have also benefited from having a roof. The other elevations show what is now standard for blocks of this type, of long stretches of wall with little or no set back and articulation and clad in an 'off the shelf' range of materials dominated by the 'see it everywhere' metal cladding mounted vertically. The point about lacking horizontal detail is continued on all elevations.

The roofscape is overlooked with a token bit of semi-mansard and flat roof with sedum. The surrounding roofscape contains red clay tiles so the proposal is not sensitive to this setting. The flat roof will be attractive to gulls.

The stand-alone element (eastern building) is the poorest feature and resembles a hay barn of agricultural design. The lack of windows is understood, but the elevational treatment could have been better handled.

The approach to vernacular should reflect residential housing in the area rather than industrial models or student blocks. The same applies to the proposed materials

The floor risk assessment should consider flooding caused by run-off from the southern hills, not just fluvial risk.

The proposal seeks to maximise units and given the constrained limits of the site, the design is cramped resulting in a cramped hemmed-in feeling which points to overdevelopment.

There are fears that the 'co-living' use will not be able to prevent student use. This has implications for housing need and parking provision.

THIRD PARTIES/NEIGHBOURS: There have been 29 OBJECTION comments from third parties. The main issues raised were:

Many of the comments considered that the scale of the proposed building at 4 storeys was too big and out of keeping with the locality. It was considered to have an overbearing impact on the adjacent St Peters Place and a harmful impact upon the setting of the nearby listed buildings (Victoria Buildings, Belvoir Castle and Park View).

Several comments also considered that the proposals would jar with the surroundings, appearing incongruous and not in keeping with the surrounding Victorian and Georgian buildings.

Several also considered that the proposals would represent overdevelopment and would appear cramped on the site.

Many comments were concerned about the impact of the proposed building upon the amenities of adjoining neighbours including St Peters Place, St Peters Hall and Lorne Road. There was concern that the proposals would result in significant loss of light, outlook and privacy from private areas serving these surrounding properties. There was also concern about the loss of outlook, light and privacy from the adjacent school and its associated playground. There was criticism of the submitted daylight/sunlight assessment which it was suggested was based upon incorrect assumptions and referred to outdated guidance.

A few of the comments raised concerns over the proposed co-living use, criticising the single tenure nature of the development and stating that it would have an adverse impact upon communities and fail to comply with policy CP10. There were concerns that the proposed co-living use was purpose-built student accommodation in 'disguise' and

highlighted a perceived lack of need for further student accommodation and the existing overabundance of HMOs in the area. Others were concerned that the development will be used by 'temporary' or 'transitory' residents who will not contribute towards the community. There was concern that demand for this type of living would not exist or that these types of living arrangements are not sensible due to the current concerns about Covid-19.

A few of the comments were concerned about the occupiers of the proposed development having parties and generating noise and disturbance beyond that experienced as a result of the current use. There were concerns about litter, noise and anti-social behaviour emanating from the development.

Many were concerned about the lack of parking for the proposed development and felt that 1 disabled space and 1 car club space were insufficient. There is a perception that 'car-free' development does not work and concerns that parking demand from the development will add to already busy streets which are not covered by the residents parking zone ("RPZ"). Several comments highlighted the need for electric charging points.

Several comments highlighted that the loss of industrial land would be contrary to local policy and the objectives for job creation set out in the Core Strategy.

There were concerns that the proposals would result in an increase in traffic which would, in turn, result in an increase in pollution.

Several criticised the proposed co-living accommodation calling it too small with poor levels of outlook and daylight. They also highlighted the lack of outdoor space available to occupiers and considered the development to be unsustainable. Several also considered that the proposed flats were not futureproofed and would be difficult to adapt to a different use if demand were to shift.

There was concern about a lack of greenery on the site and that the proposals would 'hide' the Marl Brook to the detriment of wildlife and ecology.

There was concern that the proposed flat roofs and use of sedum roofs would attract urban gulls which are a nuisance.

A total of 7 SUPPORT comments have been received. The main points raised were:

Comments suggested that the proposals would help to transform and regenerate a vacated brownfield site. It was suggested that the scale was in line with recently consented or completed development and that it would assimilate into its surroundings well. It was suggested to enhance the area, improve the environment and visual appearance of the area.

Several suggested that the co-living units would support young professionals, graduates and single households in the city with finding accommodation and described it as an 'affordable living method'. It was suggested that the development will help meet the city's housing targets and address the housing shortage. It was also suggested that it would ensure that the city does not lose its graduates.

It was considered that the proposal provides a significant amount of affordable housing and that this was rare for Bath developments.

The co-working lounge was considered to be a benefit of the scheme which would be available to the occupiers as well as the wider community. It would also provide the site with an active frontage.

It was suggested that the proposals would provide economic benefits to the local economy as it would support local businesses and generate jobs in both its construction and operational phases.

Several comments were made to suggest that the developer has a track record for delivery.

The proposed sustainability features of the development were highlighted alongside the public realm improvements that would be provided.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
 - o Policy GDS.1 Site allocations and development requirements (policy framework)
 - o Policy GDS.1/K2: South West Keynsham (site)
 - o Policy GDS.1/NR2: Radstock Railway Land (site)
 - o Policy GDS.1/V3: Paulton Printing Factory (site)
 - o Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)

CORE STRATEGY

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

- DW1 District Wide Spatial Strategy
- SD1 Presumption in favour of Sustainable Development
- B1 Bath Spatial Strategy
- B4 Bath World Heritage Site
- B5 Strategic Policy for Bath's Universities
- CP2 Sustainable Construction
- CP4 District Heating
- CP5 Flood Risk Management
- CP6 Environmental Quality
- CP9 Affordable Housing
- CP10 Housing Mix
- CP13 Infrastructure Provision

PLACEMAKING PLAN

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

SCR1 On-site Renewable Energy Requirement
SCR2 Roof-mounted/Building-integrated Scale Solar PV
SCR5 Water Efficiency
SU1 Sustainable Drainage
BD1 Bath Design Policy
D1 General Urban Design Principles
D2 Local Character and Distinctiveness
D3 Urban Fabric
D4 Streets and Spaces
D5 Building Design
D6 Amenity
D8 Lighting
D9 Advertisements and Outdoor Street Furniture
HE1 Historic Environment
NE1 Development and Green Infrastructure
NE2 Conserving and Enhancing Landscape and Landscape Character
NE2A Landscape Setting of Settlements
NE3 Sites, Species and Habitats
NE6 Trees and Woodland Conservation
PCS1 Pollution and Nuisance
PCS2 Noise and Vibration
PCS3 Air Quality
PCS5 Contamination
PCS7A Foul Sewage Infrastructure
H7 Housing Accessibility
LCR7B Broadband
LCR9 Increasing the Provision of Local Food Growing
ST1 Promoting Sustainable Travel
ST2 Sustainable Transport Routes
ST7 Transport Requirements for Managing Development

SUPPLEMENTARY PLANNING DOCUMENTS

City of Bath World Heritage Site Setting SPD (2013)
Sustainable Construction Checklist SPD (2018)
Planning Obligations SPD (2019)

ADDITIONAL GUIDANCE

Bath City Wide Character Appraisal (2005)
Strategic Flood Risk Assessment (SFRA) of Bath and North East Somerset (2009)
Bath Building Heights Strategy (2010)
Green Infrastructure Strategy (2013)
West of England Sustainable Drainage Developer Guide (2015)
Bath Air Quality Action Plan (2016)

NATIONAL POLICY AND GUIDANCE

The National Planning Policy Framework ("NPPF") and National Planning Practice Guidance ("NPPG") are significant material considerations. The following paragraphs and sections are of particular relevance:

8 - 12 Achieving sustainable development and the presumption in favour of sustainable development

55 - 58	Planning conditions and obligations
81 - 83	Supporting economic growth
92	Achieving healthy, inclusive and safe places
98	Access to networks of high quality open spaces
107	Setting parking standards
119 - 120	Making effective use of land
124 - 125	Achieving appropriate densities
123 - 132	Creation of high quality buildings and places
134	Refusing poor design
157	Decentralised energy and minimising energy consumption
162 - 168	Planning and flood risk
174	Conservation and enhancing the natural environment
180	Habitats and biodiversity
183 - 187	Ground conditions and pollution
189	Significance of heritage assets
194 - 197	Proposals affecting heritage assets
199 - 208	Heritage assets and public benefits

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT

The main issues to consider are:

1. Loss of industrial use
2. Co-living and co-working
3. Affordable Housing
4. Design
5. Heritage
6. Residential amenity
7. Highways and parking

8. Ecology
10. Trees and woodland
11. Parks and open spaces
12. Flood risk
13. Drainage
14. Contaminated land
15. Air quality
16. Sustainable construction and climate emergency
17. Public benefits
18. Other matters
19. Planning balance
20. Conclusion

1. LOSS OF INDUSTRIAL USE

The existing site was until recently in use as a commercial laundry (class E(g)(iii)) with an element of a dry-cleaning service provided on-site as well. The proposals will therefore involve the loss of the existing industrial use.

Policy ED2B of the Placemaking Plan relates to non-strategic industrial sites that are not offered protection under policy ED2A. Here applications for changes of use to non-industrial/B use class employment uses will normally be approved unless there are strong economic grounds for refusal. Evidence of unsuccessful marketing on reasonable terms for 12 months prior to an application and during a sustained period of UK economic growth will be taken as evidence that there is not a strong economic reason for refusal.

First, it is necessary to consider whether there is a strong economic reason for refusal. What constitutes a strong economic case is not defined within the Placemaking Plan, but this policy must be viewed within the context of the Core Strategy and its objectives.

Policy DW1 makes provision to accommodate a net increase of 10,300 jobs by 2029 with policy B1.2a identifying an overall net increase in jobs of 7,000 for Bath. Strategic Objective 3 of the plan proposes "maintaining an appropriate supply of land in Bath for industrial processes and services to ensure the city retains a mixed economy" and Policy B1.4 indicates that the plan will work to "achieve a better balance between the overall number of jobs in the city and the resident workforce" and that "Economic diversification will reduce the need for a significant minority of resident workers to out-commute to other areas."

The Core Strategy identifies also identifies the following as one of the strategic issues facing Bath:

"Alongside measures to diversify the economy, industrial enterprise must be allowed to compete in the land market in order to sustain a mixed employment offer for a multi-skilled workforce"

Notwithstanding, the above Policy B1.2e plans for a contraction in the demand of industrial floor space by about 40,000sqm over the plan period but seeks to sustain a

mixed economy to support Bath's multi-skilled workforce and multi-faceted economic base by retaining a presumption in favour of industrial land in the Newbridge Riverside area.

In addition to the above, the Council have published a guidance note on the implementation of policy ED2B setting out the criteria to determine whether a strong economic reason exists. These are set out below alongside commentary about their relevance to the current application.

Progress against the area specific managed changes in industrial floorspace stated in the Core Strategy

The latest annual monitoring report shows a net loss of over 45,092 sqm of industrial floorspace in the period of 2011-2018. This exceeds the managed reduction of 40,000 sqm in the Core Strategy plan period between 2011-2029. A further loss of 11,000 sqm is also anticipated through extant permissions and site allocations in the Placemaking Plan. This would result in excessive losses of industrial floorspace which would be contrary to policy B1 and would risk harming the ability of Bath to meet its strategic objectives.

In respect of jobs growth, there has been a net growth of approximately 1,900 jobs, 800 short of the 2,722 jobs that would have needed to have been created by 2018 to meet the growth targets of the Placemaking Plan. This places further emphasis on the need to support the economic development strategy and to prevent further losses of industrial floorspace which could support additional jobs growth.

Employment & Business Sectoral Growth - growth in business and employment sectors that do or could occupy the site in question.

When looking at the ONS Annual Population Survey Data it shows that between 2019-2020 there was a 1.8% (5.2% 2019, 7% 2020) increase in the percentage of the BaNES population employed in the manufacturing sector and a 0.8% (6.5% 2019 7.3% 2020) increase of the population employed in the construction sector. This demonstrates employment growth in the business sectors which could occupy the site.

Present use - Is the site presently in occupation and how many people are employed there?

The site is currently occupied by Regency Laundry, a commercial laundry company. However, they have advised that from October this year they will be vacating the site and moving to a new site in Corsham, Wiltshire. The reason given for their vacating the premise is that they have reached the limits of available capacity on the site due to its logistical and environmental constraints and that they were seeking larger and more modern premise.

That the existing tenant has operated successfully and has now outgrown the premises is noted, and their identification of possible expansion sites is very welcome by Economic Development. However, the fact that the current occupier is expanding does not imply that the site is redundant for any further commercial/industrial use.

The site will therefore shortly be vacant, but prior to this has been in continuous operation as a commercial laundry since 1879. The information submitted with the application suggests that the current business employs 85 people, although it is unclear precisely how many FTE jobs this equates to.

Suitability/ viability - if the site is not currently occupied whether it is in a condition and location that it can viably continue as an industrial employment site

A report from a commercial property agent, Hartnell Taylor Cook, submitted with application considers the existing site to be categorised as Grade C stock and describe the building's condition as varying between fair and poor. The report also highlights a range of issues with the property's condition ranging from some water ingress, limited WC and amenity space, access constraints and poor energy performance.

The report also indicates that, due to the length of time the property has been in use as a commercial laundry, it has clearly been tailored to the needs of the laundry businesses and would likely require some modification if taken on by a different industrial use.

The report concludes that, due to the property's age and bespoke configuration, that the building would be unlikely to attract meaningful commercial interest from developers or owner-occupiers on viability grounds. It is noted that the submitted reports from commercial agents consider continued use of the building for industrial purposes 'unlikely', but none go as far as to suggest that it would be impossible for the building to be used for another industrial purpose in its current condition.

However, the site does benefit from a desirable central location. Economic Development advise that such sites in the city of Bath are very rarely available, with the recent erosion of commercial floorspace narrowing the city's economic base and limiting property options for the business that remain.

The site is surrounded by residential uses and a school. It is therefore less likely to be suitable for heavy industrial use (B2), although this would depend upon the specific circumstances of the case. However, it is relevant that premises have been in continuous operation as a laundry business without any significant record of complaints for a significant length of time. The site would therefore clearly be suitable for a class E(g)(iii) use, e.g. an industrial process being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. It may also be suitable for a B8 use depending upon the specifics of any proposal.

The applicant has also sought to provide financial viability appraisals for two alternative scenarios: the refurbishment of the existing space and redevelopment of the site for an industrial use.

However, there are several assumptions underlying these viability appraisals which are either erroneous or not transparent.

The viability for the refurbishment of the existing space assumes that the entire footprint of the premises needs to be refurbished despite the commercial property report describing building's condition as varying from fair to poor. However, it is possible that a more selective approach to bringing the property up to an appropriate standard would be adopted by any prospective purchaser. They are likely to be multiple different scenarios for refurbishment depending upon the interested occupier and thus the assumed refurbishment scenario does not prove that a refurbishment of the premises would be unviable in all scenarios.

The selected refurbishment scenario also assumes other costs, such as the infill of the reservoir, when it may be the case that other industrial processes which require access to a suitable water source may seek to retain this. The letting period is assumed to be 12 months 'reflecting the market for this tertiary asset in this location'. However, as discussed in the section below, there is a high level of demand for this sort of industrial property and limited supply, so these suggested figures appear pessimistic.

The viability for the proposed redevelopment as industrial use makes an even greater number of assumptions. Firstly, it asserts that the site does not lend itself to a large, single occupier given the proximity to residential properties and an Infants school. However, the site is currently occupied by a large single occupier and there is no reason to believe that another large single E(g)(iii) use could not occupy the site without harming the amenities of local residents. This leads to the viability appraisal assuming 6 to 8 individual units would be created which has the knock-on effect of duplicating the amount of office floorspace which would be required to services these units and for which there is a substantially higher cost per square foot.

The appraisal also erroneously includes planning costs of £15,000 which should not be included within an NPPG compliant viability appraisal. In addition, the appraisal also applies a 25% discount from the residual land value to account for planning permission for a change of use, which appears to represent double counting of a cost which shouldn't even be included in the appraisal in the first place.

Fundamentally, the appraisal shows only one potential redevelopment scenario and there would be many ways in which the redevelopment of the premises for an industrial use could be developed. Thus, a viability report based upon one scenario does not prove that redevelopment of the site for an industrial use would be unviable in all scenarios.

Notwithstanding, this fundamental flaw in the applicant's approach to viability and the specific issues with the submitted report, the viability report shows a residual land value of £202,000 under the assumed redevelopment scenario. The benchmark land value, agreed as part of a separate viability exercise relating to the proposed affordable housing provision, is also £202,000 thereby suggesting that this scenario is actually viable. The submitted report seeks to paint this as unviable by suggesting that the landowner seeking to release the site for redevelopment would have to have 'consideration of the commercial reality of the market', but that is not a factor under the NPPF/NPPG approach to viability.

Demand - if the site is vacant is there any information on the level of commercial demand for the site, this is defined by evidence of marketing on reasonable terms for 12 months prior to an application and the interest from the market.

Whilst the site is not currently vacant, it shortly will be when the current business moves from the property.

The premises were not marketed for a commercial user prior to the submission of the application. The only marketing undertaken was by direct approach to a limited number of selected developers for redevelopment purposes.

The commercial reports submitted with the application suggest that this is because they considered it unlikely that the existing buildings would provide a competitive value and return in continued operation as a warehouse or for some industrial process. It is suggested in the submitted reports that although initial interest might be forthcoming it was considered that no tenant would be prepared to enter into a full repairing lease of such an old and unusual building given the costs involved. Some of these assumptions have already been discussed and challenged above, but the failure to market the site means that it was not possible to test whether these assumptions were sound or not.

The Council's Economic Development team have provided evidence about the high levels of demand for industrial space within Bath.

A recent commercial report (Alder King Marketing Monitor 2021) noted that "Demand for good quality industrial space remains strong, with a number of active requirements, particularly for freehold space. However, options within the city continue to be almost non-existent. Supply is limited to second-hand stock. There has been no speculative industrial/distribution development in Bath and none is expected for the foreseeable future with alternative uses still able to significantly outbid industrial and logistics occupiers. Occupiers struggling to find accommodation of a modern specification are therefore forced to consider locations outside Bath"

Whilst the existing premises is low grade stock, the Hartnell Taylor Cook report submitted with the application indicates that the majority of deals on the take up of industrial space in Bath have been concluded on Grade C (poor) floorspace (Hartnell Taylor Cook, page 10) demonstrating that there is still a demand for the lower grade stock.

The Bath & North East Somerset Employment Growth and Employment Land Review by Hardisty Jones Associates and Lambert Smith Hampton March 2020 also provides useful analysis of the chronic shortage of industrial space within the area and the detrimental impact it is having on the functioning of the economy.

Key points from this report demonstrate the negative impact the loss of industrial space has had within B&NES and Bath in particular. Future impacts in terms of employment growth, the proper functioning of the economy and the loss of future activity to other areas, further compounding these issues, if this trend continues.

Furthermore, Economic Development have provided details of enquiries received from businesses seeking these sorts of premises since September 2020. This demonstrates that there have been a significant number of enquiries seeking this size of industrial premise in Bath.

In addition, the applicant has recently begun marketing the site. Following the initiation of this latest marketing exercise, the Council was contacted directly by a business expressing a direct interest in redevelopment of the site for industrial use.

Loss of industrial use conclusions

There has been an excessive loss of industrial premises in Bath which threatens the ability to meet the economic development objectives of the Core Strategy in terms of maintaining a mixed economy, reducing out commuting and jobs growth. There is evidence of growth in the relevant business sectors which could occupy the site and, whilst the current occupiers will be vacating the site due to it no longer meeting their needs, the site has been in continuous use for industrial purposes since 1879.

Whilst the existing premises represents relatively low-quality stock, there is clearly very strong demand for industrial premises in Bath. The applicant's evidence that the site is not suitable or viable is based upon assumptions which are untested due to their failure to market the premises. This is further borne out by the industrial interest arising from the recently initiated marketing of the premises.

It is therefore considered that there is a strong economic reason why the residential development of this site would be inappropriate. Evidence of unsuccessful marketing on reasonable terms for 12 months prior to an application has not been provided to demonstrate that there is not a strong economic reason for refusal. The proposals are therefore contrary to policy ED2B and would be harmful to the economic development objectives of the policies DW1 and B1.

2. CO-LIVING AND CO-WORKING USE

Co-living is a relatively new housing model with only a small number of examples around the country and no existing examples with the B&NES district. It is a type of shared living concept where there is a strong focus on the creation and nurturing of a sense of community usually comprising smaller living spaces with generous communal amenity spaces and facilities. It is distinct from other forms of shared living like PBSA due to the greater level of amenity spaces provided, the services and facilities provided, the range of tenancies available and the targeting of young professionals, graduates and single households.

The Core Strategy and Placemaking Plan are silent on the concept of co-living accommodation, although the principle of new residential accommodation within the built-up area of Bath is acceptable in accordance with policy B1.

The proposed co-working lounge (261 sqm) will be partly for residents only and part publicly accessible. Whilst the use by residents would likely be considered ancillary to the overall co-living use, the use by visiting members of the public may represent a separate office use. A co-working lounge is considered to be a main town centre use and the site is located outside of any of the centres located on the policies map. It is therefore necessary to consider the proposal against policies CR1 and CR2 of the Placemaking Plan.

Policy CR1 requires that a sequential test is undertaken unless the proposals is of small scale (less than 280sqm gross floorspace). Similarly, policy CR2 requires an impact assessment to be undertaken for office proposals where they are over 2,500sqm (gross). The proposed co-working lounge falls beneath both of these thresholds and therefore considered to be small scale. There is no requirement for the proposal to pass the sequential test or undertake an impact assessment.

The proposed co-working lounge is therefore considered to comply with policies CR1 and CR2 of the Placemaking Plan and is acceptable in principle.

3. AFFORDABLE HOUSING

Policy CP9 requires all residential developments of more than 10 dwellings to provide on-site affordable housing. The site falls within the lower value sub-market area where there is a target of 30% affordable housing provision in accordance with policy CP9.

The application proposes to provide 20% of the co-living studios as affordable housing. This equates to the provision of 31 co-living studios. The proposed tenure of these affordable dwellings would be discount market rent provided at 80% of the Open Market Rent. The application also includes an additional financial contribution of £49,000 towards the provision of off-site forms of affordable housing.

In seeking to justify the lower level of affordable housing than the 30% required by the policy, the applicant has submitted a viability appraisal as permitted to do so in accordance with policy CP9.

The Council have appointed independent viability consultants to review the applicant's submitted appraisal. Whilst some points of difference remain between the applicant's viability consultants and the Council's appointed viability assessors, both appraisals show a viability deficit. The Council's viability consultants have therefore concluded, on balance, that the affordable housing offer tabled by the applicant represents a reasonable position that the scheme can viably support.

Therefore, whilst the proposed level of affordable housing is lower than the 30% required by the policy, it is considered that this is justified by the scheme's viability. The proposals are therefore considered to provide affordable housing in accordance with policy CP9 of the Core Strategy.

4. DESIGN

The proposals have been subject to pre-application discussions and has previously been reviewed by the Council's preferred Design Review Panel (Design West). The submitted plans have sought to address the pre-application feedback and Design Review Panel response.

Layout

The layout comprises two buildings. The main larger building orientated on three axes and has a frontage facing towards Lower Bristol Road. The frontage is set back from the street and the general building line along this part of Lower Bristol Road. Approximately two thirds of the frontage have the same building line as the existing building, but the co-working lounge element projects further forward (although still behind the general building line along Lower Bristol Road).

The main building then extends southwards back into the site before turning towards the south-east. The smaller building is located in the rear of the site to the east of the main building and has a rectangular footprint. The external cycle store is located along the eastern boundary of the site and is accessible via a walkway to the east of the frontage part of the main building.

Concern has been raised by the Urban Designer that there is insufficient space around the proposed buildings. The proposed building is relatively tight to some of the site boundaries considering its size, but it is located in a fairly densely built-up area of Bath and the spaces afforded around the building are considered to be, on balance, acceptable.

The location of the co-working lounge will generate activity which will help to give primary street elevation an active frontage and is supported.

Height, Scale and Massing

The area surrounding the site comprises a mixture of two and three storey buildings. St Peter's Place immediately adjacent to the site has a three storey scale with a large roof form characteristic of its former use as a church.

The main building has three different heights; the forward projecting co-working lounge is single storey, the frontage onto Lower Bristol Road is three storeys and the rear part of the building is 4 storeys with the top storey located within a mansard roof. The building then drops back down to 3 storeys as it turns towards the southeast corner of the site. The separate rectangular building is three storeys with a pitched roof form.

The use of 4 storeys goes slightly beyond the prevailing height in the surrounding area. However, as this is located towards the rear of the site it is largely hidden from public viewpoints and will not appear unduly prominent or out of keeping with the surroundings.

The Conservation Officer and other third parties have raised concerns about the use of flat roof forms which they consider not to be in keeping with the more traditional pitched roof forms in the surrounding area. Whilst a pitched roof would have been preferred, it would have added additional height to the proposed building making it more prominent. Furthermore, the Landscape Officer has raised no criticism of how the roofscape appears in distant views.

The proposed building has a large footprint, but the way it has been broken into separate elements is relatively successful in breaking down the massing of the building, particularly on the site frontage. It maintains a human scale to the street scene and the single storey co-working/café projection evokes the character of the single storey shop fronts attached to Victoria Buildings opposite.

The 3 storey pitched roof separate building sits comfortably within the site and is of an appropriate scale, height and massing.

Landscaping

The existing site is primarily covered in hardstanding and does not contribute much in the way of greenery other than the existing trees on the site boundaries. An illustrative landscape masterplan and Landscape Strategy have been submitted and reviewed by the Landscape Officer. These present a well-considered response to the site that has the potential to both create a high-quality external environment for the residents of the proposed development and considerably enhance the site's green infrastructure, biodiversity and nature conservation value. A detailed landscaping scheme can be secured by condition.

Identity, materials and detailing

The proposals utilise a variety of materials for its elevation including lias stone, brick, coloured panels and metal cladding. Some concerns have been raised by the Urban Design and Conservation Officer about the materials palette being over complicated and requesting a more simplified and unified approach to materials. Whilst these concerns are noted, the only highly visible elevation is the north elevation onto Lower Bristol Road. The materials on this elevation are limited to bath stone and lias limestone with a small amount of metal cladding which are considered appropriate in this context. Other elevations towards the rear of the site are not particularly visible in public views and the visual impacts are limited and contained by the two and three storey residential and educational buildings which surround it. It is also possible that the precise specification and the palette of materials could be rationalised and improved as part of a planning condition requiring further details of materials.

Design conclusions

The layout, height, scale, massing and form of the proposed building are, on balance, acceptable due to the limited visibility of the rearward portions of the site and the lowering of the scale of the building towards the more visible site frontage. The use of materials is also acceptable (subject to conditions seeking to simplify the palette of materials). The landscaping proposals are positive and will result in a significant greening of the site compared to the existing situation.

The proposals are therefore considered, on balance, to comply with policies BD1, D1, D2, D3, D4 and D5 of the Placemaking Plan and are acceptable in design terms.

5. HERITAGE

The proposal has the potential to have impacts (both positive and negative) upon a range of heritage assets. These are considered in turn below:

World Heritage Site

A Landscape and Visual Impact Assessment ("LVIA") has been submitted with the application and assesses the impact of the development from several viewpoints. This has been reviewed by the Landscape Officer who has assessed the impact upon the World Heritage Site.

Given the 3/4 storey height of the proposed development and its location within an area of the city that has historically been associated with industry and utilitarian residential development, the Landscape Officer considers it unlikely that it would have a significant impact on the Outstanding Universal Value ("OUV") of the World Heritage Site, its authenticity or integrity.

The set back nature of the existing building's northern frontage onto the Lower Bristol Road and its three-storey height mean that its landscape and visual impact are limited and contained by the two and three storey residential and educational buildings which surround it.

The proposed buildings may be more visually prominent than the existing building as a consequence of their proposed greater three and four storey height. However, the submitted elevations and 3D view on the cover of Design Statement would suggest that the experience of any increased landscape and visual impact as a result of the development's height is likely to be largely restricted to the occupants of neighbouring properties rather than in distant or sweeping views.

The Conservation Officer also concludes that there would be no detrimental impact upon the OUV of the World Heritage Site.

The proposed development is therefore considered to preserve the OUV of the World Heritage Site and complies with policy B4 and HE1 of the Core Strategy/Placemaking Plan in respect of the World Heritage Site.

Listed buildings

The nearest listed buildings are located opposite the site on the Lower Bristol Road, including Victoria Buildings (Grade II), Belvoir Castle (Grade II) and Park View (Grade II). These two storey, primarily terrace, properties line the opposite side of the street to the application site.

The existing laundry building on the site does not make any positive contribution towards the setting of these listed heritage assets. The impact of the existing laundry is described by the Conservation Officer as negative/neutral and therefore its removal is not considered to be harmful to the setting of the nearby listed buildings.

The proposed building is of greater scale and projects further forward than the existing building. The proposed development is therefore more prominent than the existing building. Furthermore, the Conservation Officer has highlighted some matters relating to

the design which do not respond as successfully to the site's context. To this end, they have identified less than substantial harm to the setting of these nearby listed buildings. They have suggested that this is at the lower end of harm and described it as negligible to slight.

There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

Considerable weight and important should therefore be given to the harm identified to the above setting of the above listed buildings. In accordance with paragraph 202 this harm should be weighed against the public benefits of the scheme (discussed in greater detail in the public benefits section below). In this case, it is considered that the public benefits of the proposed development outweigh the great weight given to the harm identified.

Undesignated heritage assets

Some concerns have been raised about the impact of the proposed development upon the setting of St Peter's Place, a former church which has been converted into flats, immediately adjacent to the site. The former church holds some significance and is considered by the Conservation Officer to be a non-designated heritage asset.

The existing laundry building, whilst of little architectural merit, is clearly subservient to the prominent pitched roof of the former church. The proposed development would be of a greater scale and bulk than the existing building and as a result would start to erode the dominance of St Peter's Place. However, both the height of the frontage nearest to St Peter's Place and the 4 storey element to the rear would still remain lower and subservient to the large roof form of the former church.

The Conservation Officer judges this impact to be at the lower end of harm and described it as negligible to slight (less than substantial).

Paragraph 203 of the NPPF states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

In this instance, the level of harm identified to the setting of the non-designated asset is low (negligible/slight) and it is considered that the public benefits of the proposals outweigh the harm identified to this non-designated heritage asset.

The laundry building itself contains an unusual and rare example of a C19 iron, 'Belfast' trusses and frame, which possess some historical significance. Whilst not significant enough to justify the retention of the existing building, the Conservation Officer has recommended the inclusion of an appropriately worded condition in order to secure their preservation and reuse, albeit on an alternative site.

7. RESIDENTIAL AMENITY

The application site is surrounded by several existing properties including:

1 - 20 St Peter's Place, a former church converted to flats to the northwest
1 - 10 St Peters Court, a block of flats to the west
18 St Peters Terrace, a 3-storey mixed use terrace east of the site frontage
53 - 68 Lorne Road, a row of two storey terraces along the eastern boundary of the site
Oldfield Park Infants School

1 - 20 St Peter's Place

The 3 storey frontage element of the main building is located between approximately 4 - 8m from the site's boundary with 1 - 20 St Peter's Place. Although the proposed development is taller than the existing building it is set further back from the boundary by several metres. Notwithstanding this, concerns have been raised about the potential loss of light to properties in St Peter's Place. A daylight/sunlight assessment has been submitted with the application which has been undertaken in accordance with BRE guidance 'Site layout planning for daylight and sunlight: A guide to good practice' (2011) which is an industry standard document. The assessment measures vertical sky component ("VSC"), No-Sky Line ("NSL") and Average Daylight Factor ("ADL"). The submitted assessment shows that the proposed development meets the BRE guidance targets for the vast majority of the windows/rooms in St Peter's Place.

There would be some slight deviations from the BRE guidelines to some of the windows serving rooms in St Peter's Place, but the extent of the deviation is small, and most of the rooms effected are served by multiple windows. These deviations must be seen in the context of paragraph 125c of the NPPF which states that:

"local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)."

Additionally, the submitted assessment suggested that if a 'mirrored baseline' analysis is undertaken, as is permitted by the BRE guidance, then all of the windows and rooms are compliant. It is therefore considered that the proposed development will not have an undue impact upon the light or outlook of 1 - 20 St Peter's Place.

Whilst there are no windows proposed in the west elevation of the frontage element of the main building, the 4 storey rear element does contain multiple windows serving co-living studios in its west elevation. This element of the proposed building is set further back from the boundary with St Peter's Place (approximately 8 - 11m). The positioning of the two buildings means that the south elevation of St Peter's Place and west elevation of the proposed development are set at an angle of approximately 60 degrees from one another. Distances between windows range between approximately 13 - 30m. Whilst some of these distances are relatively close, the angle of the buildings means that the majority of views that might be obtained will be indirect or at relatively obtuse angles so will have a limited impact upon privacy.

Flat 2 St Peter's Place has a small outdoor yard to the south and flat 7 has a first-floor terrace to the south. The proposed building is set back approximately 10 - 11m from these outdoor spaces. Whilst there will likely be some overlooking of these spaces which will have a negative impact upon their amenity, given the relatively dense urban context and the fact that the proposed building is set back a reasonable distance from the boundary it is not considered such a significant impact as to warrant an objection against policy D6 of the Placemaking Plan.

1 - 10 St Peter's Court

The 4 storey element of the main building is set back approximately 8 - 11m from the boundary with 1 - 10 St Peter's Court. This is considered to be a reasonable set back and will prevent the proposed development from appearing overbearing or resulting in any significant loss of light or outlook. The proposed windows are between approximately 22 - 30m from the rear of St Peter's Court. This generous separation distance is considered to prevent any harmful overlooking from occurring. The submitted daylight/sunlight assessment demonstrates that the proposals would be within the BRE guidelines. The proposed development is therefore considered not to have any significant detrimental impact upon the amenities of 1-10 St Peter's Court.

18 St Peter's Terrace

18 St Peter's Terrace is a 2-storey mixed use terrace property with an extension to the rear. The property comprises a retail shop on the ground floor fronting St Peter's Terrace and, residential uses to the first and second floor in the front part of the building. The rear element of the site is in non-residential use.

The three-storey frontage element of the main proposed building is situated approximately 2m from the side boundary of 18 St Peter's Terrace. The first-floor west elevation of 18 St Peter's Terrace contains several windows serving two bedrooms and a living area. The submitted daylight/sunlight assessment shows that, although there will be an impact upon the light received from some of the windows serving the living area, it is served by multiple windows and will remain within the BRE guidance levels.

There are no windows proposed on the side elevation of the proposed development which would overlook windows within 18 St Peter's Terrace.

The proposed development is therefore considered not to have a significant impact upon the amenity of 18 St Peter's Terrace.

53 - 68 Lorne Road

The proposed separate 3 storey building is set back 5 - 7m from the boundary with 62 - 68 Lorne Road. The distance from the rear elevations of these properties is between 15 - 20m. Given these separation distances and the lower height of this element of the proposals, it is considered that there will not be any significant impact upon the light or outlook from these properties.

The southernmost element of the main proposed building is closer to this boundary ranging from between 3 - 10m. However, the distances from the rear of 53 - 58 Lorne Road remain approximately between 15m - 22m. Given the lower height of this element and the distances involved, it is considered that there will not be any significant impact upon the light or outlook from these properties.

The east elevation of the separate 3 storey building contains only obscurely glazed windows serving corridors. It therefore does not afford any views towards properties in Lorne Road.

Views from the east facing elevation of the 4 storey element of the main proposed building are over 30m from the rear of properties in Lorne Road and the vast majority views will also be screened by the presence of the separate 3 storey building. This separation distance and screening prevents any harmful overlooking from occurring towards Lorne Road.

The southern most elevation of the main proposed building contains only obscurely glazed windows serving corridors in its end elevation. Its north east elevation does contain a range of windows which will look towards the eastern boundary with Lorne Road. However, the angle of the building is approximately 60 degrees and so the views obtained will largely be indirect. The distance from the rear of properties in Lorne Road range from around 19m to over 25m and are not considered to result in any significantly harmful overlooking.

Oldfield Park Infants School

Oldfield Park Infants School is located to the south-west of the site and comprises multiple buildings and structures along with its playground. The main proposed building would range between approximately 11m - 18m away from some of the nearest buildings of the school but would be over approximately 40m from the playground. The proposed development does not appear to offer any significant views into any sensitive or private areas of the school and is a significant distance from the playground. There are no relevant guidelines about appropriate levels of amenity for an Infant School, but it is considered that the proposals will not significantly undermine the privacy or amenity of the school.

Co-living dwellings

Co-living is a type of shared living concept where there is a strong focus on creation and nurturing of a sense of community usually comprising smaller living spaces with generous communal amenity spaces and facilities.

The proposed development provides a total of 155 co-living studios each of which would be provided with a reasonable level of light, outlook and privacy. The rooms range in size from 19sqm to 33sqm with the average studio measuring 22sqm. This is significantly lower than nationally described space standards for normal residential studios, but this is offset to a by the provision of communal amenity spaces comprising the following:

- o A gym/fitness studio
- o 2 communal kitchen and dining areas
- o Reading room
- o TV/Lounge Room
- o Laundry Room
- o Co-working lounge
- o Landscaped gardens

Some criticism of the amount of communal floorspace has been made by the Urban Design Officer. The Design Review Panel also sort for these spaces to be more bespoke with a wider selection of spaces spread throughout the building. However, there is currently a lack of guidance or policy relating to the standards expected of co-living development and there are no other examples in the district to draw upon. The proposals do provide a similar number and amount of communal space as co-living schemes in other districts which have been provided as examples, although the implementation of communal spaces in other schemes appears to have been more elegant than the relatively simplified arrangement of communal spaces in the current proposal.

However, a co-living report (JLL, Stage 2 Co-living report) submitted with the application indicates that the layout of the spaces within the building provides flexibility in terms of their set up and uses allowing the management of the building to change how these spaces are used depending on how the residents occupy them. These spaces will be available to all tenants of the proposed development at no additional cost, including those occupying the affordable units. Tenants will also have access to high-speed broadband and wi-fi.

The development will also be maintained in a single ownership with a professional management service that manages and maintains the building.

Overall, it is considered that the proposals as designed are likely provide a decent living environment and encourage interaction and sociability between the occupiers. However, with few comparable examples to draw upon, it is difficult to know whether the scheme will be successful in achieving the desired sense of a shared living community and the management of the scheme will therefore be critical. The currently submitted co-living management plan is a reasonable framework but¹ should be built upon to include more information about the functions that the management service will undertake to try and encourage interaction between the occupiers. This can be secured by condition.

Residential amenity conclusions

The proposals provide an acceptable level of residential amenity for the potential occupiers and do not have a significantly detrimental impact upon the amenities of adjoining occupiers. The proposals therefore comply with policy D6 of the Placemaking Plan.

8. HIGHWAYS AND PARKING

Vehicle Parking

The Council's Parking Standards are set out within schedule 2 of policy ST7. The site falls within the Bath Outer Zone, but there are no proscribed standards for the proposed co-living use. The parking need for this development therefore needs to be assessed on the merits of the scheme and its location because there are no specific parking standards for this land use.

The Highways Officer considers that the parking requirement is likely to fall somewhere between C3 residential and C2 student accommodation (zero car parking) given the nature of the use.

The site is proposed to have 2 car parking spaces: one disabled bay and one car club Bay. The application documents give examples of other sites with similar accommodation and no car parking; however, each location is different, and these examples may not be directly comparable to this site. The lack of parking controls to the west of this site may mean that residents are tempted to bring a car and park it on-street.

In mitigation of any potential over-flow parking on the highway the applicant is proposing to monitor the impact of the development on parking in nearby streets with a Parking Management Plan and a programme of monitoring (for 5 years) to support this. Occupiers of the development should be ineligible for resident parking permits as well as visitors parking permits.

The Highways Officer has requested a contribution towards the extension of the residents parking zone to the west. However, whilst there are plans for a consultation later this year about extending the resident's parking zone, the outcome of those consultations cannot yet be known. Without certainty or control over whether a RPZ will be introduced in this location it is not possible to secure this contribution as it would fail to meet the CIL regulation 122 tests (e.g. necessary to make the development acceptable).

In addition, the Transport Statement proposes that the car-free nature of the development will be upheld by a clause in the tenancy agreement restricting residents from bringing a car to the site and parking in the surrounding area. This is similar to the approach adopted for many purpose-built student accommodation developments. More detail is however required to ensure that this is an effective and enforceable measure, and this could be set out in the Parking Management Plan which could be secured by condition.

The provision of a car club bay is welcomed, and the applicant has proposed that the developer will support the operation of the car club for 1 year, providing 1 on-site electric vehicle and each resident would be provided with a 1-year membership to the Car Club and £50 drive time. Given the five year period that Travel Plans usually operate and in order to establish sustainable travel behaviour, it would be sought that the developer commit to the car club being in place for at least the first three years of the development and this can be secured through a S106 agreement.

The on-site car club vehicle will be accessible to the general public and residents of the development will have access to other 18 vehicles run by the operator in Bath. An electric vehicle charging point will be provided for both the car club space and the disabled space.

A framework travel plan has also been submitted to encourage a shift to more sustainable modes of transport. This has been reviewed by the Highways Officer and is considered acceptable subject to securing a full Travel Plan by condition or legal agreement.

Based on the above, the Highways Officer has raised no objection. It is therefore considered that the proposed level of parking for parking for this co-living development is acceptable and that the likelihood of any overspill car parking can be effectively mitigated through the measures that can be secured by condition and/or legal agreement. The proposal therefore complies with policy ST7 of the Placemaking Plan.

Cycle Parking

There is no specific cycle parking standard for co-living residential development within policy ST7 and so it must be assessed on its own merits.

It is proposed to provide 155 secure, covered cycle parking spaces on site, which equates to one space per unit. This provision falls below the 2 spaces per unit standard for C3 residential accommodation, but above the standard of 1 cycle per 3 residents for student accommodation. Because the proposed units are small one-bed units, 2 spaces per unit is excessive. Equally, the provision 1 cycle per 3 residents is too low because the occupiers will be full time, permanent residents. The proposed quantum of 1 cycle parking space per resident is appropriate as it falls between these two standards.

The layout of the cycle parking has been detailed including provision for electric charging points for e-bikes and 5 Sheffield stands (10 spaces) to enable larger bicycles to park. In addition, 6 visitor cycle spaces are proposed at the front of the site.

The level of cycle parking for the BTR and PBSA elements complies policy ST7 and is therefore considered acceptable.

Access

The A36, east of Fieldings Road to Churchill Bridge, is a safeguarded road as shown on the Policies Map. This route is safeguarded to provide for future improvements to bus priority, cycle and pedestrian facilities, and public realm enhancements.

The two existing vehicular accesses onto Lower Bristol Road are proposed to be modified to allow servicing and emergency vehicles to enter and exit the site in a forward gear. The revised Transport Assessment shows that the swept path for a large refuse vehicle as well as a large car and Light Goods Vehicle can be accommodated. The access is located at the eastern side of the site's northern frontage, and the exit point is located to the west of the site's northern frontage. This one-way system is considered acceptable by the Highways Officer and can be secured by condition.

Further details of how vehicle access to the forecourt area will be controlled are required. Given that no general-purpose car parking is provided this space would be required for deliveries, taxis, trades etc. This matter can be controlled by condition and it is proposed

that a parking and servicing management plan should be agreed prior to occupation of the site.

A Stage 1 Road Safety Audit has been completed on the proposed access arrangement and no problems were found.

Concerns were originally raised about the width of the access route along the east side of the building from the highway to the rear cycle store. However, the proposed route has been revised to allow at least 1.2m width for residents to manoeuvre their bikes along the east side of the building and this is now considered acceptable.

Traffic impact / Junction Capacity

The submitted Transport Assessment provides further estimates on predicted trip generation and mode share for the number of person trips associated with the proposed development including delivery trip generations.

The existing commercial use of the site would generate approximately 107 daily two way vehicle movements. Applying the 2011 census mode share to the trip predictions for the development suggest that 148 daily two-way trips vehicle trips would be associated with development if there were no constraints on vehicle use and no improvements to sustainable transport.

The development is proposed to be 'car-free', therefore it is expected that additional trips generated by development will primarily be via walking, cycling and public transport. Vehicle traffic will be confined to servicing, deliveries, taxis and visitors. The site is projected to generate an additional 27 pedestrian trips in the am peak hour: 6 bus trips; 4 train trips; and 3 cycle trips. The site is projected to generate a total of 26 delivery/servicing vehicle trips daily with the majority being light goods vehicles.

Given that there is no on-site car parking except 1no. space for disabled parking and a car club, any vehicle trips would be to and from surrounding areas, either on-street or to public or private car parks. These trips would therefore be dispersed and unlikely to have a significant effect on any one point of the highway network.

Highway officers accept that overall, there will be a reduction in vehicle trips as a result of the development. The transport assessment does acknowledge that the development will increase movements by sustainable modes of travel and the principle of providing walking, cycling and public transport improvements to mitigate the development (discussed below) is accepted.

Pedestrians, cyclists and public transport

Policy ST1 of the Placemaking Plan seeks the delivery of well-connected places which are accessible by sustainable means of transport and requires, inter alia, the provision and enhancement of facilities for pedestrians, cyclists and the mobility impaired and the improvement and provision of new public transport facilities.

In seeking to address these matters the application offers to provide the following

1. Provision of dropped kerbs and tactile paving between Caledonian Road and Dorset Street (western side of carriageway);
2. Provision of dropped kerbs and tactile paving at the Stuart Place junction on Caledonian Road;
3. Provision of tactile paving on Victoria Bridge Road at its junction with Lower Bristol Road;
4. Provision of tactile paving on Victoria Road at its junction with Brougham Hayes;
5. Provision of tactile paving on Livingstone Road at its junction with Brougham Hayes; and
6. Provision of tactile paving on Stanley Road West at its junction with Livingstone Road.

The Highways Officer has confirmed that they are satisfied that the package of improvements to walking, cycling and public infrastructure is acceptable and commensurate with the scale of the development. It is considered that these proposals meet the requirements of policy ST1. These matters can be secured through a combination of planning obligations and conditions.

Refuse/Recycling

A waste management plan has been submitted and reviewed by the Highways Officer. Some revisions were made to the scheme to ensure separate provision for the commercial and residential waste and the relocation of the residential bin store to allow for collection from the road rather than from within in the site. Following these changes there is no objection to the proposed refuse/recycling facilities.

Construction Management Plan

The site is surrounded by residential properties and located on a busy main route into Bath. A construction management plan would therefore be required to mitigate any impacts upon residential amenity and highways safety during the development. The submitted Construction Traffic Management Plan provides a good framework to manage the impacts of development, but further changes and updates are required by the Highways Officer. These matters could be secured by condition.

Highways conclusions

There is no objection to the proposed development on highways grounds, subject to planning obligations and conditions discussed above. The proposal is therefore considered to comply with policy ST7 of the Placemaking Plan.

9. ECOLOGY

An ecological impact assessment has been submitted and reviewed by the Council's Ecologist. The site comprises mostly hardstanding and buildings which have negligible

potential to support roosting bats and very low potential to support nesting birds. There are very occasional scattered trees around site boundaries. The Marl Brook runs alongside the western boundary, comprising a short open section between two culverts. There is a narrow corridor of scrub including non-native species such as buddleia, Norway maple and Japanese knotweed. This section of the Brook has very limited potential to support protected or notable species.

A series of operational waterbodies within the site does not have potential to support great crested newt, but a precautionary approach should still be applied when these features are drained. Protection and pollution prevention measures for the adjacent Brook will need to be considered as this eventually connects to the River Avon Site of Nature Conservation Interest 320m to the north. Measures to minimise pollution during operation of the site (e.g. fencing and defensive planting) will also need to be detailed.

The closest component unit of Bath and Bradford-on-Avon Bats Special Area of Conservation ("SAC") is 2.8km from the site. The proposals do not appear to meet Natural England's SSSI Impact Risk Zone criteria. There is no credible risk of indirect impacts on the SAC as the Brook and associated habitat corridor is culverted to the north and south, as well as being in an urban and well-lit area. A Habitats Regulations Assessment is not required in this instance. A sensitive external lighting scheme would be welcomed in accordance with Bath and North East Somerset Placemaking Plan Policy D8 and best practice guidance including Bats and Artificial Lighting in the UK (ILP, 2018).

Avoidance measures for nesting birds will be required during any habitat clearance and building demolition, as advised by the ecological consultants. An eradication strategy for Japanese knotweed will also be required. Detailed methodology can be secured by a condition for a Wildlife Protection and Enhancement Scheme.

All schemes should achieve measurable biodiversity net gain to meet the NPPF (paragraphs 174, 179, and 180), Bath and North East Somerset Core Strategy and Placemaking Plan policies (for example Policies D5e and NE3) and emerging government policy. This is also supported by the recent appeal decision APP/F0114/W/19/3243930 for application 19/01596/FUL and Ecological Emergency declaration by Bath and North East Somerset Council. The ecology impact assessment confirms that the proposals will achieve measurable biodiversity net gain and this is welcomed. Submission of the Defra metric calculator would have been useful but was not essential in this case as it is clear that the extent of biodiverse habitats will be increased. The provision of at least 12 bird boxes and 4 bat boxes is supported. A detailed specification and location plan will need to be secured by condition (swift boxes would be particularly welcomed). The inclusion of green roofs in the design is strongly supported by the Council's ecologist. The western boundary planting and habitat creation will need to be carefully designed in consultation with an ecologist with native and beneficial species included throughout. Details of habitat management to benefit wildlife will need to be provided. This should include some longer grass margins during the flowering season from April to late-July/August. These matters can be secured as part of a Landscape and Ecological Management Plan condition.

Any Construction Management Plan will also need to be consistent with ecological recommendations and requirements e.g. pollution prevention measures.

It is considered that there is no ecological objection to the proposed development, and it will provide measurable biodiversity net gain. The proposals therefore accord with policies NE1, NE3, NE5 and D5(e).

10. TREES AND WOODLAND

An arboricultural Impact Assessment (Crown Tree Consultancy dated 1st September 2020) has been submitted in support of the application. This identifies seven trees and one tree group around the boundaries of the site of which 2No are categorised as grade B of moderate quality and the remainder are categorised as grade C of low quality.

The assessment states that all trees within the site are to be retained (paragraph 4.2.1) and that the overhanging foliage of a group of self-sown shrubs and young trees on the western boundary of the site (G2) would be trimmed back.

The Council's Arboriculturalist is also satisfied with the protection measures set out in the submitted Arboricultural Method Statement and Tree Protection Plans would provide adequate protection for the trees that would be retained. Subject to relevant conditions securing these matters, the proposals are considered not to conflict with policy NE6.

11. PARKS AND GREEN SPACE

Policy LCR6 states that where new development generates a need for additional recreational open space and facilities which cannot be met on-site or by existing provision, the developer will be required to either provide for, or to contribute to the provision of accessible sport and recreational open space and/or facilities to meet the need arising from the new development in accordance with the standards set out in the Green Space Strategy, and Planning Obligations SPD or successor documents

Onsite public open greenspace isn't proposed within the application and no evidence has been provided to suggest greenspace will be provided on the adjacent future development site, therefore the development is reliant on existing off-site provision for the recreational needs of the residents.

The development site is within the vicinity of the Waterspace River Park / River Line project. It is considered that the green space demands generated from the development can be met through a S106 payment to this project to make the development acceptable in planning terms in compliance with policy LCR6

The Parks and Open Spaces has calculated the total contribution amount required in line with the Green Space Strategy and based upon the potential occupancy of the proposed development to be £299,595 (capital cost and 10years maintenance). This would need to be secured by a s106 legal agreement and has been agreed by the applicant.

The scheme is therefore considered to comply with policy LCR6 of the Placemaking Plan and policy CP13 of the Core Strategy.

12. FLOOD RISK

The majority of the site falls within flood zone 2 with only a few areas falling within flood zone 1. The proposed co-living and co-working uses are classified as 'more vulnerable' and 'less vulnerable' respectively in the Flood risk vulnerability classification table within the NPPG. The proposed development therefore has to pass the sequential test, but in accordance with the flood risk vulnerability and flood zone compatibility table in the NPPG (table 3) there is no requirement to pass the exception test.

Sequential test

Paragraph 158 of the NPPF states that "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding."

Evidence to support a sequential test has been submitted with the application. The area of search is the City of Bath which is considered to be acceptable and consistent with policy B1 of the Core Strategy. The submitted sequential test evidence has demonstrated that there are no appropriate or reasonable available alternative sites for the proposed development in a lower risk zone within the area of search. The sequential test is therefore passed.

Flood Risk Assessment

A detailed Flood Risk Assessment has been submitted with the application. This has been reviewed by the Environment Agency who have raised no objection to the proposals, subject to conditions. It is therefore considered that the proposals will be safe for their lifetime and will not increase the risk of flooding elsewhere.

13. DRAINAGE

The existing site is currently served by an existing surface water and foul sewer network which runs immediately to the north of the site within the Lower Bristol Road. A strategic public foul sewer is shown immediately to the north of the site, running in a westerly direction beneath Lower Bristol Road. While a smaller separate public foul sewer is shown immediately north-east of the site. This sewer appears to collect flows from the neighbouring properties, before conveying flows away to the east of the site.

The submitted drainage report identified that approximately half of the surface water runoff from the existing buildings and hardstanding areas discharges via a private combined sewer that runs along the eastern region of the site. This private sewer conveys flows to the north before discharging into the existing Wessex Water foul sewer network located beneath Lower Bristol Road. The remainder of the surface water runoff from the site is discharged directly to the onsite watercourse (Marl Brook).

A new foul water drainage network will be required to service the proposed development. The new network will collect and convey foul water discharge from the new building to a point of connection on the existing public foul sewer network. The proposed strategy aims

to improve the current drainage situation by ensuring that surface water and foul flows are drained independently. This is welcomed.

The drainage strategy proposes to discharge all surface water flows to the watercourse within the site at a restricted rate to provide a betterment over the existing pre-development brownfield flows.

The Drainage and Flood Risk team have reviewed the submitted strategy, whilst they have no objection in principle, they have requested some further details relating to discharge rates and downstream capacity of the watercourse. These details have been provided and it is expected that the Drainage and Flood Risk team will provide further comments which will be reported in the update report. These matters will also need to be secured by condition.

14. CONTAMINATED LAND

The site is identified as a site of potential concern in relation to contaminated land due to the history of potentially contaminative uses. A ground conditions assessment report has been submitted with the application and has been reviewed by the Council's Contaminated Land Officer.

The initial ground conditions survey report concludes the following:

"Based on the limited GIworks undertaken to date, the contamination potential of the site is considered to be moderate. Further GI works and reporting will be required following demolition, including sampling and testing of soil and groundwater, and further gas monitoring. Limited remediation works are considered likely at this stage."

No objection to the proposals has been raised by the Council's Contaminated Land Officer or Environment Agency, subject to conditions requiring further investigation, remediation (if necessary) and verification.

15. AIR QUALITY

The site falls within the Bath AQMA and an Air Quality Assessment has been submitted with the application. This has been reviewed by the Council's Environmental Monitoring Team who considers that the effects of the proposed construction and demolition are not significant and can be appropriately mitigated. Measures to mitigate the effects of the demolition and construction dust shown in the air quality assessment should therefore be included in any construction management plan.

The air quality report shows that the future residents of the site will not be likely to be exposed to pollutant concentrations above the Government's air quality objectives. Due to the low number of potential trips to the site the impact on nearby residents is negligible.

The proposal is therefore considered not to give rise to unacceptable polluting emissions and would comply with policy PCS3 of the Placemaking Plan.

16. SUSTAINABLE CONSTRUCTION AND CLIMATE EMERGENCY

Policy CP2 of the Core Strategy requires sustainable design and construction to be integral to all new developments. Policy SCR1 requires major developments to provide sufficient renewable energy generation to reduce carbon emissions from anticipated energy use in the building by at least 10%.

A detailed energy strategy and completed sustainable construction checklist have been submitted with the application. Both have been reviewed by the Council's independently appointed sustainability assessor who has raised no objection to the proposals.

The submitted Sustainable Construction Checklist indicates that the proposals will provide a 35% improvement in carbon emissions for the proposed residential co-living development

The checklist and energy strategy set out several measures that will help to achieve these reductions whilst also meeting the other aspects of sustainable design and construction listed in policy CP2. These include (non-exhaustive list) the following:

- o Solar PV renewable energy
- o Communal heating/hot water network
- o Air source heat pumps
- o Energy efficient heating/lighting/ventilation
- o Passive design measures including improved building fabric

The proposals are therefore considered to comply with policies CP2, SCR1 and SCR5 of the Core Strategy and Placemaking Plan.

As mentioned in the Highways section above, the proposals will also include ample cycle parking and a car club space which are all considered to contribute to addressing the climate emergency.

Placemaking Plan Policy CP4 (District Heating) states that the use of combined heat and power (CHP), and/or combined cooling, heat and power (CCHP) and district heating will be encouraged within a 'District Heating Priority Area' (DHPA). The application site falls within Bath Riverside DHPA and in such locations the policy requires development to firstly incorporate the necessary infrastructure for district heating and secondly connect to existing systems where and when this is available, unless it can be demonstrated that this would render development unviable. There is not currently a district heat or energy network that the site can connect to, however the energy strategy has been developed to allow connection the proposed Enterprise Area network, if it becomes available during the lifetime of the development.

It is not clear if and when the Enterprise Zone heat network will become available, but it is important that when/if it does, the development connects to it to ensure ultimate compliance with Policy CP4. It is recommended therefore that should permission be granted provision be made in the S106 Agreement to secure this future connection.

17. PUBLIC BENEFITS

The application proposals would deliver several public benefits which are primarily set out in the submitted planning statement, but also summarised below.

Housing

The proposed development would create 155 co-living dwellings which would contribute towards meeting housing need within Bath as expressed through policies DW1 and B1 of the Core Strategy. This would be a reasonable contribution towards meeting the Council's overall housing target. However, this is tempered slightly by the fact that the Council can currently demonstrate a 5-year land supply and that any shortfall in housing supply over the plan period will be addressed through the Local Plan Partial Update.

The application also includes the provision of 31 affordable dwellings offered at a discount to the open market rent and a contribution towards the provision of affordable housing off-site (£49,000). The provision of this quantum of affordable housing (and off-site contribution) within a single brownfield development is given significant weight.

Economic benefits

The application proposals would bring about some economic benefits. It would generate a construction jobs for the duration of the build and provide opportunities for targeted recruitment and training (see planning obligations section below). It would also introduce an additional population of 155 people who will contribute towards the local economy through spending, etc. The provision of a new co-working area which will be accessible to the public is also an economic benefit. It would have a flexible layout and could be of interest to local small start-up businesses.

However, these economic benefits must also be seen in the context of the economic harm identified from the loss of the industrial floorspace resulting from the proposed development. The identified economic benefits of the scheme are small scale relative to the economic harm identified from the loss of industrial floorspace. These benefits are therefore only afforded limited weight.

Redevelopment of brownfield site and sustainable location

The proposals would regenerate and redevelop an existing brownfield site. In accordance with paragraph 118 of the NPPF, it is acknowledged that substantial weight should be given to the value of using suitable brownfield land within settlements for new homes and other identified needs.

The site is also located in a broadly sustainable location with good proximity to the city centre and range of services and transport options. Whilst this weighs in favour of the application, it is a site specific, rather than proposal specific, public benefit.

Although, some areas have been identified where the design of the scheme could have been improved, the proposals would also introduce a building of an appropriate design which will result in some enhancement of the public realm and the streetscape.

Walking and cycling infrastructure

The application providers for highways works that for improved walking and cycling infrastructure in the surrounding area. Although primarily required to mitigate the impacts of the development, these would have the benefit of providing upgraded infrastructure which can also be utilised by non-residents.

Sustainability, climate change and biodiversity

The proposals would provide exceed the 35% reduction in carbon emissions target set out in policy CP2, would provide on-site renewable energy generation in line with the Placemaking Plan. It would also provide a funded car club space, an electric charging point and a travel plan (with travel vouchers provided to residents) which would be aimed at encouraging a modal shift to more sustainable forms of transportation other than the private car.

The proposals also provide landscape and ecological enhancements; significantly increasing the amount of greening on the site and providing biodiversity net gain through the provision of green roofs, bird boxes, re-naturalising of the watercourse and an appropriate landscaping scheme.

18. OTHER MATTERS

s106 Agreement

Any grant of planning permission would need to be subject to a s106 agreement to secure the following obligations and contributions:

1. Highways Works
 - a. Provision of dropped kerbs and tactile paving between Caledonian Road and Dorset Street (western side of carriageway);
 - b. Provision of dropped kerbs and tactile paving at the Stuart Place junction on Caledonian Road;
 - c. Provision of tactile paving on Victoria Bridge Road at its junction with Lower Bristol Road;
 - d. Provision of tactile paving on Victoria Road at its junction with Brougham Hayes;
 - e. Provision of tactile paving on Livingstone Road at its junction with Brougham Hayes; and
 - f. Provision of tactile paving on Stanley Road West at its junction with Livingstone Road.
2. Parks and green space contribution £299,595
3. Targeted recruitment and training obligations and contribution £6,545

4. 20% affordable housing (Discount market rent at 80% the level of open market rent;)
5. Connection to district heat network (Future proofing)
6. Provision of a car club space and travel vouchers (£38,750)
7. Provision of a travel plan monitoring and audit fee (£5,335)
8. Parking monitoring for 5 years (£10,000)
9. Operational mechanisms (tenancy controls)

Public Sector Equality Duty

The Public Sector Equality Duty requires public authorities to have regard to section 149 of the Equality Act 2010. The proposals do not raise any particularly significant issues in respect of equalities duty, but a couple of points are noted.

The proposals for co-living are targeted at young professionals and graduates and would likely introduce a large population of young people into the area. There are concerns that this may result in an increase in anti-social behaviour or community cohesion. However, the scheme does include 24hr on-site management blocks and this would be secured by condition.

Elderly, disabled and otherwise vulnerable residents in the local area are likely to be reliant on public transport and there is concern that bus services will be put under pressure with the any additional residents. However, the bus services are operated commercially with frequencies and capacities being adjusted by the operators depending on demand. The proposal is therefore unlikely to have a significant impact.

19. PLANNING BALANCE

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that "where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise".

It is necessary to consider whether the proposals are consistent with the development plan as a whole.

Many of the matters in favour of the proposals align with aspects of the spatial strategy for Bath (as expressed in B1), for example by enabling the development of new homes in the Enterprise Zone (B1.3.a.), providing improvements to walking, cycling and public transport (B1.10.a) and preserving the historic environment and environmental quality (policies CP6 and B4).

However, the loss of the employment land represents a very significant conflict (in terms of nature and degree) with the strategic objectives and issues highlighted in the Core Strategy, including failing to maintain an appropriate supply of land in Bath for industrial processes to ensure the city retains a mixed economy (strategic objective 3), failing to achieve economic diversification and a better balance between the overall number of jobs in the city and resident workforce to reduce out commuting (B1.4), failing to allow

industrial enterprise to compete in the land market to sustain a mixed employment offer for a multi-skilled workforce (Bath, strategic issue 4) and failing to support jobs growth in the city (DW1. The proposal therefore not only conflicts with the detailed development management policy ED2B, but also runs counter to the strategic objectives of the development plan.

It is considered that the current proposals, due to the nature and degree of the identified conflicts, are contrary to the development plan as a whole and that material considerations do not indicate that permission should be granted.

20. CONCLUSION

The proposals would result in the loss of industrial floorspace for which there are strong economic reasons for it to be retained. Whilst the existing premises represents relatively low-quality stock, there is clearly very strong demand for industrial premises in Bath. The applicant's evidence that the site is not suitable or viable is based upon assumptions which are untested due to their failure to market the premises.

The proposals would therefore contribute towards the excessive loss of industrial premises in Bath which threatens the ability of the Council to meet the economic development objectives of the Core Strategy in terms of maintaining a mixed economy, reducing out commuting and jobs growth. The proposals are therefore contrary to policy ED2B of the Placemaking Plan and would be harmful to the economic development objectives of the policies DW1 and B1 of the Core Strategy.

The proposal is therefore considered to be contrary to the development plan and material considerations, in this case, do not indicate that the planning permission should be granted.

The application is therefore recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 Loss of industrial floorspace

There are strong economic reasons why the loss of the existing industrial floorspace would be inappropriate. The proposed development would contribute towards an excessive loss of industrial premises and would be harmful to the economic development objectives for Bath. Evidence of unsuccessful marketing on reasonable terms for 12months has not been provided to demonstrate that there is not a strong economic reason for refusal. The proposal is therefore contrary to the development plan, in particular policies ED2B of the Placemaking Plan and policies DW1 and B1 of the Core Strategy.

PLANS LIST:

1 0531 SECTIONS D-D E-E F-F G-G

0530 SECTIONS A-A B-B C-C
0332 PROPOSED ELEVATIONS 03
0331 PROPOSED ELEVATIONS 02
0330 PROPOSED ELEVATIONS 01
032 PROPOSED BLOCK PLAN
0234 PLAN - ROOF
0233 PLAN - LEVEL 3
0232 PLAN - LEVEL 2
0231 PLAN - LEVEL 1
0230_B PLAN - LEVEL 0
0137 EXISTING ANCILLARY BUILDING SURVEY
0136 EXISTING BUILDING ELEVATIONS SECTIONS
0135 EXISTING MAIN BUILDING PLANS
0130 EXISTING SITE PLAN
0031 SITE LOCATION PLAN

DECISION MAKING STATEMENT

In determining this application, the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework. The Council has worked positively and proactively with the applicant to seek to resolve the issues identified. However, for the reasons given, and expanded upon in a related case officer's report, no agreeable solution could be found, and the application has been recommended for refusal.

2 Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all relevant planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website www.bathnes.gov.uk/cil