



## Bath Heritage Watchdog

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APPLICATION NUMBER: 20/00552/FUL

ADDRESS: Scala, Shaftesbury Road, Oldfield Park

PROPOSAL: Redevelopment of The Scala site including the demolition of existing extensions and new extensions to improve retail store at ground floor level, provide a new community space at first floor levels and 20no apartments across first and second floor. Erection of student accommodation including 96no. student bedrooms and associated ancillary space. Erection of a residential block (C3) including 12no one bedroom apartments (a mix of affordable and market with accessible accommodation). Parking for cars and cycles and associated landscaping.

CASE OFFICER: Tessa Hampden

DATE: 1 February 2021

COMMENT: STRONG OBJECTION

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Bath Heritage Watchdog notes the revisions to the original application which comprises a significant number of new drawings.

The development forms 3 distinct parts:– development of the Scala building; the proposed student accommodation block; and the housing block. We will address each of these aspects as well as the general issues/justification surrounding the development.

### SCALA BUILDING

We are pleased to see that the Scala cinema building is now to be retained in its entirety.

Within the original entrance a lift is to be installed where one of the staircases is currently. We have no objection to this but would request that the original decorative ironwork is retained in situ.

The extension to the rear of the Scala is now much better in scale and the change to rubble stone is welcomed. We do not, however, support the use of perforated metal cladding. The location is in the centre of a residential area and we do not believe that an industrial material is appropriate.

We retain strong reservations about the proposed flats within this extension. They are of a configuration which could easily be used for student flats, and unless an enforceable condition can be applied, there is nothing to prevent landlords purchasing them for student lets. In a neighbourhood that is already over-subscribed, such re-purposing would make an unbalanced neighbourhood even worse. If flats must be part of the scheme, they must be reconfigured to look like permanent residences (and then advertised as such).

### MEWS HOUSES

Unfortunately this block remains unsatisfactory and despite the assertions made in the documentation, does not relate successfully with the locality. There has been minimal tinkering with the design when a complete redesign is required, or omission completely. The proposals have no delineation and the fenestration is awkward and unbalanced. The roofs need to have visual breaks such as chimney stacks which could also be used for ventilation or solar pipes.

The height and bulk of the block remains too large for such a small corner, exacerbated by the dormers, and the design still creates a sense of being hemmed in. The documents demonstrate how it looms up over you in the street scene. It also completely blocks the views across the area to the green hills in the distance. The advantage of the use of the land as a car park is that it creates a useful open space in what is a very densely populated/developed district.

There would still remain concern at the blocking in of sightlines for drivers exiting the site into Arlington Road. Traffic has a tendency to appear suddenly around the corner from Livingstone Road and building right into the corner is likely to make this more dangerous both for pedestrians crossing the access road, who would no longer have the benefit of being able to see through the railings currently in place, and for motorists emerging into Arlington Road. Altering the direction for lorries leaving the Co-op also has the potential for accidents.

Although there are lots of references to 'affordable' housing, when pressed at the consultation we were informed that this would be at 30% under the market value. Whilst it is recognised that the definition of 'affordable housing' is set by the Government, it has to be said that even 30% below market price would not be affordable to local people. It should be an opportunity to provide housing solely for local people (as with schemes in areas such as the Lake District and Yorkshire Dales). What Oldfield Park is desperately short of, owing to the high proportion of HMOs, is social housing for permanent residents.

Looking at the internal layout we have to say that it resembles student accommodation, certainly not family accommodation as stated in the Design & Access Statement. There are precedents for this subterfuge, most recently the development of the former Hygienic Laundry in Lymore Gardens which was stated to be for housing and was then marketed as student flats. There is also a strong likelihood, given the market price, that they will be purchased by landlords for the same purpose. There needs to be a planning condition placed

on any of the 'family'/affordable housing that it cannot be exempted from Council Tax which should prevent it from being used for additional student places.

### STUDENT BLOCK

This structure remains your ubiquitous, 'off the shelf', monolithic accommodation block that already blights the city. However in this case it is dropped into the centre of pleasantly scaled, rhythmic terraced housing, rather than standing alone, further emphasising its inappropriateness.

Again some minor tinkering has occurred but it remains overscaled, being far too tall and a monolithic block. The materials are not typical of the city let alone the location.

It still looms up brutally from the centre of the area and is a depressing edifice worshipping at the altar of architectural monotony. When the universities have stated that they have no intention of adding to their student numbers, and some existing PBSAs are already complaining they are under-subscribed and are seeking non-student income, either overtly through planning applications for alternative use by short stay visitors or covertly through AirBNB advertising, there has to be considerable doubt about whether it is needed.

### OVERALL

The introduction of yet more student accommodation to an area already saturated is untenable. Of course the documentation contains the standard lie that it will take the pressure off HMOs. It won't. One of the key benefits of HMOs from a student's point of view is that they are not closely overseen, and they do not have clauses restricting car use. From the landlord's point of view the students pay per room and provide a gross income per HMO far in excess of what is acceptable to charge as a family home. Also, it will always be cheaper to convert an existing building than build a new one, so HMOs can be profitable even though they undercut the prices necessarily quoted by PBSAs to recoup their construction and management costs.

This time the recent appeal decision on the Plumb Centre is put forward as a reason why PBSA should be permitted. There are glaring differences in the two situations with the Plumb Centre being in an area which does not, currently, have excessive numbers of HMOs. The inspector's assertion that these blocks will release existing HMOs to residential use again is demonstrably wrong.

A large amount of PBSA rooms have been constructed (and more are due to come into use this year) yet there is no sign of any reduction in HMOs; indeed it is the opposite (as shown in the next paragraph). In addition there is evidence that there is an oversupply with Twerton Mill accommodation recently applying to use rooms as hotel rooms. This also happens (apparently without planning permission) with rooms in the Green Park accommodation. There are probably others which have not yet been featured in the local press.

We have been tracking applications for conversions to HMOs over the past few years, all in the light of the PBSAs that were being built at the time. The statistics for the past 3 years are as follows:

|      |                    |                        |
|------|--------------------|------------------------|
| 2020 | loss 45 residences | addition 179 HMO rooms |
| 2019 | loss 64 residences | addition 288 HMO rooms |
| 2018 | loss 75 residences | addition 251 HMO rooms |

Applications for conversions continue into this year and existing HMOs continue to be enlarged creating additional bedrooms.

Tenancy conditions regarding cars has been ruled unlawful by the High Court, and it has always been unenforceable, for instance as is evidenced by the number of cars parked on the pavement along the Lower Bristol Road by Twerton Mill. How is a student to get their property to the block without a car (and without obstructing shoppers and pedestrians) and how is anyone going to know if a student parks their car in the surrounding streets?

Interestingly, there was originally a claim of an agreement with the Norland College for this accommodation in order to justify its construction, yet now we read that it is to be used for any university. No reason is given for this.

The blue badge parking spaces for the Co-op are to be some distance from the entrance, and certainly much further than currently. Given that blue badges are only issued to people of reduced mobility, this additional distance could place the Co-op in breach of the Equality Act 2010 which clearly states that existing facilities for the disabled cannot legally be made worse. The relocation will also bring vulnerable people into direct conflict with moving vehicles.

Some consideration needs to be given to the future in respect of the pandemic and issues arising from it. Densely populated housing means that transmission is all the more likely but also the lack of garden space is something which has hit people hard during the pandemic in that those in flats do not have access to their own outdoor space. Whilst it may be considered a luxury by developers, it is something which needs serious consideration.

In addition, the Co-op currently allows customers who park sufficient time to also visit other shops in Moorland Road to the benefit of the Post Office, the banks, the bookshop, charity shops, hairdresser etc. The current level of parking spaces will have offset the reduction of spaces in Moorland Road itself created by the “Social Distancing” measures and will have gone some way to keeping Moorland Road as a viable district shopping centre.

## SUMMARY

The works as proposed are considered to be detrimental to the disabled according to Section 15 (as clarified by Section 20) of the Equality Act 2010, and detrimental to the special architectural and historic character and interest of the Undesignated Listed Asset, adjacent and the conservation area contrary to S16 and S72 of the Planning (Listed Buildings & Conservation Areas) Act 1990, Section 12 ‘Conserving & Enhancing the Historic Environment of the NPPF and Policies LCR1, DW1, CP6, D1, D2, D3, D5, D7, HE1, NE2, RA, and CR3 of the Core Strategy and Placemaking Plan and should be considerably revised or refused in its current format.