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Planning Policy
Bath and North East Somerset Council
VIA EMAIL ONLY

Dear Sir or Madam

Representation to the Bath and North East Somerset (BANES) Local Plan Partial Update (LPPU) Public Consultation

McLoughlin Planning Ltd has been instructed by Caddick Land Limited (hereby referred to as Caddick) to submit representations to the ongoing review of the BANES Local Plan. This letter follows our previous representation submitted in February 2021 as part of the partial update public consultation undertaken at this time.

BANES have helpfully set out the scope of this additional public consultation online as part of the Regulation 19 Consultation prior to the submission of the Local Plan to the Secretary of State.

Land at Bransdown Close, Temple Cloud

These representations are a further progression on the previous consultation comments made by McLoughlin Planning on behalf of Caddick, who have submitted a site for allocation through the Summer 2020 Call for Sites. This is accompanied by the Vision Document, previously prepared for the Regulation 18 Consultation.

Scope of the Consultation

We remain of the view that the current planning consultation approach (partial updates and consultations) is in the short-term pragmatic for the purposes of evolving the existing Core Strategy and Placemaking Plan.

However, we would like to re-emphasise our previous comments that the Council should endeavour to produce a full new Local Plan. This is to ensure genuine strategic place making can take place and provide long term certainty to the District.

Given that the current emerging plan (assuming an ambitious adoption date in Spring 2022), would have a very short shelf-life, we remain firmly of the view that a new Local Plan is urgently needed.



Housing Land Supply

In support of the Local Plan review, the Council has provided a partial update on their Topic Paper: Housing Supply (August 2021). This document has been analysed and discussed below.

The Council acknowledges that, based on the estimated housing supply shortfall, the simplest approach to addressing this requirement would be to continue using the 722 dwellings per annum figure from existing Core Strategy up to 2029. This is instead of the slightly lower figure identified through the standard method of 676 per annum. This conclusion accords with guidance in the NPPG and therefore is not disputed.

Considering the annual housing figure, the Council's own evidence confirms that there remains a shortfall of 1,200 homes over the plan period. The Topic Paper confirms what actions have been taken to accommodate this identified shortfall. The main action being the further allocation of the **minimum** 1,200 dwellings on primarily already identified allocated sites.

It is the methodology and number of units allocated which is considered to conflict with the soundness tests set out under paragraph 35 of the NPPF.

Reviewing the sites amended and added to address the housing shortfall raises questions on: (1) the Council's original site allocation density methodology on the quantity of development permissible; and (2) the continued approach to allocate housing in Bath and Keynsham, which conflicts with the spatial strategy of the adopted Local Plan which seeks to distribute housing across the district to ensure sustainable patterns of development ensue.

In addition to the above concerns, it is also noted that the language used in both the amended policies associated with the amended allocations and in the Topic Paper is non-committal. This raises doubts as to whether the actions taken by the Council will in fact work. For example, in the topic paper it states: *"the sites listed are considered to deliver around 1,200 dwellings during the plan period"*.

Further commentary on the above concerns regarding the amended allocations has been provided under appendix A.

Paragraph 35 of the NPPF advises on the legal and procedural requirements to determine whether a Local Plan can be found sound. Point (b) advises that an appropriate strategy, considering the reasonable alternatives, and based on proportionate evidence. It is considered that the approach outlined above fails this requirement.

By restricting the number of allocated sites to a small number of larger developments previously allocated and undelivered, there is a concern about the speed in which these sites will be delivered and a fear of putting "all eggs in one basket" resulting in a higher risk of future undersupply. This conflicts with the objectives of paragraph 69 of the NPPF which seeks to encourage the provision of small to medium sized sites given their important contribution to meeting housing requirements.

In line with paragraph 69(d) of the NPPF, the Council has not provided any evidence that they have worked with developers to encourage the sub-division of large sites to help speed up the delivery of homes. This, in parallel with many of the larger sites being allocated with the previously identified undersupply, raises concerns on the deliverability of the allocations brought forward.

The potential risk of undersupply or undelivered sites is not unwarranted. Given that several of the Bath sites have been allocated in previous versions of the Local Plan and have yet to come forward, including sites where additional housing has now been allocated. Given the short timescale of the Plan there will be a question mark as to whether they should be included in any 5-year supply calculation and whether the evidence that suggests these are deliverable is robust, in line with paragraph 68 of the NPPF. Therefore, it is considered reasonable for the Council to revisit other potential allocation sites to reduce identified risks outlined above.

As the emphasis of the Framework (Para 60 et al) remains to **significantly** boost the supply of homes and increasing the delivery of housing, it is considered that the 1,200 should be treated as a minimum and additional housing should be allocated to provide a buffer. For example, even if all sites allocated come forward in a timely fashion, the Council calculates it will only have a 5.29 housing land supply, which is considered a precarious situation.

This is particularly relevant given the concerns raised above on the likelihood of the allocated sites coming forward. Based on the objections/issues raised under appendix A, it is noted that approximately 830 homes are at risk of not coming forward of the 1,200 homes identified. Therefore, the Plan is unsound.

Added to this are the introduction of minimum space standards through the nationally described space standards, which may reduce the density and number of units, alongside the change in aspirations resulting from the on-going COVID pandemic. In terms of the latter, there is the sea change highlighted in the needs of households in respect of living space to accommodate increased patterns of working from home, alongside a desire for more outside space.

Alternative Sites

It is our view that the Partial Update represents an opportunity to diversify the range and choice of development sites in accordance with the spatial strategy to help spread the risk on delivery and offer a sufficient housing buffer for any delayed or undelivered housing sites.

This Partial Update does not consider the identification or allocation of land outside the three main centres or in the Somer Valley. No further explanation from the previous consultation period has been provided for this in the supporting material, so it is a negative approach. This is particularly concerning considering the questionable deliverability of sites in Bath.

In order to introduce an element of flexibility and to ensure the housing requirement is delivered (and reflecting the matters above) we would suggest that a wider source and supply of development sites should be considered through the Partial Update. This should be in terms of quantum and size of sites, as well as their distribution. Policy in the Framework highlights the need for local plans to identify a range of sites including a requirement for smaller sites. Clearly, the identification of sites should accord with the spatial framework/settlement hierarchy and include proposals which are of an appropriate scale.

Temple Cloud is a settlement in the Somer Valley that is not restricted by Green Belt or any identified environmental, landscape, heritage or ecological constraints and provides a sustainable location for development. Indeed a site (SR24) to the north of the Caddick site was allocated in the adopted Local Plan.

Land has been put forward by Caddick Land as a willing developer and the site is available and deliverable. An indication of how the site off Bransdown Close could come forward is set out in the Vision Document as submitted in June 2020 and as attached to the submission. It is suggested that the site at Bransdown Close is identified as an allocation in the next iteration of the Local Plan and to contribute to the sustainable growth of the District.

Development Management Policies

As part of this consultation, an opportunity has been provided to comment on the development management policies proposed, with their amendments.

As set out in our previous consultation response, at this stage we do not respond to the policies specifically but would comment that no evidence is presented to support or justify where the policies seek to exceed the requirements set out at national level. Likewise, no whole plan viability exercise has been prepared to assess the individual or in combination effects of these policy changes.

Conclusions

It is hoped that the Council find these comments useful as they continue to progress the Partial Update. We would be happy to discuss these issues in greater detail and bringing the land at Bransdown Close, Temple Cloud forward.

Please acknowledge receipt of these comments and keep us informed of the progress of and the wider preparation of the Local Plan using the contact details provided below.

Kind regards

Nathan McLoughlin BSc (Hons) DipTP MRTPI
Managing Director

Appendices

Appendix A: Commentary & objections on New and Amended Allocations

Bath Riverside (Policy SB8)

The existing allocation has had an additional 250 included as part of the allocation. Reviewing the policy text under SB8, the provision of a transport assessment is now a new policy requirement which includes a traffic impact assessment. This raises concerns that, without knowing the highway impact upfront, the provision of additional 250 homes may not come to fruition due to infrastructural constraints.

Furthermore, the supporting text recognises that this is a complex site, even prior to the additional allocation of 250 homes. This in parallel that there is no developer currently associated with the scheme raises real questions on the deliverability during the short plan period of this major addition to the Local Plan.

Twerton Park, Bath (Policy SB14)

The site forms part of the wider Bath City Football club mixed use development. Given existing constraints and height limitations, policy SB14 advises that the type of residential development will need to be smaller units, with the potential for co-living (sui generis).

We are concerned that the constraints of the site will not only limit the number of achievable units, but also the quality of the homes proposed. This is particularly relevant given the recent changes from COVID, where residents require outdoor spaces and better internal spaces to support their mental and physical well-being. It is considered this allocation therefore conflicts with the objectives of the Local Plan and NPPF on achieve a high standard of design.

Royal United Hospital, Bath (Policy SB18)

The proposed development of part of the Royal United Hospital site forms part of a long term and complex redevelopment which will see the retention of the healthcare facility with housing direct for key workers.

The development of non-health care facilities (i.e. new housing) will only be acceptable once evidence has been provided that the land is not required for the existing healthcare provision.

Given the importance of ensuring sufficient land is realistically available for residential development, we are gravely concerned that such an assessment was not required upfront to ensure the additional provision of homes on the site is achievable.

Sion Hill, Bath (Policy SB24)

Sion Hill is by the Council's own admission a highly sensitive Heritage Site and part of the Bath Conservation Area. Furthermore, there is no vehicular route through the site and so questions on the deliverability of appropriate supporting infrastructure remains an outstanding question on the deliverability of the site.

The Council anticipates the site will deliver 100 homes. However, without further information on highways and whether the quantity of development is achievable due to the immediate heritage impact, raises doubts on the deliverability of the site.

Furthermore, as the site remains in the ownership of Bath Spa University, the speed in which the site will be vacated is also unclear from the evidence provided, particularly given the short lifetime of the emerging Local Plan.

St Martin's Hospital, Bath (Policy SB25)

Similarly, to the commentary provided under Royal United Hospital, there are concerns on the deliverability of the site over the short lifespan of the Local Plan, due to the existing healthcare operations, the speed in which parts of the site can be cleared for the proposed development and the need for a site wide heritage assessment to inform where the housing should go. The heritage constraint is of particular concern, as this may limit/reduce the amount of development which can also come forward.

Keynsham Fire Station (Policy KE2b)

This allocation formed part of earlier versions of the Local Plan. Therefore, we question what circumstances have changed to ensure the site genuinely comes forward for development. The Council acknowledges this in the support text, as the land has a complex land ownership which may mean that the development comes forward in different stages, or not at all.

Land to east of Keynsham (Policy KE3c)

The land forms part of a Green Belt release, which conflicts with the NPPF's great weight attached to the Green Belt's protection, when other sites are available. Furthermore, the



Council acknowledge that a 2017 survey raised concerns about highway impact and mitigation and therefore the allocation is subject to a comprehensive travel plan and transport assessment. Given the Short lifespan of the Local Plan, this is not considered a deliverable site given the identified site constraints.

Land to east of Keynsham (Policy KE3d)

The proposal is wholly dependant on mitigation methods coming forward for highway concerns. This remains the position since the 2017 review of this site. The supporting policy text confirms that a transport assessment as part of the proposed allocation. We are concerned that this site is given preference over much more deliverable sites. This reenforces our position that questions remain outstanding on the methodology chosen by the Council for allocating sites.

Silver Street Midsomer Norton (Policy SSV21)

No further comments from us to this proposal.

Former Paulton Printing Works (Policy SSV22)

No further comments from us to this proposal.

