

EXAMINATION INTO THE SOUNDNESS OF THE BANES PMP

**INSPECTOR'S MATTERS AND ISSUES FOR EXAMINATION AT
HEARINGS**

MATTER 12: SITE ALLOCATIONS

POSITION STATEMENT ON BEHALF OF

CMBI LTD (ID: 7123)





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1. Introduction

- 1.1 This Statement sets out a brief response on behalf of CMBI Ltd to the Inspector's questions in relation to Matter 12 (Site Allocations).
- 1.2 The particular focus of CMBI's representations is the site allocation the subject of PMP Policy SB1 (Walcot Street / Cattlemarket).

2. Issue 1: Whether the strategy for site selection is the most appropriate when considered against the reasonable alternatives, having regard to the evidence to support the selection of allocated sites?

Q1

- 2.1 The strategy for site selection is not the most appropriate in that it failed to consider as a reasonable alternative the potential of the Walcot Street / Cattle Market site for a retail-led, mixed use development incorporating a substantially greater quantum of retail floorspace than that for which Policy SB1 currently appears to provide.
- 2.2 The quantum of retail floorspace currently anticipated under Policy SB1 is unclear and does not appear to be specified. The policy provides for 'retail space that reinforces the important character of Walcot Street'. However, the site has the potential to accommodate a substantial quantum of retail floorspace, not only at street level to repair the interruption to the retail frontage that currently occurs from Waitrose, across the Hilton Hotel and void cattlemarket frontages, to the retail frontage comprising predominantly independent traders to the north of Beehive Yard. There is a potential opportunity to accommodate multi-level retailing on this site, incorporating a large anchor on the site of the existing Hilton Hotel and extending over the existing Waitrose store, facilitated by the Hilton Hotel moving northwards from its current position into new premises that would also achieve its ambitions for a larger outlet in Bath.
- 2.3 The delivery of a substantial quantum of retail floorspace on this development opportunity site would yield a number of advantages which are outlined below:
- It would achieve the comprehensive redevelopment of the site, including removal of the existing hotel which is widely regarded as a building that does little to enhance the visual amenities of the World Heritage Site.

- It would contribute to delivering the assessed needs for additional retail floorspace which, by the Council's own admission (PMP, Volume 1, para. 544), is currently unmet by the plan.
- It would contribute to delivering the revised, higher target for hotel bedrooms that is set in the PMP as a revision to the Core Strategy.
- The site is optimally located, and the best placed of all of the development opportunity sites, to strengthen the city centre shopping area of Bath overall. It is adjacent to the primary shopping area and ideally positioned to provide a counter-balance to the recent redevelopment of Southgate at the southern extremity. It has the potential to strengthen and distribute footfall throughout the shopping area as a whole, not least by providing a retail circuit. Moreover, it is ideally positioned to connect with the more disparate and peripheral shopping areas, in particular along Walcot Street which performs a niche role with a smaller, more specialist retail offer, to the overall centre.
- There is an opportunity to increase car parking capacity through greater efficiencies in an optimal location within the city centre.
- A significant quantum of retail floorspace allowing for a large anchor store will facilitate overall viability and deliverability of a scheme of redevelopment for the site.

2.4 It is germane that the Walcot Street / Cattlemarket site is sequentially preferable in retail policy terms to all of the other development opportunity sites that are allocated in the plan. It is therefore incumbent on both the Council, and any intending developer elsewhere, to demonstrate that the site is not suitable, available or viable for meeting the identified needs for retail floorspace prior to less suitable sites being considered.

2.5 It is also germane that, in the PMP Options consultation document (CD/PMP/G8), the Council identified the potential of the Walcot Street / Cattlemarket site to accommodate a greater quantum of retail floorspace on a wider site area to include redevelopment of the Hilton Hotel (see pp.20-22). The land use options considered identified capacity for up to 1,750 sqm of retail floorspace as part of Option 3 that included the Hilton Hotel site. A footnote to the Options table on page 22 indicated that proposals for 100% retail schemes that occupied the full floorspace capacity of the site would also be acceptable as an alternative to the land use mix outlined.

- 2.6 In the light of the Council's difficulties in meeting the assessed retail floorspace needs in full, it is perhaps surprising that the potential for the Walcot Street / Cattlemarket site identified in the Options consultation document was not pursued. The alternative promoted by the representors goes further than Option 3 in extending the site to include the Podium. Through moving the library, the space above Waitrose can provide additional retail floorspace to meet objectively assessed needs.
- 2.7 Policy SB1 should therefore be amended to provide for retail-led, mixed use development of the Walcot Street / Cattlemarket development opportunity site. The policy should make it clear that it is the priority site for accommodating comparison goods floorspace to meet identified needs during the plan period, and should allow for up to 16,500 sqm of comparison goods floorspace as part of a mixed use scheme to include an enlarged hotel. The Development Concept Plan included at Annex 1 illustrates how the mix of uses and floorspace quantum could be accommodated across the site.
- 2.8 The site area also needs to be extended to include both the Hilton Hotel and Podium in a comprehensive scheme that promotes the redevelopment of the existing hotel in accordance with a clearly expressed aspiration of the policy. As currently expressed, the policy includes key objectives which relate to land outside the policy area in terms of the site area defined in Diagram 4. There are therefore tensions within the policy itself, which is potentially undeliverable on its face.

Q2

- 2.9 The development requirements and design principles set out in Policy SB1 do not meet the tests of soundness.
- 2.10 If the Council is serious about delivering the redevelopment of the Walcot Street / Cattlemarket site, it is essential that Policy SB1 is focused on enabling rather than restraining development. That is not the case at present, as is reflected in the language used. For example, the requirement for 'the historical and ecological interests to drive the form, detail and function of the site' (para. 116), is potentially in conflict with achieving a viable scheme that actually delivers the right development in the right place and at the right time.

- 2.11 It is acknowledged in the policy that the site is ‘complex and diverse’ (para. 114), and that its redevelopment is ‘long overdue’ (para. 116). These findings are pathological, and within them are clear messages of the need for flexibility and realism if the status quo is not to be maintained for further generations. It is endorsed by the fact that the site was allocated in the Bath and North East Somerset Local Plan, yet remains undeveloped. This provides testimony to the need for flexibility and realism in order to achieve a viable and deliverable scheme of redevelopment.
- 2.12 Although Policy SB1 postulates a ‘vision’ for the site, the vision is blurred as to what its redevelopment will comprise, and what the Council’s key objectives for it are in terms of meeting objectively assessed needs. In this is reflected the complexities and uncertainties relating to its redevelopment and the need to maintain flexibility. However, given that Diagram 4 is part of a Development Plan Document, it is potentially overly prescriptive in terms of public realm and pedestrian links and views. It is also potentially inconsistent with the policy wording, which refers to a comprehensive scheme and aspires to redevelopment of the existing Hilton Hotel site and Podium sites, yet the latter are excluded from the site boundary.
- 2.13 If the ambition is for comprehensive redevelopment, then the policy boundary should include the Hilton Hotel and Podium sites and the vision be set accordingly. By not including the Hilton Hotel and Podium sites, the Council has missed an opportunity to deliver a substantial quantum of retail floorspace, that it admits cannot otherwise be met, in a sequentially preferable location, and which is key to unlocking wider aspirations. Those wider aspirations include ridding the city of what is held to be ‘a building of poor aesthetic quality with a negative relationship to its context’ (para. 114), the redevelopment of which has been a long-held aspiration, simultaneously with delivering additional hotel bedrooms in accordance with updated Core Strategy requirements.
- 2.14 There is a risk that, unless the policy provides for comprehensive development of the overall site, the currently allocated area will be redeveloped in isolation, delivering much more limited benefits for the city in terms of meeting development requirements and environmental enhancement. The commercial imperatives of redevelopment necessitate that the Hilton maintains an operational presence in the city at all times. Therefore, the only realistic option is for phased development in which the Hilton decants to new premises on the Cattlemarket

site that are constructed and operational prior to redevelopment of their existing site. This is only likely to be achieved through comprehensive redevelopment of the overall site.

- 2.15 Whilst the policy alludes to a more comprehensive redevelopment including the Hilton and Podium sites, and supports the potential for additional retail floorspace within the wider site consequent upon this, it is not a policy requirement. Absent a requirement for comprehensive redevelopment to secure the wider benefits, it is likely that the less comprehensive, less complicated and less costly option of developing the Cattlemarket site in isolation will be pursued. This will potentially preclude any prospect of the hotel site being redeveloped for the foreseeable future, as well as negate any opportunity to deliver a substantial quantum of retail floorspace to meet objectively assessed needs in a sequentially preferable location adjacent to the primary shopping area.
- 2.16 Unless and until the vision for the site is clarified, and there is a clearly expressed development concept, it is impossible to prescribe design principles that can be properly examined for their soundness. However, there is a significant opportunity to greatly enhance land use efficiencies, including car parking, simultaneously with contributing significantly to delivering objectively assessed needs for retail and hotel floorspace. In a city in which the Council concedes that a shortage of sites is precluding allocation of land sufficient to meet assessed needs, it is essential to maximise the potential of development opportunity sites.
- 2.17 Policy SB1 is therefore currently considered to be unsound for the following reasons:
- It is not **positively prepared** since it is constraint-focused rather than focused on delivering objectively assessed needs for development.
 - It is not **justified** since it has not been demonstrated to be the most appropriate strategy for the site when considered against reasonable alternatives.
 - It is unlikely to be **effective** in terms of achieving the policy aspirations for the site, or providing for objectively assessed needs in the right place and at the right time.
 - It is not **consistent with national policy** since it fails to capitalise upon the opportunity to meet objectively assessed needs for retail development in a sequentially preferred location.

2.18 The policy should be amended as follows:

- Extension of the site area on Diagram 4 to include the Hilton Hotel and Podium sites.
- Clarify the development concept as one for retail-led, mixed use development allowing for a range of development types as part of the mix, including replacement and additional hotel floorspace.
- Maintain maximum flexibility within the mix of uses, not expressly excluding student accommodation (which in any event is unnecessary having regard to the provisions of Policy B5).
- Allow for the precise mix and form of development to be agreed with an intending developer through a Development Concept Plan and supporting design principles, to be subject to public consultation as a precursor to a planning application.

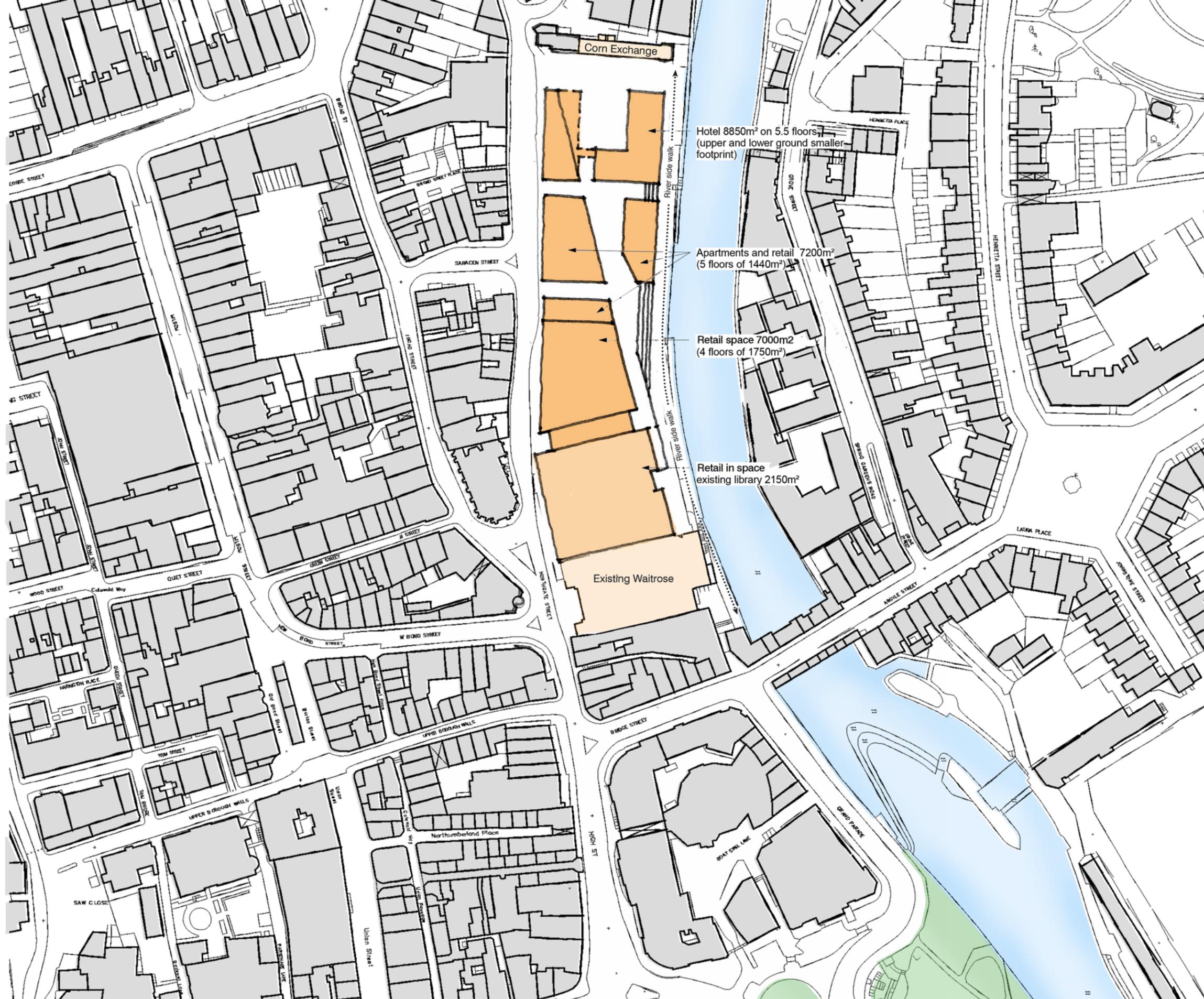
2.19 It is imperative that the scale and form of development, including building heights, is flexible in order to meet operator requirements and therefore achieve a viable scheme. There are significant potential environmental benefits to be achieved through replacing the Hilton Hotel and repairing the gap in the street frontage, which will weigh heavily in the balance against the scale, mass and form of any replacement proposals. Where the overall balance of advantage lies can only be resolved through a detailed scheme of redevelopment, and will not be facilitated through prescriptive criteria (such as building heights) which could potentially put any viable scheme in conflict with the Development Plan.



Annex 1

Development Concept Plan





Cattle Market Redevelopment_Bath

Drawing Title	
Wider Scale City Plan	
Scale (at A3)	Date
1:1250	18.08.16
Drawn	Chk
Drawing No	Rev
80504_SK24	
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