

**Representation to the Bath & North East  
Somerset Local Plan Partial Update  
Submission Version (Reg 19 Consultation)**

On behalf of St William Homes LLP

October 2021

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Tim Burden  
tim.burden@turley.co.uk

**Client**  
St William Homes LLP

**Our reference**  
STWR3004

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# 1. Introduction

- 1.1 This response to the consultation on the Bath & North East Somerset Local Plan Partial Update Submission Version [“BANES LPPU Submission Version” – the “LPPU”] is submitted by Turley on behalf of St William Homes LLP [“St William”].
- 1.2 This response makes specific representations in respect of the Bath Gasworks site that forms part of the joint venture between National Grid Property and The Berkeley Group (known as St William) at Bath Western Riverside [“BWR”], Bath.
- 1.3 This representation is made solely on behalf of St William, notwithstanding any representations made by any other division of the Berkeley Group or National Grid.
- 1.4 This representation is accompanied by a report by Vectos, provided at Appendix 1. This provides comments from a highways perspective on both the LPPU and the Transport and Development SPD that is also out for consultation.
- 1.5 The following sections of this document are intended to assist in the progression of the LPPU and to ensure that the updated policies and accompanying text are changed in ways that are meaningful, robustly justified and lead to sustainable development. We consider it key that updated policies allow sufficient flexibility to enable innovative schemes to come forward that are able to respond to the particular site constraints and opportunities.
- 1.6 We have responded to the proposed LPP policy approaches and options which we consider relevant to St William’s land interests at BWR and set out our recommendations in respect of the policy moving forward, associated infrastructure requirements and wider housing provision matters within Bath.
- 1.7 These representations have been prepared in the contexts of the NPPF (2021) and the requirements of the tests of soundness at paragraph 35, namely that the Plan needs to be:
  - a) **Positively prepared;**
  - b) **Justified;**
  - c) **Effective;** and
  - d) **Consistent with national policy.**

## 2. Land at Bath Western Riverside

- 2.1 Our client controls land which forms part of the wider Bath Western Riverside (BWR) site, which is currently allocated for redevelopment under Policy SB8 of the Placemaking Plan (adopted July 2017). The wider land is approximately 3.52ha (8.7ac) in size and comprises brownfield land, and part of that is controlled by the Council.
- 2.2 The BWR site was subject to an application submitted by Crest Nicholson in 2006 and which was granted outline planning permission on 23 December 2010. St William were not party to this application.
- 2.3 This application comprised the following development (Application Ref. 06/01733/OUT):
- “A new residential quarter including up to 2281 residential homes and apartments (Class C3); up to 675 student bedrooms and associated communal areas (Class C3) (or alternatively up to 345 student bedrooms (Class C3) and a primary school (Class D1)); local shops, restaurants, and other community services and facilities (within Classes A1, A2, A3, A4, A5, D1); construction of new bridges, roads, footways and cycleways; associated infrastructure and facilities; accommodation works; and landscaping”*
- 2.4 Development has now been completed on the Crest Nicholson part of the site. There have been a variety of reserved matters applications and amendments to the outline application over the intervening period.
- 2.5 The proposal for a new site specific allocation policy for Bath Riverside in the LPPU, which responds positively to the balance of the existing allocated site, is supported in principle.
- 2.6 The existing policy is based on out-dated national policy, an evidence base that is now well over a decade old, and out-dated local circumstances surrounding land availability, viability and infrastructure need and requirements. It was based on the assumption that the site would be built out as a whole.
- 2.7 We therefore welcome the opportunity to comment on the refreshed policy wording, and build upon representations made at the Regulation 18 consultation.

### Background

- 2.8 St William is a uniquely placed entity to bring forward the development of this site, given it is a partnership between National Grid’s portfolio of brownfield sites and Berkeley Group who has a proven track record of achieving high quality residential and mixed use development. St William specialise in regenerating former gaswork sites, and in the delivery of high quality urban developments; such regeneration schemes can be very complex, and involve high, upfront costs. St William clearly has a specialism that can only be of assistance in ensuring the long anticipated regeneration of the balance of the BWR site becomes a reality.

- 2.9 Several meetings have been held between St William and the Council over the period since 2018. St William is committed to collaborative partnership working with the Council in order to realise development on this site and see the delivery of much needed new homes. There have been clear material changes in circumstances since the original granting of outline permission for the wider site, the site's existing allocation in the saved policies of the 2007 Local Plan, and more recently the site specific policies in the Core Strategy and the Placemaking Plan.
- 2.10 It remains the intention to submit a full planning application for St William's site in spring 2022, and good progress has been made towards achieving this with a full consultant team now in place. Beyond this, and subject to the time it takes to determine the planning application, the aspiration is to begin redevelopment on the site in summer 2023. New homes could, therefore, be ready for occupation in 2025, within the first 5 years of the updated plan period.
- 2.11 We welcome the opportunity to work together with the Council on this site and St William has clearly demonstrated a strong commitment to partnership working in order to realise the potential of this important site.

### 3. Housing Delivery

- 3.1 St William is fully committed to working with the Council, including the planning and regeneration teams to deliver new homes on the gasworks land. The review of the Western Riverside site allocation allows for an optimised site solution to support the delivery of such homes in a sustainable location. As noted above, the site will deliver much needed homes within the first five years of the updated plan period, and beyond, and represents a significant component of the Council's housing land supply. The remainder of the BWR site represents 18% of the total anticipated delivery across BANES between 2021/22 and 2028/29 and 28% of the delivery anticipated at Bath during that period.
- 3.2 The NPPF sets out the government's national planning policy intentions, including the requirement to support the objective of significantly boosting the supply of new homes. Paragraph 60 of the NPPF confirms that it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 3.3 Section 11 of the NPPF sets out aspirations to ensure development makes effective use of land, in particular ensuring that strategic policies facilitate as much use as possible of previously developed land (paragraph 119). Substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land (paragraph 120).
- 3.4 Paragraphs 31-33 of the NPPF set out government policy with regards to preparing and reviewing plans, noting as a key point that the preparation and review of all policies should be underpinned by relevant and up-to-date evidence. Reviews to policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary.
- 3.5 The LPPU remains confined to addressing elements that are not considered to significantly change the spatial and strategic requirements of the Core Strategy. This includes "replenishing housing supply in order that the Core Strategy housing requirement can be met".
- 3.6 As set out in previous representations at Regulation 18 stage, whilst the review is an expedient way to address some targeted elements of the plan that the Council wish to address now, the plan is out of date and in need of a full review. Piecemeal changes to the plan need to be approached with caution in order to ensure the plan as a whole continues to function as intended.
- 3.7 The Council's intention to proactively seek to boost supply now is welcomed as a pragmatic approach to ensuring new homes come forward as needed. However, the Council should be mindful that there is a need to stay in accordance with emerging strategic policies in the West of England Combined Authority Spatial Development Strategy. It is key to the success of the Update that the changes proposed are based on

robust evidence and properly tested in terms of viability. There are clear inconsistencies in addressing isolated elements of housing supply without a full and adequate review of the spatial strategy and strategic housing requirements.

- 3.8 Notwithstanding this, we provide detailed comments on the LPPU Submission Version, as set out in subsequent sections.

## 4. Development Management Policies

- 4.1 This section of the report focuses on the detail of the proposed updated policy wording relevant to our clients' interests. As established at the start of this submission, St William supports the approach taken to the LPPU in principle, and these comments are intended to assist in ensuring the updated policies are worded in a manner that does not inhibit sustainable development.

### SCR6 Sustainable Construction Policy for New Build Residential Development

- 4.2 This new policy sets out standards for new build residential development with the requirement that all new development aim to achieve zero operational emissions by reducing heat and power demand and supplying all energy demand through onsite renewables. St William (and Berkeley Group more widely) has a strong commitment to sustainable construction; the company has a commitment to tackling climate change and ensuring it plays its part in limiting global warming to 1.5°C above pre-industrial levels. The aspiration behind this policy is therefore fully supported.
- 4.3 The policy goes on to set out exact criteria that should be adhered to, and compliance should be demonstrated with a sustainable construction checklist (to be submitted with applications).
- 4.4 We do not support the prescriptive wording in the latter half of the policy on grounds that it does not allow sufficient flexibility for each site to bring forward the most sustainable development possible. The sustainable construction sector is rapidly evolving; new and innovative technologies are coming forward and bringing new design solutions. The Plan will be in place for at least 5 years and there is a need to ensure it remains relevant and flexible to changes in the market, products and technologies.
- 4.5 Consequently we suggest the wording of this new policy be amended to allow additional flexibility on a site specific basis, and to focus on the overall aim of achieving net zero carbon without being prescriptive as to how this is achieved.
- 4.6 The following amendments are proposed to the current draft policy wording:

#### SCR6 Sustainable Construction Policy for New Build Residential Development

*New build residential development will be required to meet the standards set out below.*

*New build residential development will aim to achieve zero operational emissions by reducing heat and power demand then supplying all energy demand through onsite renewables. Through the submission of a sustainable construction checklist, proposed new dwellings will demonstrate **how** the following **factors have been considered**;*

- **Minimise** Space heating demand ~~less than 30kWh/m<sup>2</sup>/annum~~;
- **Minimise** Total energy use ~~less than 40kWh/m<sup>2</sup>~~ **per** annum; and



- *Consider on site renewable energy generation to match the total energy use, with a preference for roof mounted solar PV*
- *Connection to a district heating network where available*

#### *Major residential development*

*In the case of major developments where the use of onsite renewables to match total energy consumption is demonstrated to be not technically feasible (for example with apartments) or economically viable, renewable energy generation should be maximised and the residual carbon must be offset by a financial contribution*

*Applications for 50 dwellings or more are required to demonstrate that the CIBSE TM59 overheating target has been met in the current climate, and a strategy submitted to show how overheating can be mitigated in the future climate.*

- 4.7 In addition, we welcome the recognition that for some major developments, the use of onsite renewables to match total energy consumption may not technically be feasible, and support the inclusion of an option to make an offsite financial contribution. We request that additional details are provided in the accompanying paragraphs to this policy that provides details of the payment mechanism that will be used to determine the cost of any carbon offsetting under SCR6. This should include the cost per unit of carbon that would be paid.
- 4.8 Finally, it would also be of assistance if some examples of the range of technologies that would be acceptable under the SCR6 renewable energy generation requirement were set out (such as those technologies included in sustainability check list that BANES currently use).

#### **New Policy SCR8 Embodied Carbon**

- 4.9 This policy requires large developments (of over 50 dwellings) to be accompanied by a Whole Life Carbon Assessment. St William agree with the aspirations of this policy, albeit consider it is necessary to allow sufficient flexibility within the policy wording to ensure that the details stated are not overly prescriptive to the extent they may prevent sites coming forward or impose overly onerous obligations.
- 4.10 At present the wording specifically requires a score of less than 900kg/sqm of carbon to be achieved within the development for the substructure, superstructure and finishes. Whilst St William is wholly committed to sustainable construction techniques, however we have concerns about the exact terminology of the policy as drafted. The requirement to meet a prescribed score, and the suggestion that this needs to be at the substructure, superstructure and finishes stages is potentially problematic and may fetter new development
- 4.11 If a development as a whole is achieving zero carbon status when assessed holistically this is achieving the intention of the policy and should be welcomed. Amendments to the wording to apply a less rigid requirement will allow new and innovative solutions to be used where site or development specific requirements necessitate a non-standard solution.

4.12 The following amendments are proposed to the current draft policy wording:

SCR8 Embodied Carbon

*Large scale new-build developments (a minimum of 50 dwellings or a minimum of 5000m<sup>2</sup> of commercial floor space) are required to submit an Embodied Carbon Assessment that **sets out the score in kg of carbon per sqm** demonstrates a score of less than 900kg/sqm of carbon can be achieved within the development for the substructure, superstructure and finishes.*

**New Policy NE3a Biodiversity Net Gain**

4.13 St William support this new policy in principle and recognises the importance of providing on site biodiversity net gain where possible. The policy wording as drafted acknowledges that on site provision of BNG is not always possible, or indeed the most appropriate solution. The provision for offsite habitat creation and enhancement is also welcomed.

**Policy CP4 District Heating**

4.14 Policy CP4 states that there is an expectation that new developments will connect to the existing district heat networks. Paragraph 131 provides details of the existing E.ON system at Bath Western Riverside. Connecting to the existing system at Bath Western Riverside appears at odds with BANES requirement to provide a zero carbon development and avoid the use of fossil fuels such as gas.

4.15 This is because the existing district heat network and associated energy centre is predominantly gas fired with a small contribution (less than 10% of the installed capacity) being biomass. Due to the equipment installed, increasing the load on this network is likely to increase the carbon factors for the heat being generated as it will need to rely more heavily on the gas boilers.

4.16 We are aware that there are proposals for a new district heating system in the Bath Western Riverside area (and this therefore may well support the aims), but in order to make use of it;

- the system design and operating parameters would need to be confirmed before the design of new developments that may be connected to it is commenced.
- the system would need to be fully operational before future developments are completed.
- Details of the utility connections costs for connecting to the new district heating network would need to be agreed.

4.17 We suggest that larger development sites should be encouraged to provide either;

- On-site district heat networks that support the aims of Policy CP3 and the requirements for zero carbon developments by providing on-site renewable energy, or

- Connections to district heating systems that support the zero carbon development requirement and are fully operational prior to the development being completed.

4.18 The following amendments are proposed to the current draft policy wording:

Policy CP4

*The use of combined heat and power (CHP), and/or combined cooling, heat and power (CCHP) and district heating will be encouraged. Within the two "district heating priority areas", indicated on Diagram 19 (Bath Central, Bath Riverside and Keynsham High Street), and shown in detail in the associated evidence base, development will be expected to incorporate infrastructure for district heating, and will be expected to connect to existing systems where and when this is available, unless demonstrated that this would render development unviable **or an alternative energy solution can be achieved that delivers a net zero carbon development.***

*Within the remaining 12 "district heating opportunity areas" shown on Diagram 19, (Radstock, Midsomer Norton, Paulton, Bath Spa University, Twerton, Kingsway, Bathwick, Moorfields, Odd Down, Lansdown, RUH, Keynsham High Street & Keynsham Somerdale), development will be encouraged to incorporate infrastructure for district heating, and will be expected to connect to any existing suitable systems (including systems that will be in place at the time of construction), unless it is demonstrated that this would render development unviable **or an alternative energy solution can be achieved that delivers a net zero carbon development.***

**New Policy SCR9 Electric vehicles charging infrastructure**

- 4.19 St William is committed to providing sustainable transport options in accordance with the Group's Sustainability Standards. However, St William do not support the requirement to kit out all parking spaces with access to charging infrastructure. This policy wording should be moderated to recognise the need to find location specific solutions for each development.
- 4.20 More flexibility is needed in the wording to allow a nuanced approach to provision of charging infrastructure. For example, some higher density developments may be better served by higher capacity communal charging points, or through the provision of a car club scheme rather than individual provision (be it active or passive) for every space.
- 4.21 The level of provision is too prescriptive and prohibits the ability for more creative, site specific appropriate solutions to be identified. The policy needs to be re phrased to focus on the intended outcome i.e. residents who have electric vehicles will be able to charge them near their homes, rather than the inflexible approach of requiring all spaces to be provided charging infrastructure.
- 4.22 Furthermore, it may not be appropriate (or the most sustainable solution) to provide active charging infrastructure upfront and may be better if some spaces were provided with the potential for infrastructure to be installed at a later date. This passive approach would avoid over provision of charging points where they are not desired or would not be used by occupants, and ensures that, at the point where charging

infrastructure is required, the most up to date and suitable infrastructure for the end user could be installed. It also would help avoid the need for costly provision of infrastructure which could, ultimately, end up underutilised or not desired by future occupants. Such additional costs put pressure on development sites such as BWR where viability is already finely balanced.

4.23 St William support the provision of charging infrastructure in principle but strongly suggest the policy wording be amended to allow such discussions to be undertaken on a site by site basis to ensure the most appropriate outcome for each site can be achieved.

4.24 The following amendments are proposed to the current draft policy wording:

*New Policy SCR9 Electric vehicles charging infrastructure*

*New Build Residential Development:*

*All dwellings with one or more dedicated parking space or garage must provide details of how access to electric vehicle charging infrastructure has been considered as part of the development proposals. Further guidance will be set out in the Transport and Development Supplementary Planning Document. Where off street parking is not provided and parking is provided on street within a development proposal, the design and layout of the development should incorporate infrastructure to enable the on-street charging of electric vehicles where viable and appropriate, and which does not compromise any special characteristics of the area, the public realm or the mobility of other users.*

*New Build Non-residential development*

*In all non-residential developments providing 1 or more car parking bays, access to electric vehicle charging infrastructure must be provided. Further guidance will be set out in the Transport and Development Supplementary Planning Document.*

*Grid Capacity*

*Where the costs of providing the necessary capacity in the local electric grid infrastructure connections to support electric vehicle infrastructure are abnormally high the applicant must provide evidence to robustly demonstrate why they are not able to comply with the above policy.*

## 5. Policy SB8: Bath Riverside

### Overview

- 5.1 The BWR site has been allocated for redevelopment since 2007 and has not come forward as quickly as initially envisaged by the Council. St William have unrivalled experience in bringing forward former gasworks sites for sustainable, high quality new homes. The site is extremely complex, but St William are committed to bringing it forwards and there is now a real opportunity for this development to be realised after a long delay.
- 5.2 There is a pressing need to make sure development now comes forward on this site, given that BWR is a key site where a significant proportion of the Council's housing requirement needs to materialise. There are site specific challenges given the historic uses and brownfield nature but St William is wholly committed to progressing this development, to help shape a new neighbourhood alongside the existing community. This will bring with it a suite of benefits for the city, not least remediating a contaminated Gasworks site which is underutilised and a visual blight.
- 5.3 St William therefore agrees with the inclusion of an updated policy for the BWR site. Given the time that has elapsed since the site was initially allocated, it is appropriate to revisit the wording. The following comments are made on some specific detail included in the draft policy wording as currently set out. The points are intended to assist the Council in ensuring the policy aspirations materialise and a high quality, sustainable development is achieved on this site with new homes delivered within the next five years. We would be happy to discuss these further before the LPPU is submitted for Examination.

### Vision

- 5.4 The Vision for the allocation (set out at para 152c of the schedule of changes) makes reference to delivering the vision set out in the 2008 SPD. This document, and the evidence base underpinning it, is now somewhat out of date, and was prepared in a very different policy context; for example it is pre-NPPF, and prior to the declaration of climate and ecological emergencies. Given the partial update to the plan is an opportunity to revisit the detailed requirement for the site, and given the level of detail that is provided in the draft policy and accompanying paragraphs, we would question the relevance of referring back to this SPD in the updated policy.
- 5.5 We would further suggest that the Council should consider withdrawing that 2008 SPD, or otherwise updating it following the adoption of the LPPU.
- 5.6 The following amendments are proposed to the current draft policy wording:

#### Vision

*152c. In addition to delivering the vision as set out in the adopted Bath Western Riverside Supplementary Planning Document (SPD), The development will need to deliver the Council's priorities with regards to the climate and ecological emergency. The adopted Site Allocation Policy SB8 has been updated to help to facilitate the appropriate development of the site, providing clarity and certainty on the development requirements and design expectations to help shape this next major phase of regeneration.*

## **Quantum of Development**

- 5.7 St William supports the proposal to update the Policy allocation for the site, but would like to discuss the quantum of development proposed at point 1 to the draft policy. The proposal to increase the total number of homes allocated on the site (to 1,750) is welcomed. The site is brownfield and in need of regeneration, is centrally located and a highly sustainable location to accommodate residential development, an opportunity that should be optimised. However, we note the overall numbers for the site and that the previous application permitted circa 2,300 homes with an additional 675 student homes.
- 5.8 It is considered that the site is capable of delivering more new homes than it is currently proposed to be allocated for. This matter was carefully considered during the determination of the previous application on the site and the quantum of development previously permitted is a material consideration when determining the appropriate quantum proposed as part of future applications.
- 5.9 Given the highly sustainable location for this site, and given the need for significant upfront investment and remediation, there is a clear case to optimise delivery on this site, and take the opportunity to make a greater contribution to the number of new homes the Council need to identify.
- 5.10 St William is committed to working with the Council and would welcome the opportunity to demonstrate how the capacity of the site can be effectively utilised so efficient use of land is achieved in line with paras 119 and 120 of the NPPF, whilst retaining a mindfulness of the heritage and townscape context and constraints and opportunities of the site. There is a balance to be struck between the optimum number of homes on site to make the best use of the land, to maximise housing delivery and to assist with viability when considered against the unique townscape and heritage context of the city. We would urge the Council to revisit the quantum of development allocated on the site, and note that the Council have not undertaken any recent substantive appraisal work to underpin the approach included within this emerging policy.
- 5.11 With regards to the proposed prohibition of any purpose built student accommodation we propose this is removed from the policy. Alternative products can be utilised to safeguard delivery and create diverse, multi-tenure, places and communities. The appropriate residential product should be determined on the merits of the proposals having regard to housing need, design quality and public benefits for example.
- 5.12 The following amendments are proposed to the current draft policy wording:

*1 Deliver residential development of ~~around~~ a minimum of 1,750 dwellings across the whole site **subject to further discussions on capacity**. ~~Proposals for Purpose-Built Student Accommodation shall not be permitted.~~*

## **Scale and Massing**

- 5.13 With regards to building heights (covered at point 13 of the draft policy), the draft policy wording indicates building shoulder height of 4 storey would be acceptable, with an additional set back floor above. We would question the rationale behind this figure, noting surrounding development and recent planning approvals. We note that there is no site specific evaluation or assessment prepared on behalf of the Council in the evidence library, and as such we do not consider that this approach is sound, by reason of not being justified by evidence.
- 5.14 We note, as detailed above, the pressing need to maximise efficient use of this sustainably located site and consider that this level of restriction on the height of units at the outset, without tabling proposed designs, or reviewing baseline heritage and townscape information, may be prematurely ruling out the possibility of achieving a higher development that the Council may consider acceptable. We suggest that given the absence of any evidence base, the Council removes reference to a maximum building height for the site, and instead focuses on design quality and requiring a robust justification for the scale, massing and heritage and townscape impact of development proposals at application stage.
- 5.15 The following amendments are proposed to the current draft policy wording:

*13 Not detract from important views over the site including, but not limited to, longer, sweeping views towards the Georgian City and views from historically important viewpoints as set out in the WHS Setting SPD; and should respond appropriately to the general characteristics of buildings heights within the city. An analysis is required to enable an appropriate response and to influence the height, massing and design of buildings. The Bath Building Heights Strategy (BBHS) should be used as part of the evidence base and the starting point for this analysis which must also include a detailed Landscape and Visual Impact Assessment (LVIA). ~~The BBHS identifies this site as being within zone 3—the Valley Floor and recommends that for new development ‘building shoulder height should be 4 storeys. One additional setback storey within the roofscape is likely to be acceptable’.~~ Note that this is a recommendation for the general height only and is subject to modifiers.*

## **Provision of a Primary School and Community Facilities**

- 5.16 Point 2 of the draft policy seeks to secure a primary school, early years facility and community hub, with community facilities as part of the BWR development area.
- 5.17 A new primary school is committed as part of the BWR site via a S106 Agreement, however, the proposed location of this is on our clients land, not that controlled by Crest who signed the S106 Agreement associated with the original BWR permission.
- 5.18 It does not appear that any further information to justify the continued need for the school has been made available as part of the Regulation 19 process.



- 5.19 Whilst all large scale new development will generate a need for certain services and facilities, the exact quantum and type of facilities required will differ based on the details and nature of the development. Each application must be assessed on its own merits and any need for specific infrastructure requirements to be robustly justified if the need for this arises as a result of the proposed development. Much of the original BWR allocation has already been built out without triggering the need to deliver a school.
- 5.20 Whilst the high level development principles for the BWR site have been established, the exact details of the final development are not yet fixed, and therefore the contributions and obligations that are necessary to make the development acceptable are not yet established.
- 5.21 There is, therefore, some uncertainty around whether there remains a need for a primary school to be delivered on this site, either in relation to wider aspirations by the Council or arising specifically as a result of the residential development on BWR.
- 5.22 The following amendments are proposed to the current draft policy wording:

~~2 Deliver a Primary School, an early years facility and a new community hub with communal facilities to promote healthy lifestyles and community cohesion~~

*2 Subject to the Council showing that there is a need as a consequence of this development, consider the delivery of a Primary School, an early years facility and a new community hub with communal facilities to promote healthy lifestyles and community cohesion.*

### **The Sustainable Transport Route**

- 5.23 Point 5 (g) of the draft policy for the site sets out various aspirations with regards to the Sustainable Transport Route that is required to be delivered across the whole of the BWR site. Whilst St William is seeking to foster a working relationship with BANES to deliver the remainder of the BWR site as a whole, the land controlled by them does not include the full east/west route across the site. Provision should be made in policy to recognise that the route shown on Diagram 13 is indicative. The details of how the site connects to the key surrounding city movement corridors may be best discussed and agreed as part of more detailed masterplanning of the site and through pre-application discussions.

### **Parking Provision**

- 5.24 Point 5(c) of the draft policy supports low car development, where accompanied by high quality sustainable transport alternatives. Point 5 (d) of the draft policy seeks provision of car parking consistent with the standards set out in the Council's Transport & Development SPD. There is the caveat that departure from the standards may be acceptable if robustly justified by exemplar sustainable travel. St William is wholly supportive of significantly reducing the level of car parking on the site in light of its highly sustainable location. This is addressed further in the accompanying representations prepared by Vectos (Appendix 1).



- 5.25 St William is aware that a recent scheme in a nearby sustainable location was recommended for refusal on grounds relating to the level of parking<sup>1</sup>. In this instance, the combination of reduced car parking levels and sustainable transport options were considered to be contrary to the adopted Placemaking Plan. The Committee Report cites that opportunities to reduce quantum of development were not considered. Members however overturned that recommendation and resolved to grant planning permission.
- 5.26 The reliance on significant car parking provision appears to be contrary to the Council's ambitions to maximise housing delivery in sustainable locations around the Western Riverside area, and support low car environments. This is reflected in the current policy wording for Western Riverside, whereby parts 5 (c) and 5 (d) appear to be at odds with one another. The current focus on standards within the Transport and Development SPD (Zone B) is restrictive and contrasts with the wider ambitions of both St William and the policy in achieving sustainable development. It does not recognise the site's similarities to Zone A<sup>2</sup>. St William strongly recommends that the starting point for part 5 (d) of the policy at Western Riverside should be to support a lower car parking provision, whilst maximising opportunities for non-car modal shift through the provision of cycle storage, alongside an appropriate level of disabled car parking provision.
- 5.27 The current policy wording as drafted at 5(c) does not recognise that parts 5 (e), (f), and (g) all contribute to the delivery of robust and bespoke sustainable travel at the site. These should be recognised as supporting the approach to low car development, which can be developed further during pre-application discussions. St William welcomes early engagement with the Council on this matter to ensure an appropriate approach to reduced car parking shapes the development from the outset.
- 5.28 The following amendments are proposed to the current draft policy wording:
- 5 (d) Where low car development is not suitable provide a level of car parking consistent with the standards set out in the Council's Transport & Development SPD, with any departure from these standards robustly justified on the basis that the proposals are an exemplar for sustainable travel or that a sustainable travel plan can be agreed to facilitate lower parking provision.*

## **Green Infrastructure and Ecology**

- 5.29 Point 9 of the updated SB8 seeks to retain existing hedgerows on the site where appropriate. Whilst in principle St William would support this aspiration, the reality of the brownfield BWR site, its former use, and the associated need for remediation may limit the ability to retain all on site vegetation and necessitate site clearance. We do not consider that the layout of development blocks should be overly constrained through the attempt to retain existing on site features. The site at present is not making a positive contribution to the urban form and historic significance of the city. The on-site vegetation is largely incidental self-sown habitat that has appeared as a result of the former uses on site ceasing and parts of the site being left underutilised.

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<sup>1</sup> Application Ref. 20/03071/EFUL

<sup>2</sup> See representations to the Transport and Development SPD, prepared by Vectos (Appendix 1)

The allocation, and now the involvement of St William (who have unrivalled experience regenerating sites of this nature) is a clear opportunity to create a new, innovative, extremely high quality place in this area of the city. This aspiration to shape a well-designed, sustainable new neighbourhood should not be overly constrained by prescriptive policies that hinder the ability to achieve high quality design on the site.

- 5.30 Consistent with their landscape-led approach, St William agree with the aspiration to create a linear green route along the river frontage, indeed this is a key element of the design and unique selling point of the proposals, however the arbitrary figure of 10m (as set out at point 6 of the draft policy) as a minimum set back should be removed. Instead, the requirement for a green corridor along the river frontage could be retained in the policy, and the exact details of how this area of the site can be best laid out may better be considered as part of wider masterplanning work inputting to the pre-application discussions and through comments on the upcoming planning application.
- 5.31 Similarly, whilst St William is fully committed to ensuring ecology is a priority in this development, an arbitrary figure of a minimum of 20 nest or roost sites per apartment block (point 8 of the draft policy) is not necessarily going to lead to good design that appropriately makes provision for ecology – it may be that the scheme is capable of accommodating more or less than this number effectively. We would suggest removing the quantum from this element of the policy.
- 5.32 The following amendments are proposed to the current draft policy wording:

*6 Retain and enhance green infrastructure and habitats along the riverside edge **where possible**, providing a biodiversity led approach towards the treatment of this area. Built form shall be set back from the existing riverside habitat infrastructure by a buffer of at least 10 metres **where feasible**. This buffer could be used for informal public open space but must retain a habitat function, a light shielding function, and improved access to the river for maintenance purposes **where feasible**. Built form must respond appropriately to this habitat buffer.*

*9 Where appropriate to the layout of development blocks, seek to retain and enhance existing hedgerows throughout the site, providing ~~a 10m~~ **an appropriate** protective buffer of new grassland habitat for all retained hedgerows. ~~Any deviation from this buffer allowance must be appropriately justified~~. Provision of additional hedgerows is encouraged, to create a link across the site, where appropriate in terms of proposed site layout. Any loss of hedgerows must be off set.*

## 6. Summary

- 6.1 Overall, St William welcome the opportunity to comment on the draft policy and will continue to work collaboratively with the Council to bring forward development proposals for the site at BWR.
- 6.2 The BWR site has been allocated for development since 2007 and has not delivered the much needed new homes at the rate anticipated. The site is complex and in need of significant upfront investment including that related to remediation. St William is uniquely placed to bring forward these proposals given their expertise in regenerating former gas works and bring forward high quality new homes on brownfield sites.
- 6.3 The comments provided in this response are intended to assist the Council in the process of the partial update to the plan. The aim is to ensure that the policies and accompanying text are amended in a way that results in a robust plan, based on sound evidence that allows sustainable development to come forward.
- 6.4 We would welcome the opportunity to discuss our proposed amendments to policy with you.

## **Appendix 1: Vectos Highways Report**

TRANSPORT TOPIC PAPER

# Bath Gasworks

Transport Topic Paper

October 2021

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Local Plan Representations

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# **1 Introduction**

## **Overview**

- 1.1 Vectos is appointed by St William Homes LLP to assist with the promotion of the Bath Gasworks residential-led development, for inclusion in the emerging Local Plan Partial Update (LP) for Bath and North East Somerset (BANES).
- 1.2 This report forms a response to the consultation on the BANES Local Plan Partial Update (LPPU).
- 1.3 BANES is also currently consulting on Supplementary Planning Documents (SPDs) one of which is the Transport and Development SPD. This SPD defines and outlines BANES Council's approach and expectations for developments in relation Walking and Cycling, Parking Standards, Ultra-Low Emission Vehicles (ULEV) and Travel Plans.
- 1.4 This response makes specific representations in respect of the Bath Gasworks site land that forms part of the joint venture between National Grid Property and The Berkeley Group (known as St William) at Bath Gasworks.

## 2 Existing Policy Review

### Overview

2.1 This section of the report reviews the partial update of the relevant existing policies of BANES Council.

#### **BANES Local Plan (Core Strategy and Placemaking Plan) Partial Update (August, 2021)**

2.2 BANES is currently consulting on an update to the Local Plan and on Supplementary Planning Documents (SPDs). This section details key updates to the LPPU.

2.3 Policy CP7 details the provision of the Bath River Line which will provide a high-quality walking and cycling route between Newbridge to Batheaston. It is stated that:

*“Development proposals must where possible, take the opportunity to connect into and enhance the Bath River Line walking and cycling route safeguarded under Policy ST2A.”*

2.4 It is stated further, in paragraph 605a that the route will connect communities across the length of the river, following the same route as the existing towpath/ path, enabling more people to explore the city in a healthy and sustainable way. Some parts of the route are still to be determined.

2.5 The proposed development would enhance the riverside frontage to create a publicly accessible recreational area attractive to both pedestrians and cyclists from all walks of life and therefore welcomes the future policy.

2.6 Paragraph 593 states that:

*“35% of car trips within BANES are less than 5km in length”*

2.7 Given the locality of the proposed development near to several local facilities and key destinations, it is considered that a larger proportion of trips would constitute trips less than 5km and a greater percentage than suggested above could be undertaken by sustainable modes. As supported by paragraph 593 this would be the result of masterplan design aimed at creating a site with active and sustainable transport at its core.

2.8 As such a lower car driver mode share could be achieved at the site with the necessary infrastructure, design and measures and determined through the 'Decide and Provide' methodology as detailed in paragraph 593d which states that:

*“Formulation of transport strategies for developments will be expected to use the “Decide and Provide” methodology, identifying desirable sustainable travel patterns and providing the opportunities to enable them to be achieved.”*

2.9 This is a welcomed approach and moves away from the 'Predict and Provide' methodology which has resulted in car dominated development over the past couple of decades.

2.10 Paragraph 633a talks about parking standards and states that.



2.11 “[...] parking standards are relocated from the PMP into a new Transport and Development SPD. This provides the flexibility to allow B&NES Council to continually review and update the parking standards [...]”

2.12 In conjunction with this it is stated in Paragraph 633b that:

*“The Council understands the variation on transport requirements and opportunities in different parts of the District and continues to ensure that the standards, and application of those standards, recognise these differences. [...]”*

2.13 It is therefore noted that the council recognises local and specific circumstances to support an appropriate quantum of vehicular parking. Further commentary on the parking standards is set out below.

### 3 Draft Policy Review

#### Overview

3.1 This section of the report reviews the relevant draft policies for BANES Council.

#### **BANES Transport and Development SPD (2021)**

3.2 As stated above BANES is currently consulting on Supplementary Planning Documents (SPDs) one of which is the Transport and Development SPD. This SPD defines and outlines BANES Council's approach and expectations for developments in relation Walking and Cycling, Parking Standards, Ultra-Low Emission Vehicles (ULEV) and Travel Plans.

#### **Walking & Cycling**

3.3 This section of the SPD sets out the expectations of developers and establishes 'what good looks like' for infrastructure within the district. As such it is intended to be used as a tool to ensure the delivery of high-quality walking and cycling infrastructure through the planning process.

3.4 Paragraph 3.1.6 highlights the Climate and Ecological Emergencies and emphasises the role of walking and cycling, design and implementation in promoting higher uptake of active travel to influence and reduce the number of car journeys undertaken on the roads.

3.5 The aim of this is to reach carbon neutrality by 2030. The commitment to this aim is welcomed but will need to be ensured by a commitment to allowing reduced parking provision for developments which can provide excellent master planning design to ensure a shift to sustainable modes through the 'Decide and Provide' mantra.

3.6 The Benefits of Walking and cycling are outlined in Section 3.5. These benefits span four key areas:

- **Health:** such as maintaining a healthy body weight and manage mental health issues
- **Environmental:** such as reducing air and noise pollution;
- **Economic:** Can improve retail of town/city centres by increased footfall through passing more places; and
- **Social:** Such as improving sense of place and community and improvements to feelings of personal security.

3.7 Section 3.5 details the Walking and Cycling Vision, Objectives and Outcomes. These comprise:

- Develop a high quality, attractive, safe and integrated network of walking and cycling infrastructure.
- Break down barriers to active travel and establish inclusive walking and cycling provision for all users.

- Safeguard historic elements whilst ensuring there is no prejudice to providing innovative walking and cycling solutions.
- Support Climate Emergency priorities by enabling low carbon mobility and reducing harmful impacts of transport on the natural and built environment.
- Deliver a step change in the number of healthy, low carbon walking and cycling trips
- Create better places by delivering development which prioritises the needs of pedestrians

3.8 These objectives are welcomed and should be encouraged through good masterplan design and prioritisation of active travel movements over the private car and creation of a development based on low car living.

3.9 The design principles to support these objectives are detailed in Tables 3.3 and 3.4 of the SPD; they cover the following areas:

- **Accessibility:** ensuring inclusivity, directness and continuity of routes, access is free from barriers i.e. footway obstructions, suitable crossings on desire lines and sufficient cycle parking;
- **Safety and Concern:** promoting visibility and natural surveillance; safety perception and road safety;
- **Comfort:** sufficient footway widths, pedestrian and cycle segregation, surfacing and seating; and
- **Legibility:** easy to find routes and easy to follow, inclusion of visual clues and way-finding.

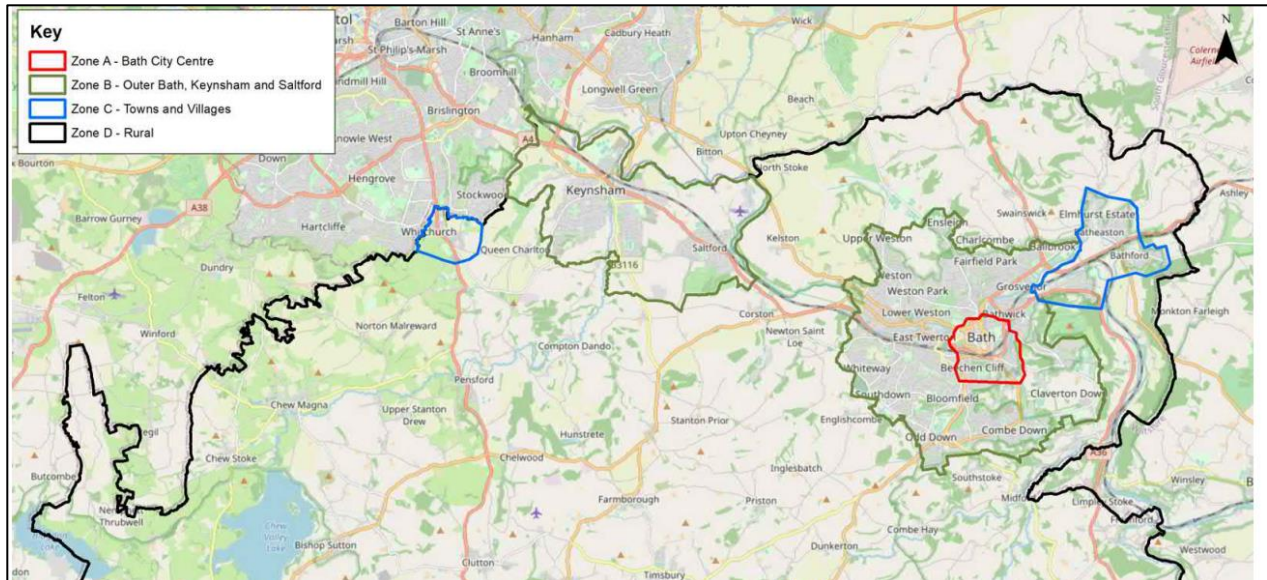
3.10 These principles are considered appropriate and would ensure a lower parking provision could be provided on an appropriate development site.

### **Vehicular Parking Standards**

3.11 The parking standards have changed their approach, and this is welcomed. Paragraph 4.4.2 states that residential development or 'origin parking' is now a maximum standard as opposed to a minimum standard.

3.12 Based on **Figure 3.1** below, the Bath Gasworks site is located in Zone B (Outer bath) albeit on the edge of Parking Zone A (Bath City Centre).

**Figure 3.1 Parking Standards Zone**



Source: Figure 4.4 Parking Standards Zones from the Transport and Development SPD

3.13 This diagram should be made interactive to ensure clarity on the location of development with respect to this zonal system. It is considered that these zones should be labelled as a guide only and provision on parking should be given greater weight to future accessibility by active and sustainable transport.

3.14 The car parking standards for Zone B comprise:

- 1 space per one-bed dwelling
- 1.25 spaces per two-bed dwelling
- 1.5 spaces per three-bed dwelling and greater

3.15 Bath Gasworks is located within Zone B. Given the proximity of the site to Zone A which requires a maximum of 0.5 spaces per dwelling and the future accessibility of the site and the principles of prioritising active and sustainable modes of transport based on a ‘Decide and Provide’ approach, it is considered that lower levels of parking provision should be encouraged. This should be done in combination with increased active travel and sustainable transport improvements to ensure a modal shift which would attract a great proportion of non-car owners resulting in substantial benefits to mobility, health and wellbeing for future residents.

3.16 In the ‘Additional Requirements’ section it is stated that:

*“Where communal parking is provided for development in Zone A and Zone B, a reduction in the number of parking spaces can be applied to account for the efficiencies available. No visitor parking spaces are required.”*

- 3.17 It is considered that flexibility to this statement should be permitted as allocated parking for larger homes such as 3+ beds would give comfort to families inhabiting homes. Unallocated parking for 1-2 bed homes and visitor parking would be seen as more appropriate given the demographic of residents likely to occupy this type of space i.e. younger, 'tech savvy', climate conscious and reduced likelihood of car ownership which will be supplemented by on site car clubs for occasional use. As such a flexible approach to allocated/ unallocated parking, which may vary site-to-site, should be encouraged.
- 3.18 Further to this it is stated that:
- “Where reductions are applied for unallocated spaces, a planning condition will be used to ensure that vehicle parking remains on an unallocated basis in perpetuity.”*
- 3.19 It is considered that this statement should be removed as this may vary on a site-to-site basis and will be specific to any individual development. This may prejudice any specific situation and does not need to be included at this stage.
- 3.20 A Parking Accessibility Assessment has been provided as a method to justify reduced parking standards. The principle of justifying reduced parking based on greater accessibility is welcomed. It is considered that the assessment should be allowed to take account of future accessibility as well as the existing situation.
- 3.21 The 'Additional Considerations' section gives waiting to developments located within a controlled parking zone. Clarification on what defines a controlled parking zone should be provided and this should be broadened to include areas where parking restrictions which inhibit or do not allow on street parking (i.e. double yellow lines). It is considered that any form of restrictive parking is a control which future residents will abide by. As such the criteria should give weight to the length of roads with uncontrolled parking within a specific walking distance (suggested 400m) rather than the location of a development within a controlled parking zone.
- 3.22 Further to this the criteria at the end of the 'Additional Considerations' section is a repeat of the 'Rail' section and as such should be corrected.

### **Other Parking Standards**

- 3.23 Cycle Parking is a minimum standard where the following applies:
- 1-2 spaces per one-bed dwelling
  - 2 spaces per two-bed dwelling
  - 3 spaces per three-bed dwelling
  - 4 spaces per four-bed dwelling or greater
- 3.24 The provision of a comprehensive level of cycle parking is considered acceptable however it is recommended that consideration is given when applying these standards to proposals on a site-by-site basis. Paired with this it is also recommended that clarification should be provided on the minimum standards for 1 bed dwellings.

Blue Badge Parking

3.25 The proposals in the policy are for blue badge parking standards to equate to is 6% of parking capacity or 3 spaces, whichever is greater. This is noted.

ULEV Parking

3.26 ULEV charging Standards for residential developments are provided within **Table 3.1** below.

**Table 3.1: ULEV Parking Standards**

Residential Schemes	Number of Dwellings*	Number of parking Spaces**	Active ULEV charging requirement	Passive ULEV charging requirement
All new development (including Existing development undergoing renovation requiring “Major planning permission”.	Single Dwelling	1 Space	1 Space	N/A
		>1 Space	1 Space	All Spaces
	Multi-Dwelling	1 space	1 Space	N/A
		>1 Space	All Spaces	N/A

\*“For the purpose of this SPD a block of flats is referred to as a multi-dwelling”

\*\* “Parking spaces physically adjacent, defined legally as “within the site boundary of the dwelling”

- 3.27 The proposed policy in **Table 3.1** is confusing and has a subjective interpretation. It is recommended that the table remove the '>' and replace with the wording of greater than, less than or up to, to ensure clarity.
- 3.28 The number of parking spaces column should be removed and the Active ULEV and Passive ULEV charging requirements should be stated as ‘per unit/parking spaces provided’.
- 3.29 The wording of a block of flats should be quantified – does two flats in a block count as a multi-dwelling?
- 3.30 The current wording suggests that a block of flats, designated here as a ‘Multi-dwelling’, which provides over 1 carparking space within its development should provide all spaces as Active ULEV parking.
- 3.31 Whilst the SPD suggests that all spaces should be 100% active provision, it is our experience that a smaller proportion should be provided from the outset with the remaining spaces being installed with passive infrastructure to allow for the technology (both cars and charging infrastructure) to evolve. At present, due to the rate of technological advancement in electric vehicle charging points, it is not sensible to provide a high proportion of active electric charging points in advance of the charging points being used. The technology could quickly become outdated. As such, when required, active electric vehicle charging points should be provided on a case-by-case basis in order to provide the most up to date, advanced and efficient charging points.

**Travel Plan Guidance**

- 3.32 Travel plan guidance has been provided to ensure consistency and best practice across the District. The guidance sets out key sections to be included as well as best practice approaches which are welcomed.

**Summary**

- 3.33 The emerging SPD highlights several design principles in regard to active and sustainable transport infrastructure which would further promote active travel within Bath.
- 3.34 Emerging policy supports a flexible parking standard insofar that it is justified on individual circumstances and allows accessibility to play a key factor in the provision of residential parking spaces. This is welcomed alongside the suggested clarifications provided.

## **4 Summary**

- 4.1 Vectos is appointed by St William Homes LLP to assist with the promotion of the Bath Gasworks residential-led development, for inclusion in the emerging Local Plan Partial Update (LP) for Bath and North East Somerset (BANES).
- 4.2 This report forms a response to the consultation on the BANES Local Plan Partial Update (LPPU).
- 4.3 This response makes specific representations in respect of the Bath Gasworks site land that forms part of the joint venture between National Grid Property and The Berkeley Group (known as St William) at Bath Gasworks
- 4.4 The BANES LPPU and emerging SPD highlights several design principles in regard to active and sustainable transport infrastructure which would further promote active travel within Bath and near the Bath Gasworks development.
- 4.5 Emerging policy supports a flexible parking standard insofar that it is justified on individual circumstances and allows accessibility to play a key factor in the provision of residential parking spaces. This is welcomed alongside the suggested clarifications provided.



## Contact

### **London**

Network Building,  
97 Tottenham Court Road,  
London W1T 4TP.  
Tel: 020 7580 7373

### **Bristol**

5th Floor, 4 Colston Avenue,  
Bristol BS1 4ST  
Tel: 0117 203 5240

### **Cardiff**

Helmont House, Churchill Way,  
Cardiff CF10 2HE  
Tel: 029 2072 0860

### **Exeter**

6 Victory House,  
Dean Clarke Gardens,  
Exeter EX2 4AA  
Tel: 01392 422 315

### **Birmingham**

Great Charles Street,  
Birmingham B3 3JY  
Tel: 0121 2895 624

### **Manchester**

Oxford Place, 61 Oxford Street,  
Manchester M1 6EQ.  
Tel: 0161 228 1008

### **Leeds**

7 Park Row, Leeds LS1 5HD  
Tel: 0113 512 0293

### **Bonn**

Stockenstrasse 5, 53113,  
Bonn, Germany  
Tel: +49 176 8609 1360  
[www.vectos.eu](http://www.vectos.eu)

### **Registered Office**

**Vectos (South) Limited**  
**Network Building,**  
**97 Tottenham Court Road,**  
**London W1T 4TP**  
**Company no. 7591661**

**Turley Office**  
The Pinnacle  
20 Tudor Road  
Reading  
RG1 1NH

T 0118 902 2830