

**Bath and North East Somerset Council Local
Plan (Core Strategy and Placemaking Plan)
Partial Update Examination**

Hearing Statement submitted on behalf of St
William Homes LLP in relation to Matter 4 –
Area Policies and Allocations

Policy SB8 Bath Riverside

June 2022

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Client
St William Homes LLP

Our reference
STWR3004

June 2022

1. Introduction

- 1.1 This Hearing Statement has been prepared on behalf of St William Homes LLP ('St William') in response to Matter 4 (Area Policies and Allocations) of the Bath and North East Somerset ('BANES') Council Local Plan Partial Update ('LPPU') Examination.

Draft Statement of Common Ground

- 1.2 St William sought to work collaboratively with BANES and agree a Statement of Common Ground ('SoCG') in response to the specific Inspector's Initial Matters, Issues and Questions document relating to the Policy SB8 Bath Riverside site, in order to assist the Inspector.
- 1.3 A number of proposed minor amendments to, and clarification of, the draft SB8 policy were agreed between the parties through this process, as shown in the SoCG. This positive process resulted in a near finalised SoCG being produced. This 'final' draft of that document is enclosed at **Appendix 1**.
- 1.4 However, the Council sought the insertion of significant new text into the SB8 policy, which went beyond other minor modifications agreed between the parties, which St William were not able to agree due to the lack of any justification or evidence to support it. St William's stance on that matter was consistent throughout the SoCG process, and through the separate pre-application process that has been undertaken.
- 1.5 As a consequence of St William not agreeing to this additional policy text, unfortunately the Council at very late notice unilaterally decided that they could not agree to enter into the SoCG at all.
- 1.6 This is an extremely disappointing outcome for St William, but they remain committed to working with the Council.
- 1.7 In this Hearing Statement we seek to identify for the benefit of the Inspector the numerous areas that are agreed. Indeed, we hope the inclusion of the draft SoCG document will aid discussion at the Hearing sessions, and again invite the Council to reconsider its position on the SoCG, in order to both assist the Inspector and save Examination time.
- 1.8 St William reserve the right to comment further on both Policy SB8 and the LPPU more broadly if required at the Examination and following sight of the Council's Hearing Statements.

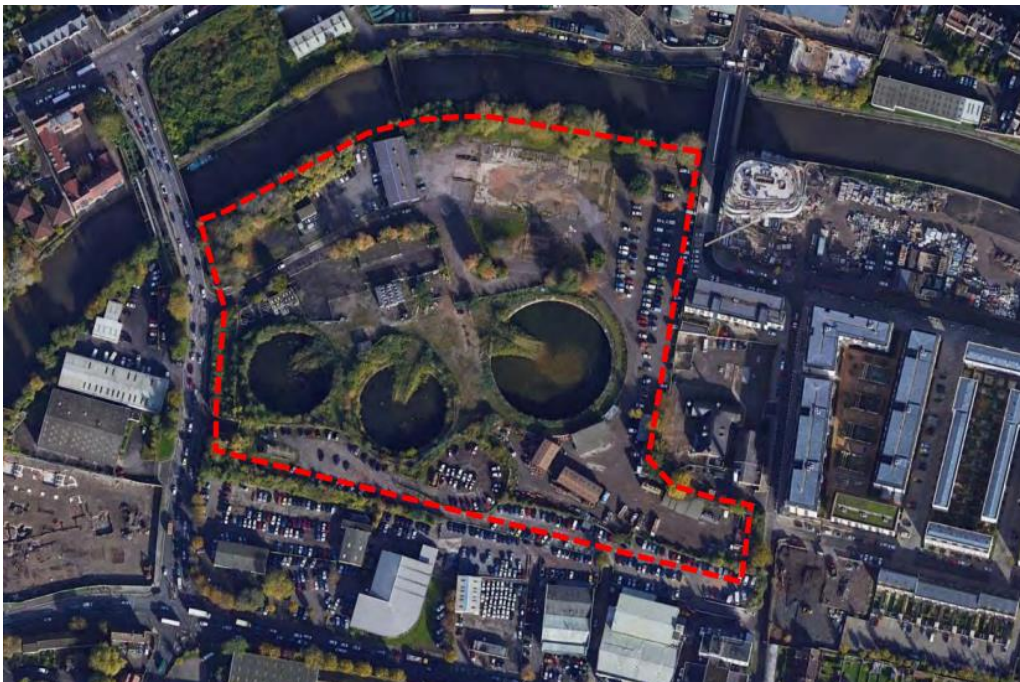
About St William

- 1.9 St William was formed in 2014 as a joint venture between the Berkeley Group and National Grid to regenerate underutilised gasworks and gasholder sites, including Bath Gasworks.
- 1.10 St William has unrivalled experience in successfully regenerating sites of this nature and transforming them into places where people want to live, work and spend time. This experience includes an acute awareness of the technical complexities and costs that redeveloping former gasworks sites entail.
- 1.11 St William is the majority landowner for the remainder of the Bath Riverside allocation and are therefore the key partner in completing the long-anticipated regeneration of BWR.

About Bath Gasworks

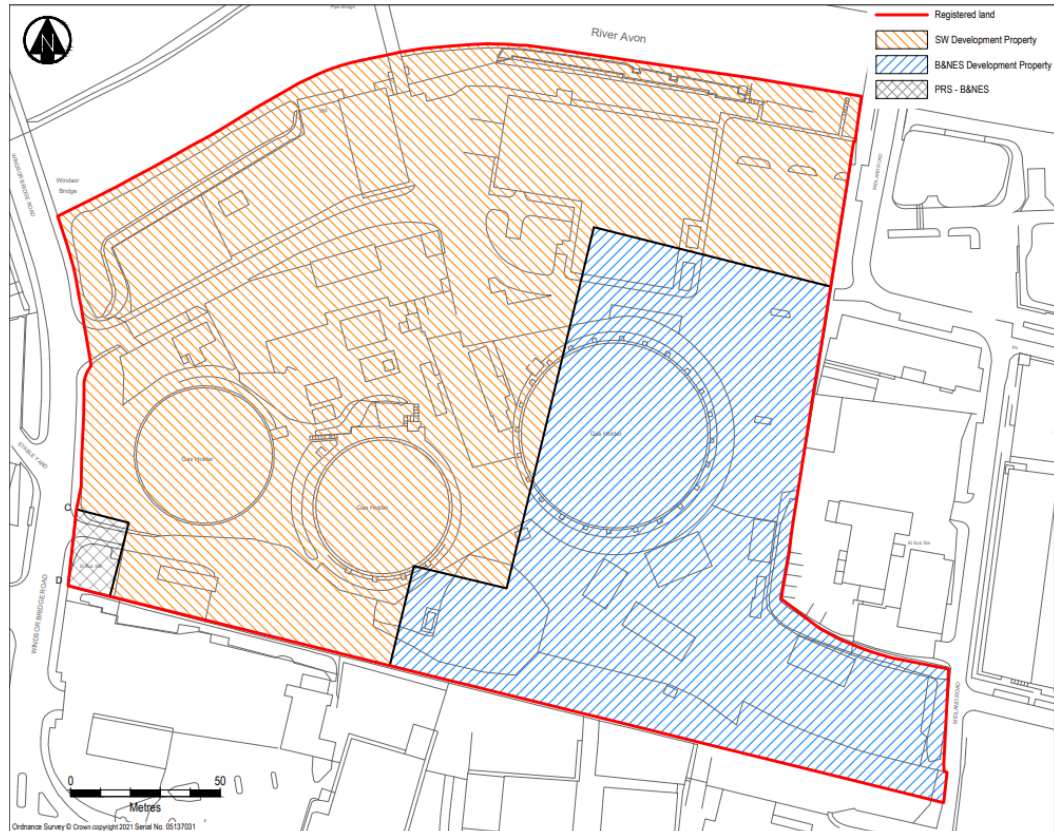
- 1.12 Bath Riverside forms the largest development site within the wider Policy SB8 allocation. The site is jointly owned between St William and BANES Council reflecting the former operational gas infrastructure of Wales & West Utilities and the legacy gasworks site.
- 1.13 The Council have just completed a comprehensive programme of gas pipework rationalisation, relocating the main Bath supply pipework and relocating gas infrastructure to facilitate development.
- 1.14 St William and the Council have contracted to swap land to regularise development land for both parties in order to deliver development.

Figure 1: Wider Bath Gasworks site



- 1.15 St William owns land ('Bath Gasworks') 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), and is subject to proposed amendments.

Figure 2: BANES and St William's land interests at Bath Gasworks



- 1.16 The St William development land is approximately 3.33 hectares in area located at the former Bath Gasworks located to the west of Bath City Centre.
- 1.17 The Site is bound by the River Avon to the north and the Wellsway Garage development (ref: 20/03071/EFUL) and the A36 to the south.
- 1.18 Midland Road and Windsor Bridge Road form the eastern and western boundary respectively.
- 1.19 The Council controls the adjoining development land which is approximately 1.8 hectares. The Council plot is bound by the Wessex Water Pumping compound to the east, and existing Brunel Ford/Kia dealership to the South and connects to the completed development phase of Bath Western Riverside by Crest.
- 1.20 The wider allocation land comprises of brownfield land in a variety of different ownerships, part of which is controlled by the Council.
- 1.21 The wider 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 was not party to this application but that application did include their landownership.

- 1.22 This approved description of development is as follows (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”

- 1.23 Development has now been completed on the Crest Nicholson part of the site delivering 840 new dwellings. There have been a variety of reserved matters applications and amendments to the outline application over the intervening period including the consent for 184 dwellings to the north of the river on the Council waste recycling centre and the consent for the residential led redevelopment of the Dick Lovett site, situated to the east of Windsor Bridge Road and the north of Lower Bristol Road. St William and the Council both intend to submit new full planning applications for the redevelopment of their controlled elements of the Gasworks site.
- 1.24 The Westmark site to the east of Windsor Bridge Road and immediately to the south of Upper Bristol Road is also part of Policy SB8.

Context

- 1.25 The proposal for an updated site-specific allocation policy for the remaining elements of Bath Riverside in the LPPU, Policy SB8, which responds positively to the balance of the existing allocated site, is supported in principle by St William.
- 1.26 As has been noted in St William’s Regulation 19 representations, it considers that 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. 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.
- 1.27 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. Two public exhibitions were held in February 2022 and May 2022 respectively (see bathgasworks.com).
- 1.28 St William submitted detailed representations to the Regulation 19 consultation in October 2021, and these remain relevant to this Hearing Statement and the Examination on matters not dealt with within the focussed ‘final’ draft SoCG at **Appendix 1**.
- 1.29 St William welcomes the opportunity to participate in the Matters 3 and 4 hearing sessions taking place on 21 and 22 June respectively.

2. Response to Inspector's Questions

- 2.1 This section sets out our response on behalf of St William to the questions that have been raised by the Inspector in his Matters, Issues and Questions Paper issued on 14 April 2022. We provide written responses to questions Q17 – Q21 inclusive with associated appendices in this Hearing Statement.

Matter 4: Area Policies and Allocations – Policy SB8 Bath Riverside

Q17) What is the justification for the requirement in 1) that proposals for Purpose Built Student Accommodation shall not be permitted?

- 2.2 Both the Council and St William are happy to support this draft wording.
- 2.3 We expect the Council to deal more widely with regard to the provision of purpose built student accommodation ('PBSA') within the Borough in their Hearing Statement regarding policy H2A.
- 2.4 With regards to the proposed prohibition of any purpose built student accommodation at this site, it is agreed between the parties that this should be removed from the policy. PBSA was included in the original Local Plan policy for the site but is no longer considered relevant or appropriate.
- 2.5 Alternative products can be utilised at the site 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 matters including housing need, design quality and public benefits for example.

Q18) Are the assumptions for the site to deliver 564 dwellings within 5 years and 756 dwellings in the plan period (as set out in the Council's response to my initial questions) realistic and based on a robust assessment?

- 2.6 St William has unrivalled experience in bringing forward former gasworks sites for sustainable, high quality new homes. The site is extremely complex, but St William is committed to bringing it forwards and there is now a real opportunity for this development to be realised after a long delay. The BWR site has been allocated for redevelopment since 2007 and has not come forward as quickly as initially envisaged by the Council.
- 2.7 As we set out in our response to Matter 3, it remains the intention for St William to submit a full planning application for its site in summer 2022. New homes could, therefore, be ready for occupation on the St William site during the 2024/25 monitoring year if the development management process facilitates a swift decision, and an early commencement on site can be achieved.
- 2.8 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.

- 2.9 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 current and future 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.
- 2.10 However, as with Q14 above, it remains incumbent on the Council to secure optimum delivery of new homes on its allocated sites.

Q19) What is the evidence for the need for the provision of a primary school, an early years facility and a new community hub with communal facilities to promote healthy lifestyles and community cohesion as set out in criterion 2?

- 2.11 Further to representation made at Regulation 19 stage, it is now agreed that there is to be no requirement to provide a primary school at the site.
- 2.12 St William instructed and submitted an Education Assessment produced by Lichfields which has been submitted to and reviewed by BANES.
- 2.13 The Assessment confirms that there is no justification to require a primary school as part of the redevelopment of the site. Notably, there is a very significant level of capacity within existing primary schools close to the site; the likely child yield deriving from the scheme is low; and a reduction in demand for school places in the area is predicted in future years.
- 2.14 The Bath Gasworks site will however include an early year’s facility, whilst the BANES land will include a community facility. It is acknowledged by parties that these are requirements of the policy area as a whole and the onus should not be solely on the St William site to deliver.
- 2.15 The draft SoCG deals with this matter, and consequently the following amendments are proposed to the policy:

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

Q20) Is the Policy justified in seeking that new streets and spaces throughout the area are implemented by the developer/s and are to be in accordance with the relevant typology as set out in the Bath Pattern Book, and that car parking provision is consistent with the Council’s Transport & Development SPD when these documents do not form part of the development plan?

- 2.16 The Bath Pattern Book is recognised as being used by BANES for “*private sector development proposals to ensure the highest standards of public realm are delivered across the city centre*”.
- 2.17 Given that the site is not within the city centre, it is agreed that it should not be applicable to the SB8 site as there is no ‘relevant typology’.

2.18 Indeed, the Bath Pattern Book notes:

“Many of the recommendations draw on and illustrate best practice which may be applicable in other places, it is not designed to be directly applied to other areas of the city, or the wider Bath and North East Somerset area.” (our emphasis).

2.19 As such, St William propose that this element of the policy can be deleted:

~~**4 Ensure that new streets and spaces throughout the area are implemented by the developer/s and are to be in accordance with the relevant typology as set out in the Bath Pattern Book.**~~

2.20 As an alternative, the draft SoCG agreed the following amendments to the policy.

4 Ensure that new streets and spaces throughout the area are implemented by the developer/s and are influenced by appropriate typologies and design principles ~~to be in accordance with the relevant typology as set out in the Bath Pattern Book.~~

Q21) A number of policy criteria are concerned with cycling matters and there appears to be some duplication between them. Is the Policy clearly written and unambiguous, so it is evident how a decision maker should react to development proposals as per NPPF paragraph 16, and would it be effective?

2.21 It is considered that the various elements of the policy are drafted such that the criteria can be read independently but agree that they can be further refined for clarity.

2.22 For example, criteria e. and f. relate to funding towards off site works along and across Upper Bristol Road and Lower Bristol Road, and at the Windsor Bridge Road junctions with Upper Bristol Road and Lower Bristol Road (which are on land outside of the SB8 site owners' control).

2.23 To recognise that the developer cannot deliver these works, amended policy wording is proposed to 'facilitate' them, as follows:

“e. ~~Deliver~~ Facilitate improvements to walking and cycling routes along and across Upper Bristol Road and Lower Bristol Road, connecting to existing infrastructure, and improving permeability through the development.

f. Investigate and ~~deliver~~ facilitate opportunities to improve pedestrian and cycle facilities at the Windsor Bridge Road junctions with Upper Bristol Road and Lower Bristol Road.”

3. Concluding remarks

3.1 St William remain committed to working with the Council to deliver this important site. We hope that the aforementioned comments assist the Inspector in relation to his specific questions.

Proposed minor amendments

3.2 As has been noted earlier in this Hearing Statement, the Council and St William agreed a number of other minor amendments to the submitted policy wording of SB8.

3.3 Although this is included within the SoCG enclosed as **Appendix 1**, the summary table below sets out all of these for easy reference. We would welcome the opportunity to discuss these before the Inspector, given that a number of them do not directly relate to the questions issued.

Table 1: Agreed changes to Policy SB8 wording

<i>Suggested changes by St William</i>	<i>Council's response</i>
<p><u>Development Requirements and Design Principles</u></p> <p><i>Collectively, across the entire SB8 area, development proposals will:</i></p>	<p><i>Although not considered necessary for soundness, change agreed.</i></p>
<p><i>1 Deliver high density residential development of around 1,750 dwellings across the whole site. Proposals for Purpose Built Student Accommodation shall not be permitted.</i></p>	<p><i>Agree to adding in 'high density'.</i></p>
<p><i>2 Deliver a Primary School, an early years facility and a new community hub with communal facilities to promote healthy lifestyles and community cohesion.</i></p>	<p><i>Agree to the deletion of 'primary school' as the evidence demonstrates that it is not now required.</i></p>
<p><i>4 Ensure that new streets and spaces throughout the area are implemented by the developer/s and are influenced by appropriate typologies and design principles to be in accordance with the relevant typology as set out in the Bath Pattern Book.</i></p>	<p><i>Agree.</i></p>

<p>5e. Deliver Facilitate improvements to walking and cycling routes along and across Upper Bristol Road and Lower Bristol Road, connecting to existing infrastructure, and improving permeability through the development.</p>	<p>Disagree. Not considered necessary for soundness, no change.</p>
<p>5f. Investigate and deliver facilitate opportunities to improve pedestrian and cycle facilities at the Windsor Bridge Road junctions with Upper Bristol Road and Lower Bristol Road.</p>	<p>Disagree. Not considered necessary for soundness, no change.</p>
<p>v. Integrate with emerging Mass Transit proposals. Design of the route should support Mass Transit proposals as they emerge, which may involve direct usage of the route by the Mass Transit scheme.</p> <p>vi. Accommodate bus services and be accompanied by a public transport routeing and service strategy which maximises available opportunities to provide bus priority and deliver attractive services for existing and future residents.</p>	<p>No change. Council considers that in the event that public transport does not use the route through the site there will still be a need for development to ‘integrate with emerging proposals’.</p>
<p>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 retained 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.</p>	<p>Agree</p>
<p>8 Provide and implement a bird and bat enhancement strategy to deliver a minimum of 20 nest or roost site per apartment block, in the form of integrated bird and bat boxes within new buildings, and/or as standalone features within the public realm, such</p>	<p>Agree.</p>

<p><i>as bat walls and swift towers. Additional features such as log piles, insect hotels, bee bricks, hedgehog connectivity measures and green and brown roofs / walls are also required.</i></p>	
<p><i>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</i></p>	<p><i>Disagree. Not considered necessary for soundness, no change.</i></p>
<p><i>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.</i></p>	<p><i>Agree.</i></p>

**Appendix 1: Draft Statement of Common
Ground between St William and
BANES**

Examination of the Bath and North East Somerset Council Local Plan (Core Strategy and Placemaking Plan) Partial Update

Statement of Common Ground
between St William Homes LLP and Bath &
North East Somerset Council

Policy SB8 – Bath Riverside

May 2022

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Appendix 1: Proposed Main Modifications amendments – Policy SB8

Tim Burden
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Client
St William Homes Ltd

Our reference
STWR3004

May 2022

1. Introduction and Background

- 1.1 This Statement of Common Ground ('SoCG') has been jointly prepared by Turley on behalf of St William Homes Ltd ('St William') and Bath and North East Somerset Council ('B&NES') in response to the Inspector's Initial Matters, Issues and Questions document, in advance of the forthcoming Examination into the Local Plan Partial Update ('LPPU').
- 1.2 It has been agreed between St William and B&NES that a joint SoCG would be prepared in order to assist the Inspector on matters regarding Policy SB8, and in response to his specific questions Both parties reserve the right to comment further on both Policy SB8 and the LPPU more broadly if required at the Examination.

About St William

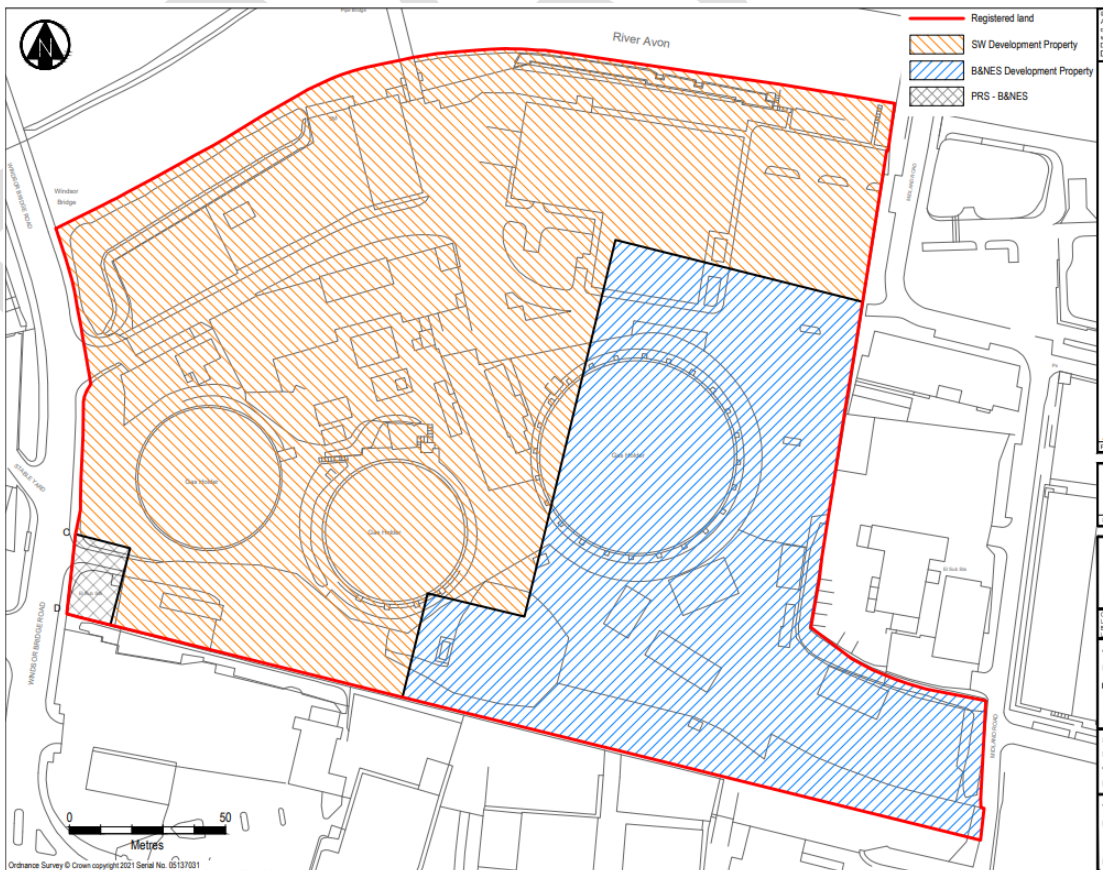
- 1.3 St William was formed in 2014 as a joint venture between the Berkeley Group and National Grid to regenerate underutilised gasworks and gasholder sites, including Bath Gasworks. St William therefore has unrivalled experience in successfully regenerating sites of this nature and transforming them into places where people want to live, work and spend time. This experience includes an acute awareness of the technical complexities and costs that redeveloping former gasworks sites entail.
- 1.4 St William are the majority landowner for the remainder of the Bath Riverside allocation and are therefore the key partner in completing the long-anticipated regeneration of BWR.

About Bath Gasworks

- 1.5 Bath Riverside forms the largest development site within the wider Policy SB8 allocation. The site is jointly owned between St William and B&NES Council reflecting the former operational gas infrastructure of Wales & West Utilities and the legacy gasworks site. The Council have just completed a comprehensive programme of gas pipework rationalisation, relocating the main Bath supply pipework and relocating gas infrastructure to facilitate development. St William and the Council have contracted to swap land to regularise development land for both parties in order to deliver development.



- 1.6 St William owns land ('Bath Gasworks') 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), and is subject to proposed amendments.



- 1.7 The St William development land is approximately 3.33 hectares in area located at the former Bath Gasworks located to the west of Bath City Centre. The Site is bound by the River Avon to the north and the Wellsway Garage development (ref: 20/03071/EFUL) and the A36 to the south. Midland Road and Windsor Bridge Road form the eastern and western boundary respectively.
- 1.8 The Council controls the adjoining development land which is approximately 1.8 hectares. The Council plot is bound by the Wessex Water Pumping compound to the east, and existing Brunel Ford/Kia dealership to the South and connects to the completed development phase of Bath Western Riverside by Crest.
- 1.9 The wider allocation land comprises of brownfield land in a variety of different ownerships, part of which is controlled by the Council.
- 1.10 The wider 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 but that application did include their landownership. This approved description of development is as follows (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”*
- 1.11 Development has now been completed on the Crest Nicholson part of the site delivering 840 new dwellings. There have been a variety of reserved matters applications and amendments to the outline application over the intervening period including the consent for 184 dwellings to the north of the river on the Council waste recycling centre and the consent for the residential led redevelopment of the Dick Lovett site, situated to the east of Windsor Bridge Road and the north of Lower Bristol Road. St William and the Council both intend to submit new full planning applications for the redevelopment of their controlled elements of the Gasworks site.
- 1.12 The Westmark site to the east of Windsor Bridge Road and immediately to the south of Upper Bristol Road is also part of Policy SB8.

Context

- 1.13 The proposal for an updated site-specific allocation policy for the remaining elements of Bath Riverside in the LPPU, Policy SB8, which responds positively to the balance of the existing allocated site, is supported in principle by St William.
- 1.14 As has been noted in St William’s Regulation 19 representations, they consider that 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.

- 1.15 The Council considers that Policy SP8 (as proposed to be updated) aligns with current national policy and is sound, albeit with some additional modifications to the policy as proposed in their response to the Inspector's questions and as outlined in this SoCG.
- 1.16 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.
- 1.17 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. A public exhibition was held in February 2022, with a further exhibition now in progress in May 2022 (see bathgasworks.com)
- 1.18 It remains the intention for St William to submit a full planning application for their site in July 2022, and good progress has been made towards achieving this with a full consultant team now in place, and the Environmental Statement has been subject to a Scoping exercise.
- 1.19 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 / autumn 2023. New homes could, therefore, be ready for occupation in 2025, within the first 5 years of the updated plan period.
- 1.20 St William submitted detailed representations to the Regulation 19 consultation in October 2021, and these remain relevant to the Examination on matters not dealt with within this focussed SoCG.

Statement of Common Ground

- 1.21 Consideration of proposed changes to policy SB8: Bath Riverside are to be discussed at the 'Matter 4: Area Policies and allocations' Hearing sessions on 22/23 June 2022, where the Inspector will consider whether the proposed policies and allocations are justified, effective and consistent with national policy.
- 1.22 **Appendix 1** includes the suggested changes to the site allocation policy as proposed by St William, together with a response by the Council.
- 1.23 This SoCG is prepared jointly and agreed by

Tim Burden, Turley (on behalf of St William Homes Ltd)

Date: 27th May 2022

And

Richard Daone (on behalf of Bath and North East Somerset Council)

Date: 27th May 2022

2. Policy SB8: Bath Riverside – proposed policy amendments

Overview

- 2.1 There is a pressing need to make sure development now comes forward on this site, given the contribution of Bath Riverside to overall housing supply.
- 2.2 The wider Bath Riverside allocation of around 1,750 new dwellings is a significant component of the overall housing land supply proposed in the LPPU. Policy B1 (Bath Spatial Strategy) proposes some 7,020 new homes over the Plan period within Bath, with the SB8 site representing some 25% of that total. It represents some 13.5% of the overall District housing requirement identified in the Plan, which seeks to deliver about 13,000 dwellings across the administrative area (policy DW1).
- 2.3 There are site specific challenges given the historic uses and brownfield nature but St William and the Council are 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.

Proposed Modifications - notes

- 2.4 A number of proposed modifications to the submitted LPPU have emerged in response to the Inspector's questions, and in preparing this SoCG. These proposed modifications are proposed for discussion at the Hearings.
- 2.5 Note that changes to the policy are included under each of the subject areas below, which correlate to the sequence of clauses contained in the policy. They are grouped under 'areas of agreement' and 'areas of disagreement'.
- 2.6 A summary of the proposed changes is also in **Appendix 1**, with the first column showing the changes proposed by St William and the second column showing the Council's response.
- 2.7 It should be noted that some of these proposed changes to the policies contained in this SoCG will also come forward through the response to the Inspector's Initial Matters, Issues and Questions, to be submitted by 6 June 2022.

Policy SB8 - Development Requirements and Design Principles

Multiple landowners

Area of agreement

- 2.8 Given that the site is under the control of multiple landowners, St William propose a minor change at the beginning of the policy in order to recognise that the policy aspirations in SB8 should be applied holistically across the site.

“Collectively, across the entire SB8 area, development proposals will:”

Area of disagreement

- 2.9 None

Density, Site Capacity and Purpose Built Student Accommodation (PBSA) (Clause 1)

Areas of agreement

- 2.10 It is noted that the emerging draft policy proposes the deletion of explicit reference to the development requirements of the site to be a *“High density urban form”* (point 2 of adopted policy SB8).
- 2.11 This has been deleted in the LPPU, and now reference only features in the supporting text. Given the increase in capacity identified at the site, it is agreed that this text should be reintroduced into the policy itself. See below.
- 2.12 The following amendments are proposed by St William to the current draft policy wording:

“1 Deliver high density residential development of around 1,750 dwellings across the whole site. Proposals for Purpose Built Student Accommodation shall not be permitted.”

Areas of disagreement

- 2.13 None

Change to the Primary School requirement (Clause 2)

Areas of agreement

- 2.14 At the time of producing the BWR SPD and formulating the then site allocation policy for the Local Plan, there was a requirement for a new primary school within this site to meet the anticipated demand for school places generated by the development. Since then, a significant amount of development has been delivered and this has been achieved with a greater proportion of apartments rather than family housing.
- 2.15 Planning for school places responds to changing demographics. Based on the most recent pupil projections, there is no evidence to support the requirement for a new primary school within the Bath Riverside development. There is currently projected to be sufficient existing primary school capacity to provide places for all pupils in Bath with sufficient surplus capacity, in accessible locations, still retained across the city. It should also be noted that primary pupil numbers nationally are now showing a general downward trend, except for areas where significant new family housing is being built.
- 2.16 Any future dwellings to be built in this area of Bath are expected to be primarily apartments rather than houses, therefore any future pupil yields would be calculated to be low.
- 2.17 Opening a new school on the BWR site is projected to have a negative impact on surrounding existing schools, mainly in the Twerton and Southdown areas, taking pupils from these schools. This could leave them with such low numbers they would become unviable and have to close. This would leave these areas of generally greater social and economic need with no local school, with the resultant negative impact on community cohesion. Children from these areas would have to travel further to get to school, which would also negatively impact on the aims of the climate emergency.
- 2.18 The Bath Gaslands site will however include an early year's facility, whilst the B&NES land will include a community facility.
- 2.19 Consequently it is agreed that the following amendments are proposed to the policy:

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

Areas of disagreement

- 2.20 None.

Bath Pattern Book (Clause 3)

Areas of agreement

- 2.21 The Bath Pattern Book is used by BANES for “*private sector development proposals to ensure the highest standards of public realm are delivered across the city centre*”.
- 2.22 It is however recognised that the site is not within the town centre, and as such it is agreed that although parts of it may be useful guidance, reference to a ‘*relevant typology*’ is inappropriate, and therefore this element of the policy can be deleted:

“4 Ensure that new streets and spaces throughout the area are implemented by the developer/s and are influenced by appropriate typologies and design principles ~~to be in accordance with the relevant typology~~ as set out in the Bath Pattern Book.”

Areas of disagreement

- 2.23 Given that the site is not within the town centre, it is considered by St William that it should not be applicable to the SB8 site as there is no ‘*relevant typology*’. Indeed, the Bath Pattern Book notes:
- “Many of the recommendations draw on and illustrate best practice which may be applicable in other places, it is not designed to be directly applied to other areas of the city, or the wider Bath and North East Somerset area.”*
- 2.24 Although St William are content to support the proposed amended policy wording above, concern is still expressed regarding the retention of any specific mention of the Bath Pattern Book within the policy wording, as it is not considered necessary to cross refer to it.
- 2.25 The Council would like to retain the policy clause, as proposed to be amended, as whilst it is clear that the Pattern Book is targeted on the city centre many of its principles are based on a thorough understanding of the public realm characteristics of the city as a whole. It is a useful design resource for new public realm outside of the city centre and should influence the typologies of streets and spaces outside of this area. As such it is important to retain reference in the policy clause, although reference to it needs to more accurately reflect the more limited influence that the Pattern Book may have outside of the city centre.

Transport Infrastructure (clause 5)

Areas of Agreement

- 2.26 Point 5(c) of the draft policy supports low car development, where accompanied by high quality sustainable transport alternatives.
- 2.27 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. All parties are wholly supportive of significantly reducing the level of car parking on the site in light of its highly sustainable location.

Areas of Disagreement

- 2.28 St William consider that 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.
- 2.29 It is considered that the various elements of the policy are drafted such that the criteria can be read independently, but consider that they can be further refined for clarity.
- 2.30 For example, criteria (e) and (f) relate to funding towards off site works along and across Upper Bristol Road and Lower Bristol Road, and at the Windsor Bridge Road junctions with Upper Bristol Road and Lower Bristol Road (which are on land outside of the SB8 site owners control).
- 2.31 To recognise that the developer cannot deliver these works, amended policy wording is proposed to 'facilitate' them, within limb 5.e and 5.f of the policy:

"e. ~~Deliver~~ Facilitate improvements to walking and cycling routes along and across Upper Bristol Road and Lower Bristol Road, connecting to existing infrastructure, and improving permeability through the development.

f. Investigate and ~~deliver~~ facilitate opportunities to improve pedestrian and cycle facilities at the Windsor Bridge Road junctions with Upper Bristol Road and Lower Road"

- 2.32 The Council consider that "deliver" is clearer and more effective. It is considered reasonable for two reasons:
- Private developers can undertake works on highways land, through S.278, meaning that St William could "deliver" those works.
 - The policy applies to the development as a whole, including multiple landowners. In practice, "deliver" could mean proportionate contribution to B&NES Highways to do the works, or for St William to directly deliver a proportionate number of the individually listed works.

Green Infrastructure and Ecology (Clauses 6, 8 and 9)

Areas of agreement

Green infrastructure and habitats

- 2.33 Consistent with their landscape-led approach, St William agree with the policy 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.
- 2.34 Instead, it is agreed that 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.

Bird and bat enhancement strategy

- 2.35 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 considered appropriate. St William consider that this does not necessarily 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. An amendment to the policy is therefore proposed to reflect this.
- 2.36 Amendments are therefore proposed by St William, and agreed by the Council as follows:

“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~~ *retained* 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.

8 Provide and implement a bird and bat enhancement strategy ~~to deliver a minimum of 20 nest or roost site per apartment block~~, in the form of integrated bird and bat boxes within new buildings, and/or as standalone features within the public realm, such as bat walls and swift towers. Additional features such as log piles, insect hotels, bee bricks, hedgehog connectivity measures and green and brown roofs / walls are also required.

Areas of disagreement

Hedgerows

- 2.37 Point 9 of the updated Policy SB8 seeks to retain existing hedgerows on the site where appropriate. Whilst in principle St William would normally support this aspiration, it is necessary to recognise the reality at this brownfield site, notably its former use, and the associated need for robust remediation to meet Environment Agency requirements. Consequently, it is simply not possible to retain on site vegetation, given the required site clearance and remediation works.
- 2.38 Through the pre-application process, studies have been produced by Keen Consultants, WSP and Buro Happold which demonstrate that the extent of remediation work at Bath Gasworks necessitate site clearance. St William therefore propose that this policy clause should be removed.

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."

- 2.39 The Council considers that the policy as proposed is retained.
- 2.40 The approach to hedgerow retention and provision of protective buffers within the revised site allocations responds to the changing requirements for habitat protection and nature recovery. Specifically, the approach responds to the NERC Act 2006, NPPF, the Governments 25 Environment plan, the Environment Act 2021, and the council's declaration of an ecological emergency declaration. The approach has also been shaped by experience and outcomes from previous site allocation requirements for hedgerows.

Building Heights Strategy (Clause 13)

Areas of agreement

- 2.41 In their Regulation 19 representations, St William noted that with regards to building heights (covered at point 13 of the draft policy), the draft policy wording indicates a building shoulder height of 4 storey would be acceptable, with an additional set back floor above.
- 2.42 St William consider that this text is too prescriptive, and although note that this clause was not amended in the submission LPPU, it is now agreed with the Council that a minor modification would be appropriate, as follows:

~~“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.”~~

Areas of disagreement

- 2.43 None

APPENDIX 1: Proposed Main Modifications amendments – Policy SB8

Suggested changes by St William	Council's response
<p><u>Development Requirements and Design Principles</u></p> <p>Collectively, across the entire SB8 area, development proposals will:</p>	Although not considered necessary for soundness, change agreed.
<p>1 Deliver high density residential development of around 1,750 dwellings across the whole site. Proposals for Purpose Built Student Accommodation shall not be permitted.</p>	Agree to adding in 'high density'.
<p>2 Deliver a Primary School, an early years facility and a new community hub with communal facilities to promote healthy lifestyles and community cohesion.</p>	Agree to the deletion of 'primary school' as the evidence demonstrates that it is not now required.
<p>4 Ensure that new streets and spaces throughout the area are implemented by the developer/s and are influenced by appropriate typologies and design principles to be in accordance with the relevant typology as set out in the Bath Pattern Book.</p>	Agree.
<p>5e. Deliver Facilitate improvements to walking and cycling routes along and across Upper Bristol Road and Lower Bristol Road, connecting to existing infrastructure, and improving permeability through the development.</p>	Disagree. Not considered necessary for soundness, no change.
<p>5f. Investigate and deliver facilitate opportunities to improve pedestrian and cycle facilities at the Windsor Bridge Road junctions with Upper Bristol Road and Lower Bristol Road.</p>	Disagree. Not considered necessary for soundness, no change.
<p>v. Integrate with emerging Mass Transit proposals. Design of the route should support Mass Transit proposals as they</p>	No change. Council considers that in the event that public transport does not use the route through the site

<p>emerge, which may involve direct usage of the route by the Mass Transit scheme.</p> <p>vi. Accommodate bus services and be accompanied by a public transport routeing and service strategy which maximises available opportunities to provide bus priority and deliver attractive services for existing and future residents.</p>	<p>there will still be a need for development to 'integrate with emerging proposals'.</p>
<p>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 retained 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.</p>	<p>Agree</p>
<p>8 Provide and implement a bird and bat enhancement strategy to deliver a minimum of 20 nest or roost site per apartment block, in the form of integrated bird and bat boxes within new buildings, and/or as standalone features within the public realm, such as bat walls and swift towers. Additional features such as log piles, insect hotels, bee bricks, hedgehog connectivity measures and green and brown roofs / walls are also required.</p>	<p>Agree.</p>
<p>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</p>	<p>Disagree. Not considered necessary for soundness, no change.</p>

<p>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.</p>	<p>Agree.</p>
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