**22/03224/EFUL**

**Former Gasworks, Windsor Bridge Road, Twerton, Bath**

**Revised submission 25 September 2023.**

**Objection**

**18/10/2023**

We refer to our previous objection dated 21/10/22. This additional statement is based on our previously submitted comments, the background in which is not necessary to repeat here in detail.

BPT recognises that applicants have given considerable thought to the comments made by various parties in response to the submission, and that material changes to the overall heights and designs of the proposed blocks have been made. However, there remain fundamental issues which need to be addressed before the scheme should be given approval.

**Affordable Housing**

The proposal, as it stands, without any affordable housing element, continues to be contrary to Policy CP9 of the Core Strategy and Placemaking Plan.

The submitted Viability Assessment concludes that the provision of affordable housing on the site would make the project unviable. The assessment methodology is based on standard assumptions about Existing Use Values (EUVs) and “acceptable “profit expectations for a landowner to bring a site forward for development. BPT questions these assumptions and questions whether the site’s use as storage would ever realistically be continued. The Council is urged to challenge these assumptions and to find solutions to this fundamental policy deficit.

The Council are reminded of the sustainability principles embedded in national and local policy and to ensure that development improves the economic, social and environmental conditions in this area and is sustainable in accordance with Policy SD1 of the Core Strategy and Placemaking Plan. Housing that is not affordable in relation to the average earnings in the area will not contribute to creating affordable, fair and balanced sustainable communities.

**Heritage Assessment**

We regret the loss of the *Non-Designated Heritage Asset* – the Pipe-Bridge, which remains as a marker of the industrial heritage of the site. It is accepted that its retention as a functioning bridge would be unrealistic given the differential in levels. However, its complete loss would be harmful to the historically industrial character of the area, which includes the Conservation Area on the opposite bank. Further work should be done to assess the possibility of partial retention of the structure on the river banks.

BPT recognises that the applicants have now carried out a further assessment of the method of construction, which has resulted in a reduction in the overall height of the blocks (with the exception of Block G). The roofscapes have also been modified. This has gone some way to reduce the impact of the scheme on the wider townscape setting of the site, but the scheme remains contrary to the *Bath Building Heights Strategy*. BPT points out that the *Bath Building Heights Strategy* (which is a material document) was based on floor-to-floor heights of conventional framed residential construction. Whilst a drop in height of 4.7m has been achieved in blocks A and B, they still exceed the heights indicated in the *Heights Strategy* and there are still elements of the scheme which significantly exceed the indicators in the *Heights Strategy*. Blocks C, D, E and F would be positioned close to the river bank. We acknowledge that the reduction in height of 3m on C, D and E has assisted in reducing their impact, but they would still have a significant scale when viewed from the north, with a deep and wide rectilinear massing, especially in the case of Block F. Despite the reduction in height of 7.4m, block F would still have a 7-storey river frontage. It is referred to as a “landmark”, but it is only marginally higher than blocks C, D and E. BPT is concerned that the concept of the approved masterplan is will be significantly eroded. A key feature of that masterplan is to have a “landmark” block adjacent to each river crossing, as now established by the curvilinear forms of the two existing landmark blocks. This plan-led approach would be undermined.

Blocks C, D, E and F are within the immediate setting of the Bath Conservation Area and where outline permission has been granted for a 4-storey residential scheme on the opposite bank, lining the river. The submitted plans do not show how these two developments would relate in the riverside setting. Trust is concerned that blocks C, D, E and F would have an adverse harmful impact on the character and appearance of the wider Conservation Area, contrary to Policies D1, D2, and HE1 of the Core Strategy and the Placemaking Plan.

We continue to express concern that it is very difficult to assess the relationship of the revised building heights to the approved heights on the Dick Lovett Site (20/03071/EFUL) and those currently proposed on the adjacent Council owned site (23/01762/EREG). It is vitally important that a coordinated and consistent approach is now taken across these sites.

**Sustainable Housing**

The switch to Air Source Heat Pumps (ASHP) is noted. We continue to press for the maximisation of all opportunities to provide on-site generation, including solar panels where ever possible. In terms of sustainable living quality, we note with concern that there are still a number of single aspects, heavily overshadowed units within the scheme and questions whether these would be suitable as permanent housing units.

**Landscaping, public realm, shared boundaries**

BPT is concerned that the public realm is of a high quality and notes the changes to the approach to landscaping along the river banks, with a more ecological “soft” edge. We query the concept of “ghosts” of the gasholders, and wonders if this would this be meaningful when seen in a conventional linear street-scene. It is noted that it is now proposed to share the north/south road with the adjacent B&NES site, with the hard landscaping and soft landscaping split between the two. Not only does this lead to uncertainty about outcomes if the sites do not come forward at the same time, but it could lead to long term management issues. The continuity and deliverability of the shared public realm between the three sites needs to be clearly resolved before either planning permission is granted.

**Materials**

BPT continues to express its great concern that the choice of materials on all the BWR sites should be informed by the Bath Palette of Materials. We support the use of a darker red brick in the blocks (C, D E and F) which have an industrial character and built form, subject to seeing sample panels of the bricks, their method of jointing and bonding, together with samples of the window frames and roof materials. However, the question of the exact type, tone and colour of the final materials for the blocks A, B and G, which might beneficially include stone as well as bricks, is a sensitive and difficult decision. The decision should not be made in isolation from the selections now being considered on the Dick Lovett site (23/03401/COND) and vice versa.

**Conclusions**

BPT fully supports the regeneration of this site in principle and it recognises that the applicants have made an effort to take on board consultee comments. However, we maintain an objection to the proposed scheme, due to the excessive height and massing of the proposed blocks, which will have a cumulative harmful effect on the river valley setting of the World Heritage Site and the surrounding area, particularly in relation to the riverside setting and the Bath Conservation Area opposite.

BPT maintains its strong objection to the lack of affordable housing in the scheme, and to the suggested use of pale bricks over an extensive area of the most prominent frontages.

We conclude that for the following reasons the development proposals remain contrary to the NPPF, and contrary to the Core Strategy & Placemaking Policies B1, B4, DW1, BD1, SB8, CP6, D1, D2, D4, D6, HE1, and CP9.

**Policy reasons for refusal**

**B1**. Proposals currently fail to demonstrate that designated assets (The Outstanding Universal Value of the City of Bath World Heritage Site and its setting, the Bath conservation area and its setting) associated with the site would be sustained and enhanced.

**B4.** In accordance with Policy B4, there is a strong presumption against development that would result in harm to the Outstanding Universal Value of the World Heritage Site, its authenticity or integrity, including its setting. The development proposals indicate the Western Riverside area as being “of low susceptibility” and “tolerant of change”, this does not appropriately account for the degree of cumulative impact on views through the World Heritage Site, as a result of the increase in building height, massing, and density across the site. Proposals have therefore failed to demonstrate how the overall height and scale of development would be compatible with the special qualities of the immediate, homogenous townscape which forms the World Heritage Site, and within which the Georgian City is experienced.

**DW1.** The development fails to accord with strategic objectives to promote sustainable development as set out in Policy DW1, including the protection, conservation, and enhancement of the District’s nationally and locally important cultural and heritage assets. The cumulative build-up of the site and resulting increase in height, scale, and massing, would have an adverse impact on landscape views in and across the World Heritage Site and its associated Outstanding Universal Value. The demolition of the Pipe-Bridge would result in the entire loss of a Non-Designated Heritage Asset.

**BD1.** The proposed height and scale of the proposed development would not respect, respond to, or positively contribute to the character of Bath, its heritage and the values associated with it, and important views, contrary to Policy BD1. Development would remain contrary to the height recommendations as set out in the Bath Building Heights Strategy and as such is contrary to the existing evidence base which identifies the key characteristics of Bath and its architectural and natural landscape. Proposals would not maintain the significance, integrity and authenticity of the World Heritage Site.

**SB8.** Despite the overall reduction in building heights, development would continue to cumulatively 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, contrary to Policy SB8. Elements of the development, such as Blocks A & B, would fail to refer to the height parameters set out in the Bath Building Heights Strategy, which Policy SB8 indicates should be used as part of the evidence base, and as such would fail to respond appropriately to the general characteristics of buildings heights within the City.

**CP6.** There is insufficient evidence that proposals would protect and enhance the distinctive quality and character of the site’s local context, the wider district, or its townscape setting, contrary to Policy CP6. The proposed height, scale, and massing of development, and the cumulative build-up of the site in townscape views, would not enhance the historic environment, and would instead be of detriment to the character and setting of designated heritage assets including the World Heritage Site and its setting, and the Bath City-Wide Conservation Area.

Policy CP6 further sets out the strategy for the historic environment, which includes “producing and promoting guidance that will encourage good practice such as the […] Bath Building Heights Strategy,” but the development would undermine the Strategy’s significance as a guidance document by proposing a building height exceeding the established parameters for the local area.

**D1.** Development would be of a form and materially at odds with its local context, and would therefore fail to enrich the character and qualities of places, or contribute positively to local distinctiveness, identity and history, contrary to Policy D1. Development would not work with the landscape structure, nor contribute positively to the characteristics of the settlement where the height of development would obscure longer-range landscape views to the detriment of Bath’s townscape setting. We strongly emphasise that buildings and spaces should be designed to be energy efficient, flexible, and adaptable and should integrate measures such as passive heating and cooling through orientation, layout, and location.

**D2.** By virtue of its height, scale, and massing, and absence of details regarding materials the development would not contribute positively to local character and distinctiveness. Where the height and scale as proposed would fail to positively respond to the site context, in particular the local character, landmarks, building lines, roofscapes, and building forms of Bath as viewed in mid- and long-range cross-city views, we do not consider that the residential density as currently proposed is compatible with the character of the wider area and the townscape setting of the City.

**D4.** Absence of detail regarding the proposed approach to public realm and landscaping works across the B&NES and St William Berkeley development sites, particularly how these sites would work together to create an interconnected streetscape and cohesive transport routes. It has not been clearly demonstrated that proposals would enhance and contribute towards the public realm.

**D6.** There is an absence of regarding the delivery of a cohesive public realm across the B&NES and St William Berkeley development sites, and the proposed continuity of its long-term delivery and management. Proposals therefore do not clearly demonstrate the provision of adequate and usable communal amenity space has been appropriately integrated into the scheme, contrary to Policy D6.

**HE1.** In accordance with Policy HE1, development that has an impact upon a heritage asset is expected to enhance or better reveal its significance and/or setting, and make a positive contribution to its character and appearance. Proposals affecting Non-Designated Heritage Assets should ensure they are conserved having regard to their significance. Works would therefore result in the demolition of the former Pipe-Bridge and the associated loss of its significance and its contribution to the historically industrial character of the area. Proposals would fail to sustain or enhance the OUV of the World Heritage Site, and would not preserve or enhance the character or appearance of the Conservation Area within its townscape setting.

**CP9.** No affordable housing is proposed as part of the development, contrary to the 30% percentage requirement set out in Policy CP9. There is insufficient evidence of exceptional build or other development costs or the achievement of other planning objectives which would sufficiently justify the complete absence of affordable housing from this major development site.