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WALSINGHAM PLANNING

SPECIALIST PLANNING & DEVELOPMENT CONSULTANTS

Local Plan Partial Update Regulation 19 Consultation

Land at Temple Cloud

Representations on behalf of Vistry Group

October 2021

Walsingham Planning

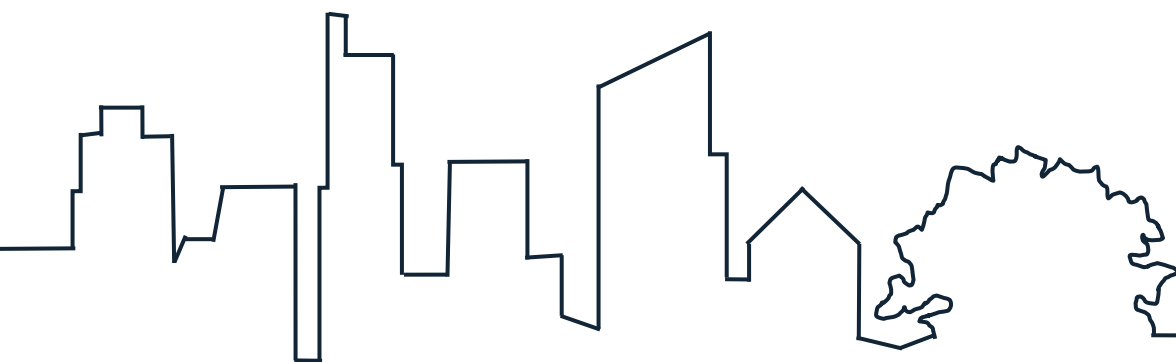
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APPENDICES

APPENDIX I – Site Location Plan for Land at Temple Cloud

I INTRODUCTION

- I.1 These representations have been prepared by Walsingham Planning on behalf of Vistry Group PLC (comprising Bovis Homes, Linden Homes and Vistry Partnerships) (Vistry) and relate to the Regulation 19 consultation on the Core Strategy and Placemaking Plan Partial Update (herein referred to as the Consultation). The Consultation has been prepared by the Council as part of its partial review of the Core Strategy (2014) and Placemaking Plan (2017).
- I.2 Vistry has an interest in Land at Temple Cloud, as shown on the accompanying Plan at **Appendix I**. The site comprises a parcel of land to the east of the A37 and a parcel of land to the west of the A37. Vistry is promoting the land for residential development.
- I.3 The site has been assessed within the Council's Housing and Economic Land Availability Assessment 2021 (HELAA 21) published alongside the consultation. Within the HELAA 21, Vistry's land interests at Temple Cloud are referred to as TC01b, TC01c and TC02a. Please note that our previous representations to the Options Consultation only made reference to TC01b and TC01c. We would like to take this opportunity to confirm the availability of TC02a.
- I.4 The Partial Local Plan Review is being prepared to update the Core Strategy and Placemaking Plan to respond to the Council's Climate Emergency and Ecological Emergency, and to identify and allocate sites to deliver around 1,200 new homes, in order to effectively fulfil the housing requirement outlined in the Core Strategy before the end of the Plan period (2029).
- I.5 Vistry is committed to tackling climate change through its developments, which it considers to be a moral imperative. Vistry have committed to ambitious carbon reduction targets with some of the actions being taken summarised below:
- A commitment to ambitious carbon emission targets consistent with reductions required to keep warming to 1.5°C;
 - Vistry's first net zero regulated carbon emission homes about to be handed over;
 - Vistry are working with the University of Exeter to develop future climate scenarios to respond to the requirements of the Taskforce for Climate Related Financial Disclosure;
 - Meaningful and measurable sustainability criteria will be incorporated into executive remuneration from 2022;
 - Vistry is making good progress across all areas of the Group's sustainability strategy Vistry Group's purpose is to deliver sustainable homes and communities across all sectors of the UK housing market. Key to this purpose is a successful and ambitious

sustainability strategy, which was launched earlier this year and is focussed on the three priority areas of (i) Operations; (ii) Homes & Communities; and (iii) People.

- I.6 With regards to the delivery of homes, it is widely acknowledged that England is suffering a housing crisis. A failure to plan for, and build, sufficient homes across England has led to severe affordability issues. There are few places outside of London where affordability issues are felt more keenly than in B&NES. Research on the Council's own website suggests that, on average, full-time workers could expect to pay an estimated 10.84 times their annual workplace-based earnings on purchasing a home in B&NES in 2018, compared to 7.8 times annual earnings in England and Wales. The causes of this housing crisis are complex and there is not one simple solution. Whilst the starting point is to build more homes full-stop, it is also important to ensure delivery of affordable housing as defined by the NPPF. Based on figures within the Council's Annual Monitoring Report 2019, only 27% of houses built in 2018/19 financial year were affordable.
- I.7 It is against this context that Vistry comments on the Consultation including the amendments to the district wide policies and the proposed site allocations for replenishing the supply of housing.
- I.8 The structure of these representations is as follows:
- **Section 1:** Introduction
 - **Section 2:** Districtwide Policies
 - **Section 3:** Replenishing Housing Supply
 - **Section 4:** Land at Temple Cloud

2 DEVELOPMENT MANAGEMENT POLICIES

- 2.1 In this section, Vistry provides its comments on the proposed amendments to the Districtwide policies. At Para 29a of the Composite reference is made to Para 21 of the NPPF and the requirement to make explicit which policies are strategic policies. The Consultation states that it is considered all policies in the Core Strategy and Placemaking Plan are ‘strategic’ policies. However, Para 21 of the NPPF specifically states that “*strategic policies should not extend to detailed matters that are more appropriately dealt with through neighbourhood plans or other non-strategic policies.*” Clearly many of the district wide policies relate to detailed matters and so should not be considered strategic policy. As such we do not consider that the Composite Plan has satisfied the requirement of Para 21 of the NPPF.

SCR6 SUSTAINABLE CONSTRUCTION POLICY FOR NEW BUILD RESIDENTIAL DEVELOPMENT

- 2.2 Policy SCR6 states that new build residential development will aim to achieve zero operational emissions by reducing heat and power demand then supplying all energy demand through onsite renewables. Where the use of onsite renewables to match total energy consumption is demonstrated to be not technically feasible or economically viable, renewable energy generation should be maximised and the residual carbon must be offset by a financial contribution.
- 2.3 The impact of the above policy on viability has been assessed in the Bath and North East Somerset: Local Plan Partial Update Viability Study prepared by BNP Paribas and published alongside the Consultation. It models 3 different scenarios based upon a cost uplift of 3%, 5% and 6%. It states that most schemes remain viable in all three scenarios. However, the Council has confirmed that net zero carbon can be achieved in residential developments through a cost equivalent of 3% build costs and this has been used to assess the cumulative impact of the emerging policies.
- 2.4 No evidence is provided to substantiate the Council’s claim that net zero carbon can be achieved in residential developments as a cost equivalent of 3% uplift. A feasibility study conducted by UKGBC¹ estimated build costs uplifts of 3.5% for flatted residential development. However, the design changes available to deliver net zero in flatted development (e.g. swapping concrete structure for timber and air source heat pumps) are not as effective for individual dwelling houses. Analysis by Currie Brown & Etude dated February 2021² concluded that to achieve net zero regulated carbon emissions from a combination of energy efficiency on site carbon reductions and allowable solutions, the additional capital cost is between 5 - 7% for homes.

¹ ‘Building the Case for Net Zero: A feasibility study into the design, delivery and cost of new net zero carbon buildings’ by UKGBC dated September 2020

² ‘Cornwall Climate Emergency DPD – Energy review and modelling’ by Currie Brown & Etude dated February 2021

- 2.5 Whilst the BNPP Viability Study states that most of the modelled schemes remain viable with a 5% and 6% cost uplift, these higher uplifts have not been used to assess the cumulative impact of emerging policies. It is essential that the Viability Study does not just assess the cumulative impact of emerging policy based on the best case and most optimistic assumptions. Further testing should be carried out to assess the cumulative impact of emerging policies based on the likely scenario that the build cost impact of Policy SCR6 will exceed 3%.

SCR8 EMBODIED CARBON

- 2.6 Policy SCR8 requires large scale new-build developments (a minimum of 50 dwellings or a minimum of 5000m² of commercial floor space) to submit an Embodied Carbon Assessment that demonstrates a score of less than 900kg/sqm of carbon can be achieved within the development for the substructure, superstructure and finishes. As noted in our response to the previous Options Consultation, Vistry is working to make its entire building process as efficient as possible and supports the principle of driving whole life carbon reductions. However, Vistry is concerned about the practical implications of providing Whole Life Cycle Carbon Assessments at the planning stage.
- 2.7 Since May 2018, it has been mandatory for RICS members to assess the Whole Life Carbon of new infrastructure projects. They are expected to conduct at least two WLC assessments: one at a project's technical design stage, which is mandatory; and another after practical completion, which is recommended best practice. Both of these stages would come after the grant of detailed planning permission. Whilst we welcome the decision to exclude smaller sites from the requirement, we remain of the view that carrying out Embodied Carbon Assessments at the planning stage risks being a tick box exercise that does not add value.
- 2.8 Furthermore, the requirement will have an impact upon build costs and therefore viability, but this does not appear to have been explicitly tested by the BNPP Viability Study. The BNPP Viability Study lists the requirements of carbon offset and climate change policies tested as relating to space heating demand, total energy use and on-site renewable energy generation but not embodied carbon. The Viability Study should assess the impact on build costs that specifying materials with low embodied carbon costs will have on build costs.

POLICY SCR9 ELECTRIC VEHICLE CHARGING INFRASTRUCTURE

- 2.9 Vistry supports the provision of electric vehicle charging infrastructure as part of its developments and is working towards providing passive charging infrastructure for all of its new homes. In Vistry's experience, the provision of passive infrastructure is more effective and less wasteful than providing active charging points.
- 2.10 Vistry do not consider that all new residential buildings should have all cabling and a chargepoint installation, providing a 7kW outlet to each dwelling with an associated parking space. Vistry would support however, that the cabling route to be provided to residential buildings with more than 10 parking spaces in line with the minimum EPBD requirements.

- 2.11 There must be a set minimum requirement that the sector must comply to. It is then within the gift of the tenant/building owner to decide to go above and beyond that requirement. Allowing Authorities to set individual levels generates additional and unnecessary cost, causes delays and creates confusion.
- 2.12 It is imperative that there are universal standards applied to the charging apparatus to ensure that any car can be charged in a uniform way across all makes of car and charging network/energy supplier. This provides the customer freedom of choice and removes the potential of meter providers locking customers into solus type arrangements for certain types of apparatus which inevitably generates negative feedback.
- 2.13 The proposed policy should be in-line with the minimum EPBD and for the regulations to stipulate for the provision of cable routes only and for the developer to support the client/customer in the installation of either a chargepoint at the point of purchase if required, or alternatively within the customer handover information. This would support easier take up of the structured cabling and for the property to be EV ready. This is further supported by the electric vehicle car market and their different connectors used by both the European and Asian manufacturers. The car manufacturers would then be best placed to provide their customers with the correct information and installation support to their EV ready home

NE3a BIODIVERSITY NET GAIN

- 2.14 Vistry supports the principle of providing biodiversity enhancements through its developments and welcomes the alignment of Policy NE3a with the requirements of the emerging Environment Bill. However, the Council's policy approach should also reflect the Government's proposals for a transition period of two years as set out in the Environment Bill. The Government proposes to work with stakeholders on the specifics of this transition period, including accounting for sites with outline planning permission, in order to provide clear and timely guidance on understanding what will be required and when. Before the BANES LPPU is submitted for examination, Policy NE3a should be modified to included transitional arrangements.

NEI GREEN INFRASTRUCTURE

- 2.15 It is proposed to amend Policy NEI to ensure that new development makes a positive contribution to the green infrastructure (GI) network and to require that major development proposals be accompanied by a proposed network of GI. Vistry recognises the importance of enhancing the natural environment and the contribution that development can make towards the provision of accessible GI. Vistry therefore supports the amendments to Policy NEI.

3 REPLENISHING HOUSING SUPPLY

INTRODUCTION

- 3.1 Vistry has significant concerns regarding the Council's spatial strategy approach and its identification of potential site allocations to address the shortfall in the required number of homes in the District. The Consultation confirms that the Partial Review needs to identify and allocate sites to deliver around 1,100 new homes in order to effectively fulfil the housing requirement outlined in the Core Strategy before the end of the Plan period (2029).
- 3.2 In the sub-sections below, we provide our formal comments in relation to the suitability and deliverability of some of the potential site allocations that have been identified to meet the Council's housing shortfall.

SITE ALLOCATION: POLICY SB8 BATH RIVERSIDE

- 3.3 The Bath Riverside site was first allocated for residential-led development in the B&NES Local Plan, which was adopted in October 2007. The original allocation includes the current extent of the allocation, defined at Policy SB8, and land to the east which has witnessed the development of around 800 dwellings over the past 10 years. These were completed following the Council's decision to grant outline consent (LPA reference: 06/01733/EOUT) for the development of up to 2,281 dwellings and other uses across the original extent of the allocation.
- 3.4 The Council effectively 'reallocated' the current extent of the allocation for Bath Riverside in July 2017 under Policy SB8 of its Placemaking Plan. The Policy identifies that the site could deliver around 1,500 new dwellings before the end of the Plan period (2029). However, since July 2017, only a single reserved matters or full application has come forward proposing the redevelopment of only part of the allocation to provide 176 dwellings (LPA reference: 19/05471/ERES).
- 3.5 In addressing its supply of housing land, it is proposed by the Council to increase the overall dwelling capacity of the current allocation site by 250 dwellings. This will sit on top of the 928 dwellings that are expected to be delivered during the current Plan period and so, in total, it is envisaged that 1,178 dwellings will be completed on the site by 2029.
- 3.6 In the 14 years that the land has been allocated for residential-led development, there is little evidence of progress in building the current allocation out. Approximately 800 dwellings have been built on the former allocated land to the east over the past 10 years, equating to an average completion rate of circa 80 dwellings per annum (dpa). With this in mind, and the current economic climate in relation to Coronavirus, we consider it somewhat optimistic to expect 1,178 dwellings to be completed in the next eight-years, equivalent to 147 dpa. By virtue of its previous rates of housing delivery, the allocation is evidently constrained and so

the availability, suitability and deliverability of the site to provide an additional 250 dwellings must be questioned.

- 3.7 The outline consent (LPA reference: 06/01733/EOUT) which covers the allocation site – under which future housing is expected to be permitted by – is conditioned by a scheme which requires 25% on-site affordable housing provision. The reserved matters applications that have come forward as part of the first phase of development, on land to the east of the current allocation, have made provision for this, but only on a ‘subject to being viable’ basis. The conditioned requirement for 25% on-site provision dates back to the early 2010’s and does not therefore reflect the present day or the requirements of the Core Strategy (2014), which would require 30% on-site provision (Policy CP9).
- 3.8 By supporting the development of an extra 250 units on the allocation, the Council would be falling short of what could theoretically be yielded in terms of on-site affordable housing, due to the outline consent and the affordable housing scheme conditioned upon it. This should not be entertained, we believe, given the known housing affordability crisis in the B&NES area. Instead, the Council should be looking to maximise its chances to secure policy compliant levels of affordable housing on truly deliverable sites in accordance with the aims of the Core Strategy and Placemaking Plan.

SITE ALLOCATION: POLICY SBI4 TWERTON PARK

- 3.9 It is proposed by the Council to increase the dwelling capacity of the allocated Twerton Park site by around 80 dwellings. The football ground site is owned by Bath City Football Club and was earmarked as a site allocation in the Placemaking Plan. However, at the time the Plan was adopted in July 2017, no indicative capacity figure was set for housing and other potential uses due to the high level of uncertainty surrounding the delivery of such uses on the site.
- 3.10 In March 2020, the Council refused a full planning application for the mixed-use redevelopment of the site to provide 55 dwellings including main town centre uses and alterations to the football ground (LPA reference: 19/02276/FUL). It was refused on the grounds of poor design, harm to the conservation area, harm to residential amenity and lack of car parking and in the Planning Officer’s Report to the Committee, the proposals were found to be “*overdeveloped*” and “*discordant and visually incongruous*”. The site is heavily constrained by way of its scale, location in the Bath Conservation Area, proximity to the Grade II listed Rose Cottage and other surrounding buildings.
- 3.11 Given the constraints of the site and the Officer’s appraisal of the planning application for 55 dwellings alongside main town centres and upgrades to the football ground, it is difficult to envisage how 80 dwellings on the site could be concluded to be acceptable by the LPA, let alone be completed before the end of the Plan period (2029), as envisaged. Indeed, it is understood that pre-planning discussions between the Football Club and the LPA are likely to

take place in 2021, with a view to the latter pursuing a smaller and more deliverable scheme for redevelopment.

- 3.12 The Council's proposal to increase the dwelling capacity of the site to 80 dwellings, to assist in remedying its housing shortfall between now and 2029, should therefore be considered overly ambitious and unrealistic.
- 3.13 It is also notable that the refused application made provision for 23% on-site affordable housing provision, citing viability as the reason why a financial contribution in-lieu could not be proposed to plug the shortfall. This is below the Council's requirement for 30% on-site affordable provision in locations such as Twerton Park, and therefore surely raises question marks surrounding the viability of the site for a policy compliant number of affordable dwellings.
- 3.14 There is a housing affordability crisis in Bath and the Council should be choosing to allocate deliverable sites for housing that are truly capable of delivering a policy compliant level of on-site affordable housing.

SUMMARY IN RELATION TO POTENTIAL SITE ALLOCATIONS

- 3.15 Approximately 1,100 new homes need to be planned for and delivered before the end of 2029. This is essential to ensure a continuity in housing delivery, that the Council can demonstrate a five year deliverable supply of housing land beyond the current five year period, and that the Core Strategy housing requirement is delivered during the remainder of the Plan period to 2029.
- 3.16 Vistry has concerns regarding the delivery of the anticipated number of homes on some of the potential site allocations identified by the Council. For the reasons that we have outlined above, the anticipated number of housing completions at the sites at Bath Riverside, Twerton Park are not considered to be truly deliverable with the timeframe required.
- 3.17 Besides failing to fulfil the requirements of the Core Strategy, failure to earmark deliverable sites will have serious implications on the Council's ability to demonstrate a five year supply of housing land. The Council's latest Housing Land Trajectory (2020) indicates that the five year supply will fall into deficit from 2025 / 2026, with the situation expected to worsen as the Plan advances to 2029. Given that in the future both the Housing Delivery Test will be failed and the five year housing land supply is diminishing, there is a need to identify truly deliverable housing sites in the most sustainable locations. Available, suitable and viable alternatives that can deliver the required number of homes in the required timeframe must be considered.
- 3.18 It is also clear from some of the identified sites that affordable housing is likely to come forward beneath the current policy requirement for at least 30% on-site provision, for various reasons. This is particularly relevant for the Bath Riverside and Twerton Park sites, and by considering these for additional housing, the Council will be effectively holding back on what is an opportune moment to maximise the number of affordable housing completions in the District.

This is particularly relevant given the known housing affordability crisis in Bath and the surrounding area.

- 3.19 Edge of settlement greenfield sites often yield higher levels of affordable housing than the constrained brownfield opportunities identified above. Greenfield sites are generally considered to be more viable and it is for this, and other possible reasons, that they have recently been the subject of policy compliant levels of affordable housing. The greenfield site off Greenlands Road in Peasedown St. John is a recent notable example, being the subject of a reserved matters approval granted in 2018 providing 35% affordable housing on site (LPA reference: 16/03829/RES). Vistry is therefore of the opinion that sustainable greenfield sites should be considered by the Council in its Partial Review in addressing the supply of housing land and the affordable housing crisis that the District is currently blighted with.
- 3.20 It is for the reasons outlined above that we consider the Local Plan to be unsound. In order to address this the Council should identify deliverable sites to replenish housing supply.

4 LAND AT TEMPLE CLOUD

- 4.1 As previously noted, Vistry has an interest in Land at Temple Cloud, defined on the accompanying Plan at **Appendix I**.
- 4.2 Vistry is promoting the residential development of the non-strategic site alongside green infrastructure. The site comprises two parcels of land either side of the A37. Development would primarily be focussed on the parcel to the east of the A37, whilst the parcel to the west provides opportunities for Green Infrastructure, habitat replacement and/or custom/self-build homes.
- 4.3 Within the HELAA 21, Vistry's land interests at Temple Cloud are referred to as TC01b, TC01c and TC02a. They are assessed as having secondary potential due to constraints related to agricultural land and mineral safeguarding. These are constraints that should not preclude the development of the land given its location adjacent to the Housing Development Boundary of Temple Cloud and potential to provide a sustainable and well-connected extension to the village.
- 4.4 We note that parcel TC02a is assessed as not having proven availability. We would like to take this opportunity to confirm the availability of TC02a.
- 4.5 Subject to further assessment work, Vistry's land interest at Temple Cloud should be considered as an appropriate and suitable option for the delivery of new homes in the District. The site has the potential to provide much-needed affordable housing in a logical location for future development, alongside green infrastructure, recreational and biodiversity net gain improvements

