
HEARING STATEMENT

Policy SB24: Sion Hill, Bath Site Allocation – Hearing Statement

- 1.1 Context Planning Ltd have been instructed to prepare this hearing statement on behalf of the Bath Preservation Trust (BPT). This statement responds to the Inspector's initial matters, issues and questions (EXAM 4), in particular Q.33 and Q.34 and should be read in conjunction with BPT's earlier representations.

HISTORIC ENVIRONMENT ASSESSMENT - LACK OF EVIDENCE BASE

- 1.2 Placemaking Plan policy NE2a and The City of Bath World Heritage Site Setting Supplementary Planning Document (The Bath WHS Setting SPD – Appendix A) adopted in August 2013 designates Sion Hill as an important Green Hillside, which is a landscape asset of high significance within the Bath World Heritage Site. The site also forms part of the wider setting to a number of listed buildings, including Grade I Georgian set-pieces such as Somerset Place and Sion Hill Place. The site is also located within the city's conservation area. These are all indicators that this is an extremely sensitive site in terms of heritage setting which is fundamental to consider in reaching decisions about the achievable level of development on the site.
- 1.3 The Reg 18 consultation document (CD-SD044 Sustainability Appraisal B&NES Local Plan Partial Update Options Jan 2021 p.14) recognised that

further assessment was required for this new site allocation in order to '*finalise the development requirements and design principles including the site capacity*'.

- 1.4** This was followed up by a Historic Environment Assessment (HEA) (CD-HIS001, pp. 57-71) '*undertaken by planning policy officers, in correspondence with other internal consultees*'(p.2).
- 1.5** Whilst the HEA document has picked up on some important development principles for the site, such as potential impacts on archaeology and the importance of boundary planting, it lacks key evidence, especially in relation to longer-distance views within the WHS and in relation to the wider setting of the nearby listed buildings.
- 1.6** In relation to the WHS, consideration of potential impacts simply states that '*allocation should ensure that development does not encroach on / harm important landscape setting*' (p.57). Unlike assessments carried out in relation to Policy SB19 (University of Bath, Calverton Down), there is no reference to the Bath WHS Setting SPD within the HEA for SB24 (Sion Hill site). The commentary does not provide any meaningful assessment of the effect of the development on the landscaped setting of this part of Bath, it simply cautions against causing harm.
- 1.7** The Bath WHS Setting SPD is an important development management tool that provides guidance on assessing impacts on the World Heritage Site. This is a key document for use when considering development proposals, especially where a planning application may have a significant impact on the setting of heritage assets. The previous B&NES Core Strategy Inspector's Report (June 2014) gave '*considerable weight*' to this SPD (CD-GEN001 para.

122 p.29). In this instance, the Bath WHS Setting SPD does not even appear to be included in the list of Evidence Base Papers.

1.8 According to the maps in Appendix 3 to the Bath WHS Setting SPD¹, the Sion Hill allocation site features in many highly important views within the WHS such as:

- Views from Alexandra Park North and West (Viewpoints 12a and 12d)
- Views from Twerton Round Hill (Viewpoint 13)
- View from Sham Castle (Viewpoint 15)
- Views from Widcombe Hill (Viewpoint 16)
- View from Prior Park (Viewpoint 17)
- View from Ralph Allen's Carriage Drive (Viewpoint 21)

1.9 The HEA does not contain any evidence that these views were taken into account.

1.10 In relation to the Bath Conservation Area (BCA), unlike other areas of Bath where bespoke draft character appraisals were produced in anticipation of large housing sites coming forward in various areas of BCA (such as Western Riverside, Bathwick, Entry Hill, Widcombe, etc.) there is very little up-to-date evidence that the character and appearance of the Lansdown area of BCA have been properly evaluated. The HEA relies upon the Bath City-wide Character Appraisal (adopted 31 August 2005) which pre-dates many

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¹See Appendix B and individual high-resolution maps are available at <https://www.bathnes.gov.uk/services/environment/landscape/city-bath-world-heritage-site-setting#two>

significant changes in the area including the redevelopment of parts of the former Bath Spa campus (i.e. Somerset Place and along Winifred's Lane). The 2005 CA Appraisal, for example, does not contain a mapped assessment of important views within and out of the CA.

- 1.11** The potential harm to the setting of individual LBs is assessed within close range, hence HEA placing significant weight on the importance of the boundary planting as a visual buffer, without taking into account the wider views in which the development may appear as a backdrop to those listed buildings, or obscure long-distance views of/from them. All these impacts may derive from the height and spread of development on site driven by the quantum set out in the policy wording.
- 1.12** The NPPF sets out a clear framework for both plan-making and decision-making to ensure that heritage assets are conserved, and where appropriate enhanced, in a manner that is consistent with their significance and thereby achieving sustainable development. SB24 is not justified or consistent with this requirement of the NPPF as it has not been proportionately evidenced that the heritage significance of the site and its contribution to the setting of the WHS and the surrounding listed buildings has been properly assessed and considered when preparing the policy.

DELIVERABILITY OF THE PLANNED QUANTUM OF DEVELOPMENT

- 1.13** As a general principle, the development plan allocation policy should not set out a requirement, which the available evidence indicates is undeliverable. In

this respect, the wording of the policy lacks clarity on a number of important aspects that would have direct impact upon the deliverability of the site.

1.14 The policy states that the development proposal will:

- 1. Deliver residential development of around 100 apartments. The proposed market dwellings should provide 2+bed apartments; and*
- 2. In seeking to preserve or enhance this part of the conservation areas it is anticipated that development will be within the footprint of the existing buildings at the site, with no encroachment into sensitive landscape areas, and lower in height than the existing buildings.*

1.15 There is no clear indication as to what constitutes ‘sensitive landscape areas’ (does it, for example, include the tennis courts?), or what the baseline is for the assessment of the acceptable scale of the future development.

1.16 The accompanying Viability Study (CD-VIA001) is based at 100 units, but the reasonable alternative of the originally envisaged 60 units does not appear to have been tested for this site. It is not clear how and why the figure was increased by two thirds between the first and the second stages of the consultation process (Regulation 18 and Regulation 19 of the Town and Country Planning Act (Local Planning)(England) Regulations 2012).

Building Heights

1.17 The Bath Buildings Heights Strategy 2010 (CD-BTH006, pp.48-49) places the site within Zone 2: Immediate Setting of the Georgian city where one of the objectives is ‘to maintain the visual coherence of the Georgian city and its primacy in the physical and spatial hierarchy of Bath by avoiding visually

outstanding buildings'. The recommended building heights in this area should not exceed the overall height of the nearby buildings (p.49).

- 1.18** There is no acknowledgement within the wording of the policy SB24 of the existing variation in building heights across the campus, which at present fluctuate between 1-2 storey (large parts of the developed area) to 4-5 storey high (around a quarter of the overall footprint).
- 1.19** The 4-5 storey element of the campus, due to the elevated location, is one of the tallest buildings in Lansdown (see CD-BTH007, Topography Height 16-19m on p.68).



- 1.20** According to the Viability Study (CD-VIA001), the development area comprises 28% of the site area (0.67ha) which gives a footprint of approx. 1,876 sqm. The projected GIA for the 100 flats on site is calculated at

7,950sqm (CD-VIA001 Development Typologies Table 4.3.1, p23), which equates to around 4.23 times the footprint (i.e. at least a 4 storey building across the entire footprint) (CD-VIA001 Appendix.2 – Typology Details, p.77).

1.21 This immediately suggests that the ‘lower in height than the existing buildings’ objective is either:

- a) unachievable because the ambient height of the buildings will have to be taller than approximately $\frac{3}{4}$ of the existing buildings; or;
- b) that the baseline of ‘existing buildings height’ is taken at its tallest point, which may enable interpretation of the policy to allow up to 5 storeys across the entire developable area. This would be in direct conflict with the objective of the Buildings Heights Strategy to avoid ‘*visually outstanding buildings*’ within the immediate setting of the Georgian city.

1.22 The above (CD-VIA001) calculation relates purely to residential floorspace without taking into account other policy requirements such as provision of vehicular and cycle parking, bin storage, communal areas etc. may require substantial further land take, or buildings to be even taller. In the absence of further clarity as to the implications of the proposed increase in density of the allocation, policy SB24 cannot be considered sound.

1.23 The level of development envisaged in (CD-VIA001) does not appear to be deliverable on the site if the development is to be both limited to the extent of the developed area of the site and is not to exceed the existing building height. It is very important to recognise that the taller (4 storeys above ground) element of the existing Bath Spa University buildings only occupies a small proportion of the overall developed footprint of the site.

1.24 Even if the highest building height on site currently were not to be exceeded the proposal, based on the Council's own viability evidence, necessitates a significant uplift in the ambient scale and massing of buildings. The existing building is over-scaled for the site and competes in views with the formal Georgian set piece architecture in the area. A development of 100 units is likely to greatly exacerbate this issue by increasing the overall areas of over-scaled buildings on site. This would be potentially harmful to the WHS, conservation area and the setting of listed buildings and inconsistent with national policy, making the policy unsound.

Parking

1.25 The Draft Transport and Development SPD (CD-TRN008, pp.66-67) sets minimum parking standards for C3 Use Classes in Bath Outer Zone at 1 parking spaces per 1-bed, 1.25 per 2-bed dwelling and 1.5 per 3-bed, plus 0.2 visitor parking space per dwelling (-15% reduction allowed), plus 2 cycle parking spaces per flat.

1.26 Even in the event that all affordable housing will be delivered as exclusively 1-bed dwellings (CP9 requires 40% on-site provision and expects a mix of units) and all market housing would be at least 2-bed dwellings, the minimum policy-compliant parking requirement for the site would be at least 132 vehicular parking spaces and 200 cycle parking provision. It is possible that the existing parking (estimated at around 60-70 spaces) within the parkland will be retained, however the remainder will need to be placed elsewhere, i.e. within the developed footprint if it is to be policy compliant. If there is inadequate room then pressure will come for it to be placed in the sensitive areas of landscape contravening the terms of the proposed allocation.

1.27 The nearest comparative development site at Hope House (residential development of 54 dwellings south of Lansdown Crescent) accommodated the majority of the parking provision as a sub-basement to one of the residential blocks. The HEA for Sion Hill (CD-HIS001) however expressly advises against levelling the sloping topography of the site. Additionally, the site has known archaeological deposits of significance and as such any sub-basement and/or underground development would be problematic. Therefore, there is a clear possibility that a policy-compliant parking provision would further drive the height of the development.

Housing Mix

1.28 Paragraph 63 of the NPPF states that planning policies should specify the type of affordable housing required, and expect it to be met on site. It also requires LPAs to plan for the objective of creating mixed and balanced communities.

1.29 Bath HMA Strategic Housing Market Assessment: Volume II (CD-HOU004 Figure 9, p. 16) indicates that overall housing need for market housing comprises mainly three-bedroom properties, but with a need identified for two bedrooms and four or more bedrooms. Housing need for affordable housing is split relatively evenly between one-bedroom flats and properties with two or more bedrooms.

1.30 SB24 expects that '*the proposed market dwellings should provide 2+bed apartments*' and there is no specification with regards to affordable housing. The projected GIA for the flats is calculated at 7,950sqm assuming around 80sqm per unit (CD-VIA001 Development Typologies Table 4.3.1, p23).

1.31 The minimum national housing GIA standards (Technical housing standards – nationally described space standard by DCLG, March 2015) sets the minimum

size for a 2-bed property at 61-70sqm and for a 3-bedroom property - at 74-95sqm, which suggests that it would be difficult to achieve a good mix of unit sizes without increasing the GIA of the development.

Table 1 - Minimum gross internal floor areas and storage (m²)

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

1.32 The wording of SB24 suggests that at least 60% of the flats (market housing) will have to be at least 61sqm, however realistically development would have to offer a variety of units sizes.

1.33 Besides, the CP9 (Affordable Housing) policy requirement is quite clear that affordable housing provision should deliver a mix of units guided by the SHMA and expects at least 60% to be large enough to be family accommodation.

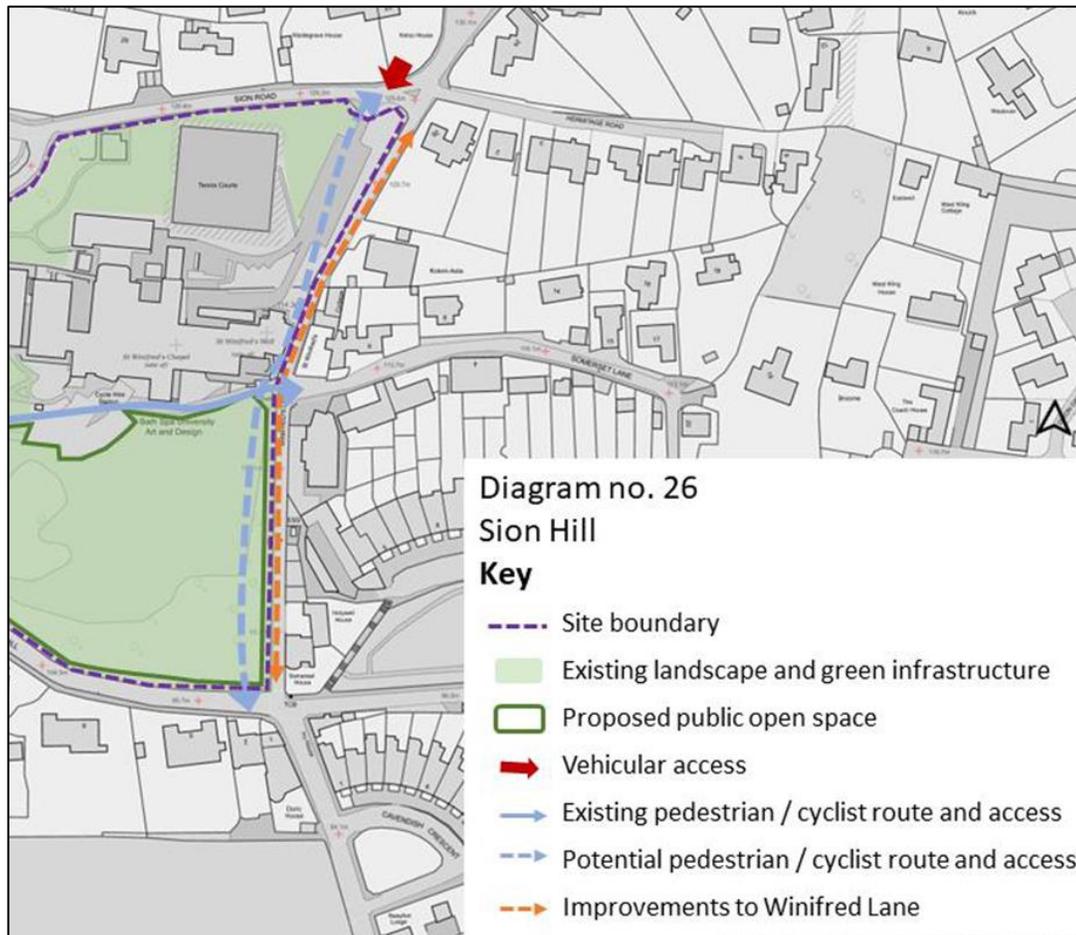
1.34 For comparison, Hope House development (ref. 15/04715/FUL) contained 21(1-bed)/12(2-bed)/19(3-bed)/2(4-bed) split across 54 properties with GIA of

7,396.29sqm albeit that development comprised a mix of flats and townhouses.

- 1.35** Overall, it appears that the projected GIA for the proposed 100 flats is insufficient to realistically allow for a genuine mix of units' sizes which would be inconsistent with national policy and does not represent a justified strategy having regard to the outlined need for a mix of accommodation sizes.

TRANSPORTATION REQUIREMENTS

- 1.36** Criteria 9 and 10 of the policy set out a number of measures to enhance the site's walking and cycling opportunities. The supporting concept diagram indicates a potential pedestrian/cycle route through the site along the eastern boundary in parallel to Winifred Lane, which is expected to be linked to the wider walking and cycling network (see below).
- 1.37** The preliminary indication of the route however appears to be problematic in relation to the group of mature trees and planting concentrated at the south-east corner of the site. Placing the pass further into the site to avoid harm to boundary planting would make it less obvious to the walkers/cyclists and less attractive in respect of 'desire lines' as it will require a detour from the direct link along Winifred Lane.
- 1.38** Provision of a segregated route also effectively enables the ongoing use of Winifred Lane as a through route for traffic seeking to shortcut to the top of Lansdown. The requirement for options 'to be investigated' to reduce traffic flows and speeds along Winifred's Lane should be strengthened to reduce the associated risk to highway safety.



1.39 The proposed parallel link, within the site, doesn't appear to be in line with B&NES Strategic Network Bath City Routes document (Sustrans, November 2014) (Appendix C), which suggested investigation of closure of Winifred's Lane at the junction with Somerset Lane or alternatively a contraflow with appropriate signage.

1.40 This further strengthens the case that dealing with the root cause of the problem would be more effective. Left uncontrolled, development of the site, will increase traffic along Winifred's lane and has the potential to fund works to reduce traffic speeds and volumes which needs to be secured through the policy wording if it is to be found sound in this respect.

CONCLUSION

- 1.41** BPT recognise the site's potential to deliver housing within Bath, however Policy SB24 requires further consideration of the site's position within an important green hillside which is fundamental in assessing the effect of development on the WHS and the conservation area.
- 1.42** The likely effect on the setting of neighbouring listed buildings requires further consideration the current HEA is more a description of effects to be avoided rather than an objective site-specific analysis of the effect of the proposal for 100 dwellings. The evidence base in this regard is not justified.
- 1.43** The proposed allocation for 100 dwellings appears to be overly-ambitious and not precise enough to give the future developer or the decision-makers a clear understanding of what height/footprint are likely to be considered appropriate for the site. The open-ended interpretation of these matters would, as worded, be likely to result in harm to the WHS and the setting of the surrounding listed buildings. The Council's assessment in relation to the WHS and setting of listed buildings underestimates the impact in some of the locations.
- 1.44** It is unclear how the originally proposed 60 dwellings compare to the final proposal for 100 dwellings and why this option was dismissed in favour of the revised higher density. The available indication of the GIA does not give much flexibility in terms of provision of a genuine mix of residential units of various sizes that would reflect the need identified within the latest SHMA for Bath.
- 1.45** The proposed transport strategy needs further consideration of the desire lines across the site and in relation to mitigating further traffic generation along the sub-standard Winifred's Lane. The policy as worded is not strong enough to

secure the provision of necessary improvements, it merely requiring investigation of this as a possibility.

- 1.46** Overall, the policy in its current form is unsound, it is not justified, may not prove deliverable and there could be ineffective. The overall quantum of development is likely to result to harm to heritage assets making the policy inconsistent with national policy.

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