

Local Plan Consultation  
Bath & North East Somerset Council  
Manvers Street  
Bath  
BA1 1JG

Via email only to [planning\\_policy@bathnes.gov.uk](mailto:planning_policy@bathnes.gov.uk)

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Our ref      Insert JLL ref

08 October 2021

Dear Sir or Madam,

### **Bath and North East Somerset Local Plan Partial Update Submission Version (Regulation 19) – October 2021**

I write on behalf of the St. Johns Foundation (herein SJF) to submit representations to the above referenced Local Plan consultation. SJF are a key stakeholder with a significant property portfolio within Bath City Centre. Attached to this letter is a schedule of property addresses identifying the land controlled by my client, and which are the subject of these representations.

These representations provide comment on the proposed Milsom Quarter designation and Central Area (**Policy B2**) as well as **policy CR3** (Primary Shopping Areas and Primary Shopping Frontages).

#### St. Johns Foundation

SJF is a local charity which has supported the people of Bath and the surrounding area for over 845 years. SJF have developed a strong property and investment portfolio over the years which in turn provides financial independence to act as a neural partner, to advocate for the organisation which they support as well as the wider community.

SJF own a number of existing properties within Bath City Centre. The properties are located on Beau Street, Beauford Square, Monmouth Street, Princes Street, Trim Street, 1 Queens Square, Kingsmead Street, Saw Close, Old Bond Street, Westgate Street and Upper Borough Wells.

#### Overview of Previous Representations

Representations were submitted to the previous stage of the local plan consultation (Options document) during February 2021. These representations supported the identification of Milsom Quarter along with the inclusion of a specific policy which would enable greater flexibility of land uses to address falling footfall and increasing vacancy rates within this area of town. In addition, comments were also provided in respect of policy CR3 (primary shopping frontages) to highlight the fact that greater flexibility would be required in respect of this policy approach in light of the inherent tension arising from changes to national legislation (Use Class E and newly introduced permitted development rights).

#### Overview of Current Representations

SJF welcomes and support the designation of Milsom Quarter which seeks to create a greater balance in the mix of land uses, activity and increased residential development within Bath City Centre. It is considered that this approach aligns with recent legislation changes set by National Government and responds to current market conditions and trends, including the changing nature of the retail market and future of our city centres.

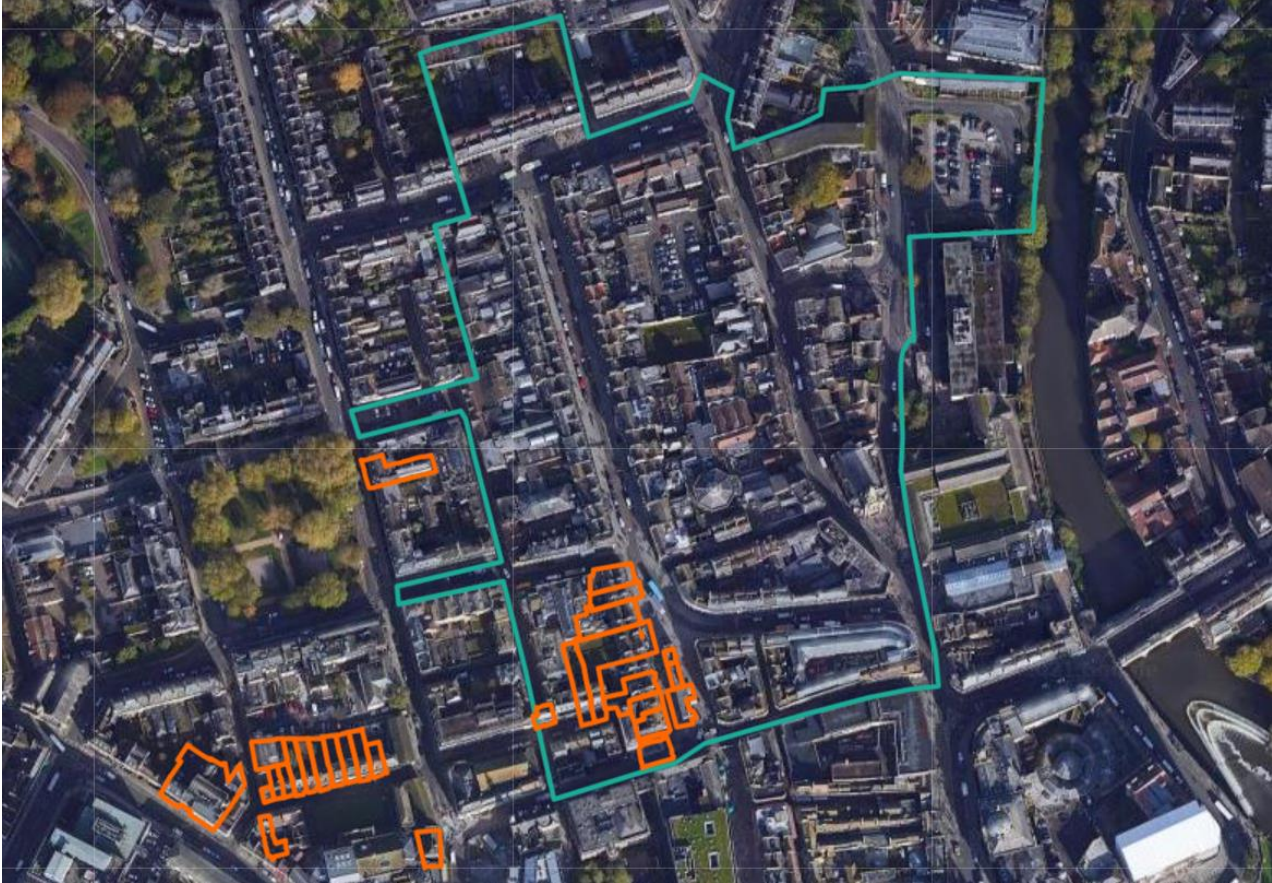
It is however suggested that detailed policy guidance through either the introduction of a new or an amended existing policy to provide direction and control on the scope and type of change permissible. This would provide confidence and certainty that the aims and aspirations for the Milsom Quarter would be met. As a key stakeholder

within the City Centre, SJF welcome the notion to prepare a Vision and Masterplan for the Milsom Quarter area and would welcome the continued opportunity to engage in this process moving forwards.

SJF objects to the retention of policy CR3 (Primary Shopping Areas and Primary Shopping Frontages) which is considered to be an unnecessarily restrictive policy which conflicts with the recent changes to the Use Class Order and the need to maximise flexibility of use. If the Primary shopping frontages are to be retained, they should be consolidated into an essential core area only, with greater flexibility applied across the remainder of the designation.

Milsom Quarter (Policy B2 – Central Area Strategic Policy)

In recognising an area that is in decline by falling footfall and increasing vacancy rates, the Council is seeking to identify a new and bespoke policy allocation (Milsom Quarter) which would provide for a greater balance in the mix of uses as well as providing for residential development in order to support vibrancy and activity within the city centre. Set out below is the proposed boundary for the Milsom Quarter designation (blue) with the SJF properties captured in orange.



The identification of the Milsom Quarter area and the proposed aspirations and objectives for this area are wholly supported by SJF however the lack of associated detailed policy direction and guidance raises concerns that the newly identified area is a “toothless” designation.

The Options document, which was consulted on during February 2021, suggested that the designation of Milsom Quarter would be supported by a specific policy which would provide further advice and guidance on the scope of changes permissible within this area.

On review of the latest consultation document this does not appear to be the case and instead an existing policy (B2) has been amended to capture the Milsom Quarter designation as a 'Key Development Opportunity' area but with no further policy guidance specific to this area. Future development proposals on land falling within the Milsom Quarter designation would need to accord with the relevant parts of the overarching B2 policy.

SJF objects to Policy B2 on two fronts; firstly, the proposed boundary of the Milsom Quarter designation and secondly the lack of detailed policy guidance in respect of the approach to be taken within this newly created designation. It is considered that policy B2 is not justified or effective having regard to NPPF paragraph 35 in respect of matters relating to Milsom Quarter for the reasons set out below.

It is noted that the boundary for the Milsom Quarter area has been amended from the iteration presented within Options consultation however we are not aware of any justification as to why this change has taken place. This change directly impacts my client property at 1 Queen Square which is now excluded from the Milsom Quarter designation. Evidence and or justification should be provided as to how the boundary for the Milsom Quarter area has been identified. This is of relevance to NPPF paragraph 35 in that policies need to be based on an appropriate strategy and evidence to meet the test of soundness.

It is proposed that the Milsom Quarter area be included within Policy B2 as a 'Key Development Opportunity'. Economic development led mixed use development proposals within this area that accord with the relevant part of Policy B2 and which contribute to the scope and scale of change listed in the policy will be welcomed.

Policy B2 (and the rest of the plan) lack any detailed guidance on matters relating to the approach to be taken within Milsom Quarter designation. The supporting text for policy B2 has been amended to provide some further detail of the approach to be taken within the Quarter including repurposing retail space, increasing the mix and diversity of uses to include redevelopment of upper floors and increased residential development" however it should be noted that this does not form primary policy.

It is felt that clear policy guidance and direction (in Policy B2 or a standalone policy) should be provided which sets out the approach for the Milsom Quarter designation, specifically the greater support and guidance for upper floor redevelopment for residential dwelling along with access and servicing requirements in repurposing these spaces for example the creation of residential entrances foyers on the ground floor in order to deliver new residential dwelling above. This detailed policy guidance would provide certainty and confidence in the repurposing of underutilise upper floor space enabling the overarching aims and aspirations of the Milsom Quarter designation to be met.

New residential development within the Milsom Quarter designation would release untapped residential potential within the centre of Bath. Making efficient and effective use of land including the city's limited land supply can help meet the need for new homes, jobs and infrastructure within the most accessible and sustainable locations. New residential development within the city centre can also support vitality and viability through additional footfall and expenditure. The approach to delivering new residential development within the proposed Milsom Quarter allocation is therefore wholly supported and should be directly reflected within planning policy, within B2 or a standalone policy.

Bath and North East Somerset is a highly constrained authority in terms of policy, environmental and heritage designations. The Bristol and Bath Green Belt extends across over 70% of the authority area. The authority area is also the subject of two Area of Outstanding Natural Beauty designations and its main centre (Bath) is identified as a World Heritage Site. There are clearly challenges in delivering housing growth in a sustainable and sensitive manner whilst having regard to the environmental capacity of the authority area. The proposed Milsom Quarter designation can help address the current constraints to housing delivery by making effective use of existing urban land and supporting brownfield redevelopment opportunities.

Furthermore, paragraph 85 of the NPPF sets out that planning policies should promote the long-term vitality and viability of town centres by “*allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries*” and allows for “*a suitable mix of uses (including housing)*”. A specific policy which directly supported new residential development on the upper floor of proposed within the proposed Milsom Quarter allocation would therefore be consistent with national policy as required by paragraph 35 of the NPPF.

The High Streets Task Force is an alliance of place making experts working to redefine the high street. The High Streets Task Force Board with members from the private, public and community sectors brings a track record of delivering innovative and positive change to town centres. Together, they are an authoritative voice for the high street and are working with the Task Force and government to enable high street transformation. The High Street Task Force compile evidence and research to help understand high streets and their transformation.

Policy research and guidance<sup>1</sup> cited on the High Street Task Force website have highlighted key suggestions in seeking to revitalise and sustain our high streets and town centres including establishing greater flexibility in planning (uses class and meanwhile uses), reducing retail dominance and promoting multifunctionality through a wider mix of uses such as leisure, health care, education and community uses, and repopulating the high street through urban living.

Bath has a high concentration of Listed Buildings, a number of which fall within the proposed Milsom Quarter designation. To ensure that the emerging Milsom Quarter allocation is capable of successful implementation in meeting its desired policy outcomes and objectives, sufficient regard and appropriate flexibility will need to be given to other policy and legislative mechanisms (such as the Listed Building and Conservation Areas Act 1990) to ensure that buildings can be altered in a sensitive manner (both internally and externally) to allow them to be repurposed and converted, whilst safeguarding the special characteristics of these heritage assets for the future.

SJF welcomes the preparation of an overarching Masterplan and Vision for the proposed Milsom Quarter area and has been engaged with the landlord forum group. Having a clear vision and plan informed by community engagement is critical in placemaking. SJF as a key stakeholder within the City Centre who has a number of land interests which would be directly impacted by the proposed Milsom Quarter designation welcomes the continued opportunity to engage in the preparation of any Masterplan and Vision for the area moving forwards.

#### Policy CR3 (Primary Shopping Areas and Primary Shopping Frontages)

Adopted policy CR3 seeks to maintain ground floor retail uses so that shopping frontages are not fragmented, and the shopping function of the Centre is not harmed.

Through the current Local Plan Consultation, the Council propose minor text changes to Policy CR3 which have been made to ensure the policy reflects the new Use Classes Order (September 2020). Whilst this policy change is noted, there is still a presumption against the change of use of shops to other uses unless a positive case can be demonstrated.

It is noted that following the introduction of the new Use Class E and the associated permitted development rights, the ability to apply Policy CR3 is materially reduced. Changes of use within Class E will not attract the attention of CR3. To ensure that the permitted development rights under Use Class E can operate effectively and successfully, the Council will need to ensure a degree of flexibility is had in respect of building works applications which seek external alterations to configure units for their new use / operation within Use Class E.

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<sup>1</sup> The Portas Review – An independent review into the future of our high street (December 2011); The Deloitte Consumer Review: Reinventing the role of the high street (2013); and A Vision for High Street Regeneration.

SJF objects to the retention of this restrictive policy which sets out a presumption against the change of use of shops to another use. This approach goes against the current direction of travel which the government is taking in seeking to support the revival of the high street by allowing greater flexibility to change uses within town centres without the need for express planning permission through the updated Use Class Order.

Furthermore, the NPPF (2021) no longer requires Local Plans to define primary or secondary frontages which had been used in the past to establish and protect high concentrations of retail uses. This policy change further highlights the approach which the Government is taking in seeking to balance a greater mix and variety of land uses in central locations as a method to sustain vitality, economic activity, a sense of community and local purpose. There is a fundamental point here with regard to the mix of uses that will sustain our city centres in the future – as the nature of the retail sector changes with more online sales, the demand for traditional shops (old use class A1) will inevitably decline, but such units can be occupied by a variety of new users which will generate and sustain footfall and dwell time in the city centre, including uses such as education, health, leisure and recreation uses. The emerging policy should actively support the changing nature of retail uses if the city centre is to retain its vitality.

It is therefore considered that policy CR3 is not justified or consistent with national policy having regard to NPPF paragraph 35. It is suggested that the Council explore replacing this policy approach which defines retail frontage with a development management regime which reflects the ability of a wider range of land uses to maintain and enhance the vitality and health of town centres.

#### Conclusion

I trust that these representations will be given due consideration by Officers.

SJF welcomes the identification of the bespoke policy designation at Milsom Quarter which is seeking to provide a greater balance in the mix of uses as well as providing for residential development in order to support vibrancy and the resilience of the urban centre and high streets. However, it is felt that a standalone policy which provide detailed guidance on the scope of change permissible within this new area should be included within the emerging plan. SJF looks forward to working alongside Officers to prepare any Masterplan and Vision for this area.

If you require clarification on any matters set out in the above representation, then please do not hesitate to contact me.

Yours faithfully,

*Alex Cave*

**Alex Cave**

Mobile 07707268751

[Alex.Cave@eu.jll.com](mailto:Alex.Cave@eu.jll.com)

Properties under the control of St. Johns Foundation subject to these representations

<b>Address</b>
4 Beau Street
29 Monmouth
3 Princes Street
16-17 Old Bond Street (Upper Floors)
20 Old Bond Street (Upper Floors)
21 Old Bond Street (Upper Floors)
8 Princes Street
6 / 7 Trim Street
1 Queen Square
5 Beau Street
11 Beauford Square
37 Kingsmead Street
38 Kingsmead Street
4 & 5 Monmouth Street
5 Old Bond Street
6-7 Old Bond Street
8-10 Old Bond Street
11 Old Bond Street & 17 Upper Borough Walls
12 Old Bond Street
12A Old Bond Street
13 Old Bond Street
14 Old Bond Street
15 Old Bond Street (G/F & Bmt.)
15 Old Bond Street (F/F)
16-17 Old Bond Street (G/F & Bmt.)
18-19 Old Bond Street
20 Old Bond Street (G/F)
21 Old Bond Street
11 Princes Street
12a Princes Street
Beau Nash House, Saw Close
14 Westgate Street
15 Westgate Street
16 Westgate Street