



Bath Heritage Watchdog

contact@bathheritagewatchdog.org

APPLICATION NUMBER: 21/04049/FUL

ADDRESS: The Scala, Shaftesbury Road

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 and student accommodation (16no bed spaces) at first floor levels. Erection of student accommodation including 72no. student bedrooms and associated ancillary space. Erection of a residential block (C3) including 9 no. apartments. Parking for cars and cycles and associated landscaping (Resubmission)

CASE OFFICER: Emma Watts

DATE: 8 October 2021

COMMENT: OBJECTION

Bath Heritage Watchdog objects to this application.

Once again the application forms 3 distinct parts:- development of the Scala building; the proposed student accommodation block; and the mews block. We will address each of these aspects after covering the general issues the development raises, which need to be rectified.

ISSUES WITH THE DOCUMENTATION

The Ecology Report is out of date. It states '*if works on the site are delayed beyond August 2021 and update survey will be required*'. Not only are the works delayed, this application must of necessity pre-date them, and August 2021 has already been and gone. The updated Ecology Report needs to be submitted.

The Acoustic Report is dated January 2020 and shows the previously refused change to the Scala building. It needs to be updated to take into account the changes in the design and in the traffic patterns caused by the CAZ, especially those involving HGV movements which cause additional noise.

The Framework Travel Plan dated January 2020 is on the basis that the accommodation is for Norland Nannies. This no longer appears to be the case and therefore it needs to be updated to take into account travel to other campuses.

The Landscape Strategy is not for this scheme and needs updating.

The Ventilation & Extract report is invalid because it is for the previous scheme and not this one. This also needs updating.

Under Sustainability it says there would be solar panels on south facing roofs but these do not seem to be shown on the plans. The documentation needs to be consistent.

SCALA BUILDING

The extension to the rear of the Scala is now much better in scale and the change to rubble stone is welcomed. We are pleased to see that the Scala cinema building is now to be retained in its entirety. 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 given the character of the surroundings and the history of the cinema.

Within the original entrance a lift is to be installed where one of the staircases is currently located. We have no objection to this lift, but would request that the original decorative staircase ironwork is retained in situ as a feature of the non-designated heritage asset.

We oppose the use of the flats in the extension for student lets. The neighbourhood already suffers from a severe imbalance between permanent residents and the transient student sector which affects local services and businesses, and this area cannot take any more unbalancing developments. There is a crying need for affordable homes and social housing and if flats are to be permitted then they should be for permanent residents only.

MEWS HOUSES

This is virtually unchanged from the previously refused application. It remains unsatisfactory and despite assertions to the contrary, does not relate successfully with the locality. The inclusion of chimney stacks and roof divisions, though welcome, represents minimal tinkering without properly addressing the real reason why the design was unacceptable.

The height and bulk of the block remains too large for such a small corner. The design still creates a sense of being hemmed in, and that is then exacerbated by the dormers. The documents demonstrate how it looms up over anyone 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 both functionally and visually in what is a very densely populated district with few open views.

For drivers exiting the site into Arlington Road the buildings block off the existing sightlines and this has safety implications. 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 causing accidents, including setting a bad example to cars leaving the site where drivers not familiar with the arrangements will believe that they can do so too.

It is disappointing to see that there is now no affordable housing proposed. What Oldfield Park is desperately short of, owing to the high proportion of HMOs, is social housing for permanent residents. Without affordable housing which creates a core of permanent residents there is a real risk for this block to become student housing, either directly by developer policy or through buy to let landlords realising that one family would not pay as much rent as several students having a room each. Looking at the internal layout we have to say that it resembles student accommodation; it is certainly not in the style of 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 for the Mews housing, 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' and/or 'affordable' housing that it cannot be exempted from Council Tax, which should prevent it from being used for additional student places.

STUDENT BLOCK

The reduction in height by one storey is welcomed but it is not enough to overcome the principle that a student block here is unacceptable, nor the design being alien to the locality. This structure represents more of the 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. It still looms up brutally from the centre of the area and is a depressing edifice perpetuating the disappointment 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 (so far refused) for alternative use by short stay visitors, or covertly through AirBNB advertising, there has to be considerable doubt about whether it is needed. There is no obvious alternative use for a white elephant building.

The Daylight Appraisal demonstrates a reduction in light for Livingstone Road which is not in any way offset by public benefit and is therefore unacceptable.

OBSERVATIONS

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; and there is evidence to prove it.

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 HMO landlord's point of view the students pay per room and thus provide a gross income per HMO far in excess of what is acceptable to charge as a family home. Therefore any HMO is going to remain one because to revert to a family dwelling would mean a reduction in income for the landlord.

Also from the student's point of view, because it will always be cheaper to convert an existing building than build a new one, HMO room rentals are less than for PBSA rooms and that makes them financially attractive. This price difference will persist because HMOs remain profitable even though they undercut the prices quoted by PBSAs, necessarily higher in order to recoup their construction and management costs.

In this application the recent appeal decision on the Plumb Centre is put forward as a reason why the 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. In addition, the inspector noted that the reasons for the Plumb Centre refusal did not include any indication that the PBSA element was not essential.

Nevertheless, there is evidence that there is already evidence of an oversupply, with Twerton Mill accommodation recently applying (unsuccessfully) to use rooms as hotel rooms, and the pending application from Avon Studios in Midland Road applying to reuse student

accommodation as non-student rentals. 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.

The Plumb Centre inspector's assertion that these blocks will release existing HMOs to residential use again is demonstrably wrong. A large number 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 the opposite is the reality (as shown in the next paragraph).

We have been tracking applications over the past few years for the conversions of residential properties to HMOs, as an alternative yardstick to the benefits of the PBSAs that were being built at the time and the effectiveness of the Article 4 policy requiring planning permissions for converting residences into HMOs. The statistics for the past 3 years are as follows:

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

Applications for conversions continue into this year and there is a growing trend for existing HMOs to be enlarged creating additional bedrooms in areas where the Article 4 restriction would make applying for a brand new HMO problematical. HMO bedspaces have continued to increase, no matter how many new PBSA bedspaces are made available.

Tenancy conditions regarding cars has been ruled unlawful by the High Court, and it is now established Case Law. Besides, this has always been unenforceable, as is evidenced by the number of student cars parked on the pavement along the Lower Bristol Road by Twerton Mill for instance. How is anyone going to know if it is a student who parks their car in the surrounding streets? Also, given the Case Law, how is a site manager going to evict a student who refuses to vacate their room, when that eviction requires a court order?

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, but it does undermine the original claimed local need for the accommodation.

The blue badge parking spaces for the Co-op are to be some distance from the entrance, and certainly much further than the current location immediately opposite the ramp access to entrance door. 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 from the current location in a "dead end" 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 during the pandemic has hit people hard 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 and display a ticket to do so, 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. These measures were introduced without consultation and there is

nothing to prevent the council doing something similar in the future with fewer alternative parking spaces to offset any reduction.

SUMMARY

The issues with the documentation identified above need to be rectified and the public given a chance to examine the amendments and comment on them before this application is determined.

The interim assessment, based on the documentation as provided, is as follows.

The works as proposed are considered to be detrimental to the disabled according to the Equality Act 2010 Section 15 (as clarified by Section 20), and detrimental to the special architectural and historic character and interest of the Undesignated Listed Asset contrary to paragraph 197 of the NPPF. The proposals are detrimental to 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 before a decision is made, or refused in its current format.