

# **BANES Local Plan Partial Update**

**Regulation 19 Consultation**

Land at Bath Old Road, Radstock

Prepared by Black Box Planning  
on behalf of *EG Carter & Co Ltd, Mr NC Dando  
and Johnstone Land Company*



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**Appendix 1** – Land at Bath Old Road, Radstock – Site Location Plan

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## 1. Introduction

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- 1.1. These Representations to the Bath and North East Somerset (BANES) Local Plan (Core Strategy and Placemaking Plan) Partial Update Submission Version Regulation 19 consultation (August 2021 – October 2021) have been prepared by Black Box Planning on behalf of EG Carter & Co Ltd (EGC), Mr NC Dando and Johnstone Land Company (Bristol) Limited (JLC) (together called the Clients).
- 1.2. EGC have recently enabled the delivery of a committed site on Bath Old Road, Radstock by securing reserved matters approval for 26. no homes on behalf of Sovereign Housing. Homes England allocation grant funding was secured for the scheme which meant that affordable housing delivery could be increased from the Section 106 obligated 8 no. affordable homes (30%) to across the entire site 26 no. homes (100%). This represented 'additionality' which is a core criterion of Homes England in allocation of grant funding.
- 1.3. The Clients have an interest in additional land to the north of the site currently under construction at Bath Old Road as denoted in Appendix 1. In response to the LPPU consultation, this additional site represents a logical, suitable, and deliverable opportunity for residential development to deliver homes for local people, including much needed affordable housing for local people.
- 1.4. The site aligns with the District-Wide spatial strategy set out at Policy DW1 of the Core Strategy which focuses new housing, jobs and community facilities in Bath, Keynsham and the Somer Valley. The strategy for the Somer Valley at Policy SV1 is to enable 2,470 new homes to be built at the main towns, such as Radstock. However, the over-reliance of development within the Housing Development Boundary (HDB) and on Neighbourhood Development Plans (NDPs) to allocate sites outside of the settlement boundary, has not worked in practice. Radstock has not yet designated a NDP boundary which is the first step in the process. Westfield is the only made plan at the Somer Valley main towns with Paulton and Midsomer Norton having only designated plan areas.
- 1.5. The site is not constrained by any national or local protective land-use planning designation, such as Green Belt or Local Green Space designation; nor for any landscape or ecological reasons, such as

Areas of Outstanding Natural Beauty, Sites of Special Scientific Interest, Special Areas of Conservation nor the local landscape Policy NE2A 'Landscape Setting of Settlements'. The site is located within Flood Risk Zone 1, being the lowest probability of flood risk.

- 1.6. The Clients generally support the Council's commitment to partially reviewing the Local Plan as it provides the opportunity to holistically consider which elements of the current Development Plan are delivering as intended and which parts require further intervention, as is required by Policy DW1. However, in practice, as set out the LPPU does not go far enough to meet the affordable housing needs of the district and is unsound as currently drafted.
- 1.7. These Representations are made in respect of the legal compliance and soundness of the LPPU, being whether the plan has been prepared in accordance with all legal and procedural requirements and whether the plan meets the prescribed tests of soundness as set out within the National Planning Policy Framework (NPPF). Where appropriate, they recommend modifications to help make the plan sound moving forward to examination.
- 1.8. NPPF Paragraph 16 considers that plans should:
  - (a) Be prepared with the objective of contributing to the achievement of sustainable development;
  - (b) Be prepared positively, in a way that is aspirational but deliverable;
  - (c) Be shaped by early, proportionate, and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;
  - (d) Contain policies that are clearly written and unambiguous, so it is evident how a decision-maker should react to development proposals;
  - (e) Be accessible through the use of digital tools to assist public involvement and policy presentation; and

- (f) Serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies within the Framework, where relevant).

**1.9.** NPPF Paragraph sets out the tests of soundness at Paragraph 35 as follows:

- (a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- (b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- (c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- (d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with policies within the Framework.

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## **2. District-Wide Strategy and Policies**

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### **Vision and District-Wide Strategy**

- 2.1** The LPPU, as a means for reviewing the Core Strategy and Placemaking Plan (PMP), is supported in principle. As is the intention to undertake an immediate full review alongside the West of England Combined Authority (WECA) Spatial Development Strategy (SDS) scheduled for 2023. However, it is considered that the LPPU does not go far enough in terms of remit.
- 2.2** It is recommended that a more permissive approach is adopted with regard enabling further housing sites to come forward in sustainable locations and at settlements in the Somer Valley, such as Radstock. The current strategy set out by Policy SV1, RA1, RA2 and the rural exceptions policy RA4 has failed to deliver the quantum of housing expected in some sustainable settlements due to delayed or non-existent NDPs. In effect, there has been no delivery mechanism to meet the housing, including affordable housing needs of these areas.
- 2.3** Instead of corrective action in the settlements where delivery has not materialised in the form of further site allocations, the LPPU has sought to replenish the housing supply across the District in order that the Core Strategy housing requirement can be met overall and so that the necessary supply of housing land maintained. This means that some settlements, such as Radstock, will not realise their growth potential and take their proportionate share of housing and infrastructure growth.
- 2.4** The policy situation has caused a cumulative deficit of affordable housing delivery to build since the start of the plan period in 2011, which should have given cause to a review of the planning policy mechanisms responsible for enabling and boosting delivery of affordable housing.
- 2.5** The funding mechanisms for affordable housing delivery in recent years have sought to improve the supply of new homes, with Homes England grant funding seeking 'additionality' as a pre-requisite. Such an approach creates some tension with planning policy but, nonetheless, the objectives to deliver more affordable homes are the same. The usual rural exceptions approach under Policy RA4 is therefore not

compatible with the grant funding mechanisms available and is not fit for purpose to make a meaningful change in the deliverability of new homes.

- 2.6** Without an adapted permissive policy approach for housing (and affordable housing) within BANES, the LPPU is not **positively prepared** as it does not provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs. It also will not be **effective** as it will not be deliverable over the plan period, as evidenced by actual affordable housing delivery within the first 10 years of the plan period 2011-2021.
- 2.7** It is suggested that Paragraph 56a and Table 1C, in seeking to apportion a neighbourhood housing requirement for the designated neighbourhood areas, implies that it is for the neighbourhood plans of these respective areas to plan for this number of homes. In fact, the allocations are already made through the PMP and the LPPU allocations. This matter could be made clearer in this section.

#### **Policy SCR6 – Sustainable Construction for Residential Buildings**

- 2.8** Policy SCR6 of the pre-submission draft LPPU relates to sustainable construction for residential buildings. The Clients support the Council's ambition to achieve more energy efficient homes and a fabric first approach to sustainable construction.
- 2.9** Policy SCR6 seeks to press ahead of forthcoming updates to Building Regulations Part L known as the Future Homes Standard which will be introduced by 2025. The Government intends that the Future Homes Standard will ensure all new homes have the highest levels of energy efficiency and low carbon heating. The consultation stages on the Future Homes Standard thus far and its formal introduction by 2025, along with an interim measure to come into effect in June 2022 requiring 31% increase in the carbon reduction requirement above Part L, are intended to ensure the development industry and associated supply chains for necessary materials and technology can appropriately transition to the delivery of the Future Homes Standard. Policy SCR6 as drafted is therefore considered unsound, as it is not effective. It risks stifling the delivery of new housing which remains a principal priority for the

planning system to address housing shortages. A more balanced approach is required in the policy reflecting the transition to the Future Homes Standard in 2025.

**2.10** In respect of the reference to utilisation of both on site renewables for energy demands, and district heating networks where available, the policy should also make provision for viability considerations for such requirements. There is a lack of evidence to justify the policy to suggest such requirements are broadly deliverable and viable.

**2.11** To be found sound, Policy SCR6 therefore requires revision to provide a degree of flexibility for feasibility and viability considerations to be factored on a case by case basis to ensure the policy aspirations are deliverable wherever possible without stifling housing delivery.

#### **Policy SCR9 – Electric Vehicles Charging Infrastructure**

**2.12** It is noted that the policy suggests that all dwellings with one more dedicated parking space or garage must provide access to electric vehicle charging infrastructure. The draft Transport & Development Supplementary Planning Document (SPD) suggests that the standard should be 1 no. active charging provision per dwelling and passive provision for any further spaces. This is an ambitious target and not reflective of the currently low take up volume of electric vehicles and barriers to ownership, the policy is therefore not **justified**. The provision of 100% passive provision with a reduced target for active charging provision, would be far more effective use of resource and help to guard against such a requirement affecting development viability.

**2.13** It is considered that a 100% active charging requirement could be unviable for many schemes from a cost and, importantly, power capacity perspective and could be disproportionate at this time as relatively low levels of EV ownership would mean that many charging points will simply be left unused. Provision of passive charging (alternatively the means with which to install active charging) both on-plot and on-street in new lighting columns is far more appropriate in this regard and ensures adaptability into the future. Few would dispute the direction of EV charging infrastructure and the increase in demand for it in due course, but this also needs to be proportionately balanced with other development priorities in



the short to medium term. It is therefore considered that future proofing, rather than immediate installation is the key issue to consider as a matter of policy, to enable future installation in response to demand.

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### **3. Somer Valley**

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- 3.1** The Clients generally support the identification of key sites being allocated for development to help deliver the strategy for the Somer Valley as noted at Paragraph 44a. However, it is considered that this could have gone further in terms of identifying further opportunities for growth at Radstock, where the intended policy mechanisms such as NDPs, have not yet materialised. This is not **positively prepared**. In the absence of NDPs, a delivery vacuum is created.
- 3.2** For example, an additional site allocation at Draft Policy SSV21: Silver Street, Midsomer Norton is merely responding to an outline planning permission granted in July 2021 (21/01656/OUT) which was a stated departure from the Local Plan at the time. This is not a picture of a plan-led system as expected by the NPPF Paragraph 15.
- 3.3** The Clients consider it a missed opportunity that the strategy for Radstock was not included within the scope of review for the LPPU. For instance, there is no mention of the role of housing in the vision for Radstock. It is considered that the strategy for housing growth in the town has been ineffective since the start of the plan period, due to the limited number of allocations through the PMP process and the non-existence of the NDP process.
- 3.4** In terms of the PMP allocations at Radstock, it is acknowledged that there appears to be two separate planning applications lodged in respect of the Former Radstock County Infants site (Policy SS17) for schemes of 15 no. and 9 no. dwellings respectively. However, there does not appear to be any immediate prospect of the Former St Nicholas School site (Policy SSV20) being brought forward for housing as intended by the PMP following two planning refusals and dismissed appeals on residential schemes due to inherent heritage issues and impacts on bats.
- 3.5** This situation has meant that the only housing completions in Radstock since the start of the plan period in 2011 have been as follows:
- Former Radco Furniture Warehouse – 13 no. dwellings (2015-16);
  - Radstock Railway Land – Linden – 189 no. dwellings (2014-2019).

- 3.6** A total of 202 no. dwellings delivered is an insufficient contribution towards the 2,470 no. dwellings required for the Somer Valley main towns by the Local Plan between 2011 and 2029.
- 3.7** This can largely be attributed to the non-delivery of the NDP for Radstock and the over-reliance on allocating difficult brownfield sites which will undoubtedly encounter viability issues impinging on affordable housing delivery. Conversely, the Westfield NDP is already made and the settlement has currently contributed the delivery of 313 no. dwellings since 2011. It is clear over the first 10 years of the 18-year plan period that the strategy for Radstock and the Somer Valley is not proving to be **effective** and therefore corrective action is required.

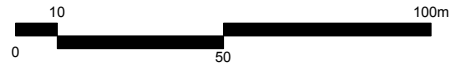
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## **4. Summary**

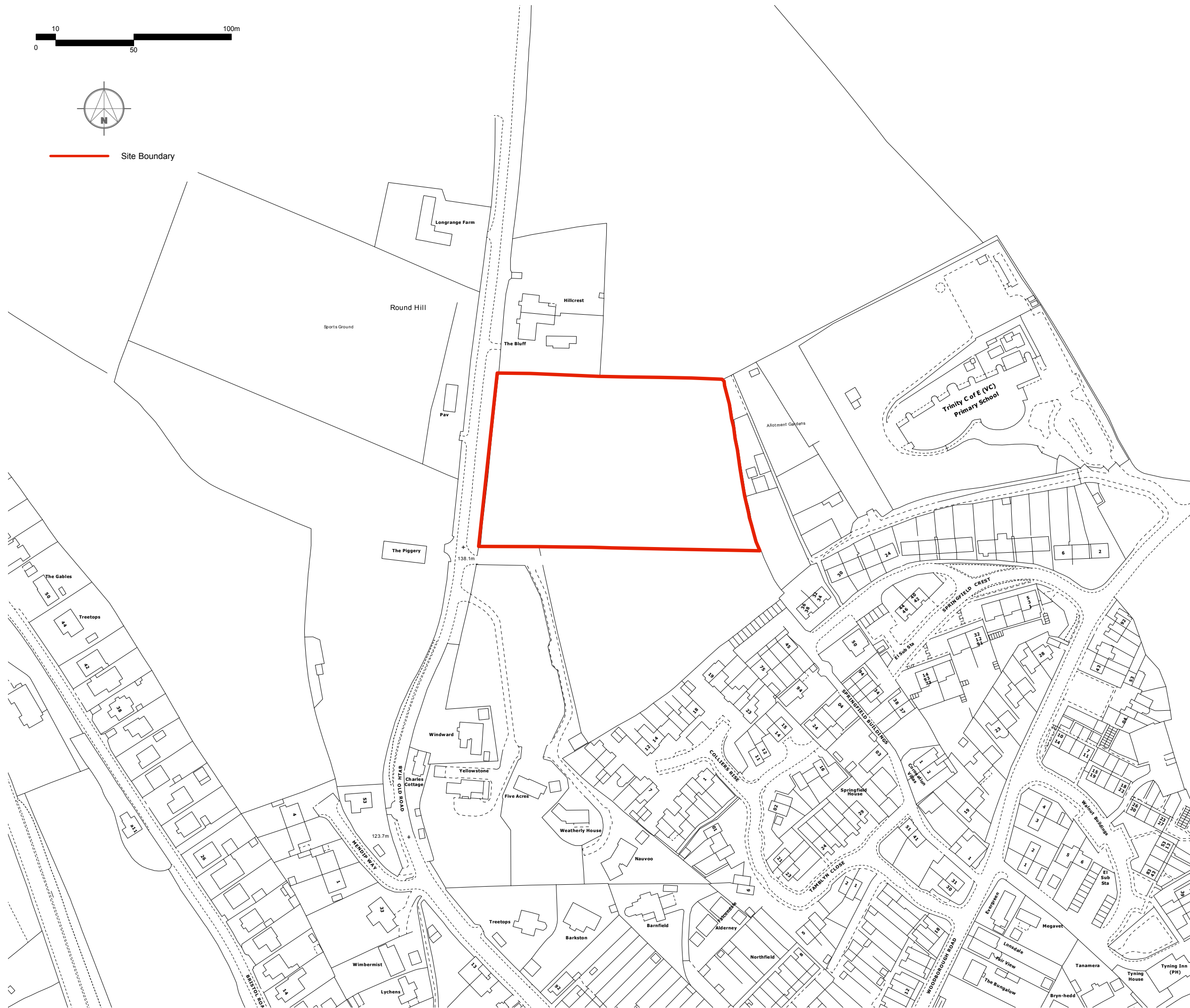
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- 4.1** These Representations to the Bath and North East Somerset (BANES) Local Plan (Core Strategy and Placemaking Plan) Partial Update Submission Version Regulation 19 consultation (August 2021 – October 2021) have been prepared by Black Box Planning on behalf of our Client.
- 4.2** The Clients have interest in additional land to the north of the site currently under construction at Bath Old Road as denoted in Appendix 1. In response to the LPPU consultation, this site represents a logical, suitable, and deliverable opportunity for residential development to deliver homes for the local, including much needed affordable housing for local people.
- 4.3** The site aligns with the District-Wide spatial strategy set out at Policy DW1 of the Core Strategy which focuses new housing, jobs and community facilities in Bath, Keynsham and the Somer Valley. The strategy for the Somer Valley at Policy SV1 is to enable 2,470 new homes to be built at the main towns, such as Radstock. However, the over-reliance on development allocations within the HDB and the NDP process to allocate sites outside of the settlement boundary has not worked in practice. Radstock has not yet designated a NDP boundary which is the first step in the process. A total of 202 no. dwellings delivered since 2011 is an insufficient contribution towards the 2,470 no. dwellings required for the Somer Valley main towns by the Local Plan between 2011 and 2029.
- 4.4** The situation can largely be attributed to the non-delivery of the NDP for Radstock and the over-reliance on allocating difficult brownfield sites which will undoubtedly encounter viability issues impinging on affordable housing delivery. It is clear over the first 10 years of the 18-year plan period that the strategy for Radstock and the Somer Valley is not proving to be **effective** and therefore corrective action is required.
- 4.5** It is recommended that an enhanced permissive policy approach is adopted across BANES with regard enabling further housing sites (and affordable housing sites) to come forward in sustainable locations and at settlements in the Somer Valley, such as Radstock. In the context of affordable housing delivery, an approach which adopts the presumption in favour of sustainable development to be applied to housing proposals which deliver additional affordable homes,

beyond the level required, should be included within policy. This will enable the effective use of  
Homes England Grant Funding to deliver the homes needed in the area.



— Site Boundary



**NOTES**

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**REVISIONS**

REV: DATE - DRAWN - CHECKED: NOTES

-: 06.10.21 - LM - BWh:  
Drawing created.

**DRAWING TITLE**

Site Location Plan

**PROJECT**

Bath Old Road,  
Radstock Site 2

**CLIENT**

EG Carter & Co Ltd

**SCALE**

1:1250@A2

**DATE**

Oct 2021



**DRAWING NO.**

**6139-F-002**

**REV**

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