

HELAA: Call for Sites 2018

GUIDANCE ON COMPLETING THIS FORM

Sites can be submitted for the HELAA between 12th November 2018 and 7th January 2019. Please return this form, a plan that clearly and accurately identifies the site boundary and any other attachments to: **planning_policy@bathnes.gov.uk** or Planning Policy, Planning Services, Bath & North East Somerset Council, Lewis House, Manvers Street, Bath, BA1 1JG (email preferred) by 7th January 2019.

- MS Word Users: Please enter text or tick boxes where requested, and please chose Yes / No / Unknown from the available drop-down menu.
- Apple Pages Users: Please enter text where requested, delete where applicable and if you cannot tick the appropriate boxes please indicate your choice with text beside the relevant box.

Data Protection Statement: This information is collected by Bath and North East Somerset Council as data controller in accordance with the data protection principles in the General Data Protection Regulations. The purposes for collecting this data are: to assist in plan making and to contact you, if necessary, regarding the answers given on this form. Some of the data relating to specific sites will be made public as it will form part of the evidence base used to inform the creation of planning policy documents. The above purposes may require public disclosure of any data received on the form, in accordance with the Freedom of Information Act 2000.

1. PREVIOUS SUBMISSIONS
a. Has this site previously been submitted? Yes/No*
b. Previous reference number (if known): Not previously submitted
c. If the site has already been submitted, how does the information provided in this form change the information you have previously provided to us? We have not submitted previously

*Please choose/delete where applicable

2. YOUR DETAILS		
a. Name:	Janet Earl	
b. Company/organisation:	Private	
c. Address:	[REDACTED]	
d. Postcode:	[REDACTED]	
e. Telephone:	[REDACTED].	
f. Email:	[REDACTED]	
g. Status (please mark all that apply):		
i. Owner (all/part of site)	<input type="checkbox"/>	<i>If acting on behalf of landowner/ developer, please provide client name and address details (including postcode):</i> I am the landowner
ii. Land agent	<input type="checkbox"/>	
iii. Planning consultant	<input type="checkbox"/>	
iv. Developer	<input type="checkbox"/>	
v. Amenity/community group	<input type="checkbox"/>	
vi. Registered housing provider	<input type="checkbox"/>	
vii. Other: Please enter text here.		
h. Ownership details (please mark where applicable):		
i. Owner of entire site <input type="checkbox"/>	ii. Owner of part of site <input type="checkbox"/>	iii. No ownership of site <input type="checkbox"/>
i. If owner/part owner, have you attached a title plan and deeds with this form?	Yes/No*	
j. If you are not the owner of the entire site, please provide details of the (other) owner(s), if known		
I am the owner but have not attached the deed and title plan.		
k. Does the owner (or other owner(s)) support your proposals for the site?	Yes/No*	

*Please choose/delete where applicable

3. SITE DETAILS	
a. Site Address:	Land adjacent Auxbridge Road Foxhill Bath
b. Postcode (where applicable):	Please enter text here.
c. Current Land Use	Fallow.
d. Adjacent Land Use(s)	Residential.
e. Relevant Planning History (including reference numbers, if known)	Please enter text here.
f. Please confirm that you have provided a site plan:	Yes/No*

4. POTENTIAL USES & CAPACITY		
Suggested uses (please tick all that apply and where mixed use indicate % of overall site for each use)		
USE	SELECT	Capacity (number of units) and indication of possible residential tenures, types and housing for different groups
Residential dwellings (C3)	Yes/No*	yes.
Residential – self-build dwellings only	Yes/No*	yes.
Other residential, e.g. student accommodation, residential care homes etc (specify)	Yes/No*	.
Office, research & development, light industrial (B1)	Yes/No*	no.
General industrial (B2) / warehousing (B8)	Yes/No*	no.
Sports / leisure (please specify)	Yes/No*	no.
Retail	Yes/No*	no.

***Please choose/delete where applicable**

5. SITE SUITABILITY

Question	Answer	Further details including details of further studies undertaken / mitigation proposed
Does the site have any physical constraints (e.g. topography, access, severe slope, vegetation cover etc.)?	Yes/No*	no.
Is the site subject to flooding?	Yes/No/ Unknown*	no.
Is the site affected by 'bad neighbour' uses (e.g. power lines, railway lines, major highways, heavy industry)?	Yes/No*	no.
Is there a possibility that the site is contaminated?	Yes/No/ Unknown*	no.
Can satisfactory vehicular access to the site be achieved?	Yes/No/ Unknown*	yes.
Has the Highways Agency been consulted?	Yes/No*	no.
Is the site subject to any other key constraints?	Yes/No*	no.

a. UTILITIES / INFRASTRUCTURE PROVISION

Please tell us which of the following utilities are currently available to the site:

i. Mains water supply <input type="checkbox"/>	ii. Mains sewerage <input type="checkbox"/>
iii. Electrical supply <input type="checkbox"/>	iv. Gas supply <input type="checkbox"/>
v. Landline telephone <input type="checkbox"/>	vi. Broadband internet <input type="checkbox"/>
vii. Other (please specify): All Available	viii. Please provide any other relevant information relating to site suitability: All available.

*Please choose/delete where applicable

6. SITE AVAILABILITY

Question	Answer	Further details including details of further studies undertaken / mitigation proposed
Are there any legal/ownership constraints on the site that might prohibit or delay development of the site (e.g. ransom strip/covenants)?	Yes/No/Unknown*	no
Must land off-site be acquired to develop the site?	Yes/No/Unknown*	no
Are there any current uses which need to be relocated?	Yes/No/Unknown*	no
Is the site owned by a developer or is the owner willing to sell?	Yes/No/Unknown*	yes

a. When do you estimate the first housing completion could realistically occur (if applicable)?

i. Within the next 5 years

ii. 6 to 10 years

iii. 11 to 20 years

b. What do you estimate the rate of delivery to be?

NB Year 1 is the first year of delivery:

Year	1	2	3	4	5	6	7	8	9	10	11-20
Number of units completed in year	10	Enter Units	Enter Units	Enter Units	Enter Units	Enter Units	Enter Units	Enter Units	Enter Units	Enter Units	Enter Units

c. Do you have any information to support when the site will come forward and its phasing? Please consider suitability, achievability and constraints.

Please enter text here.

***Please choose/delete where applicable**

7. SITE ACHIEVABILITY

Question	Answer	Comments / Further Details
Are there any known significant abnormal development costs (e.g. contamination remediation, demolition, access etc.)? If yes, please specify.	Yes/No*	no
Does the site require significant new infrastructure investment to be suitable for development? If yes, please specify.	Yes/No/ Unknown*	no
Are there any issues that may influence the economic viability, delivery rates or timing of the development? If yes, please specify.	Yes/No*	no
Has a viability assessment / financial appraisal of the scheme been undertaken?	Yes/No*	no
Have any design work studies been undertaken?	Yes/No*	yes

8. ADDITIONAL COMMENTS

We have owned the land for 30 years and would like to develop it as it is adjacent to a residential area. We would be happy with permission to build one house or a number of units. We refer to the revised NPPF.

***Please choose/delete where applicable**

LAND ADJACENT TO AXBRIDGE ROAD, BATH

PRELIMINARY PLANNING ASSESSMENT

OCTOBER 2012

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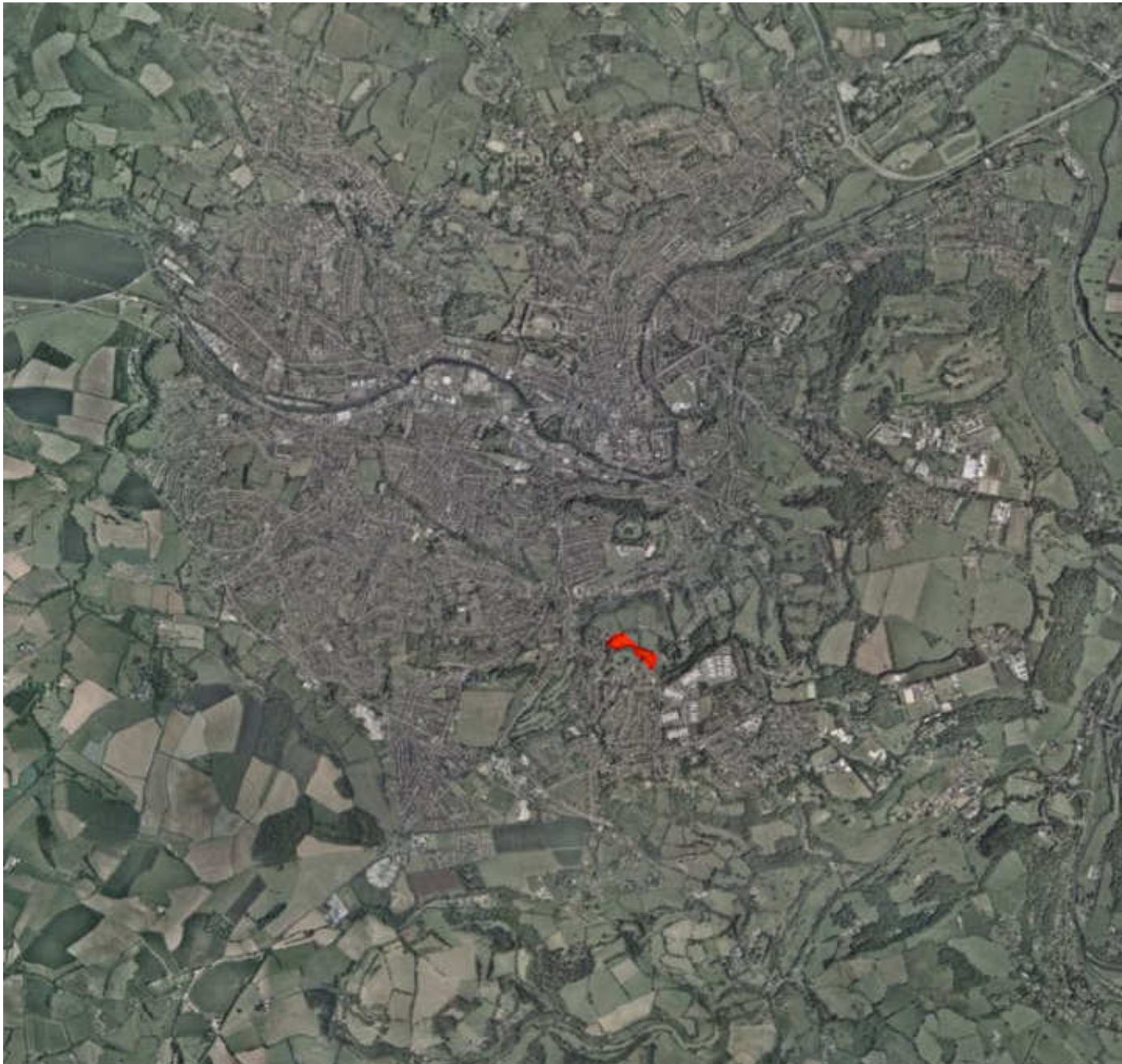
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1. Introduction

- 1.1 This report considers the development potential of land on the edge of the built up area in the Foxhill neighbourhood of Bath. It has been prepared on behalf of the landowner Gillian Earl and is intended to assist in consideration of the future use of this land. The report sets out the current planning policy position, assesses the planning issues, outlines options and suggests a way forward.

2. The Site

- 2.1 The site comprises two linked areas of land adjacent to properties on Axbridge Road, Bath and is shown on the City-wide Context and Local Context plans below as land parcels A and B.
- 2.2 The site is currently open countryside and in an elevated position, sloping upward from north to south. There are significant tree belts along all boundaries and notwithstanding this tree cover, the elevated position affords views across Bath to the city centre and beyond.
- 2.3 A footpath runs across the land in a broadly east-west direction, from Foxhill towards Entry Hill.

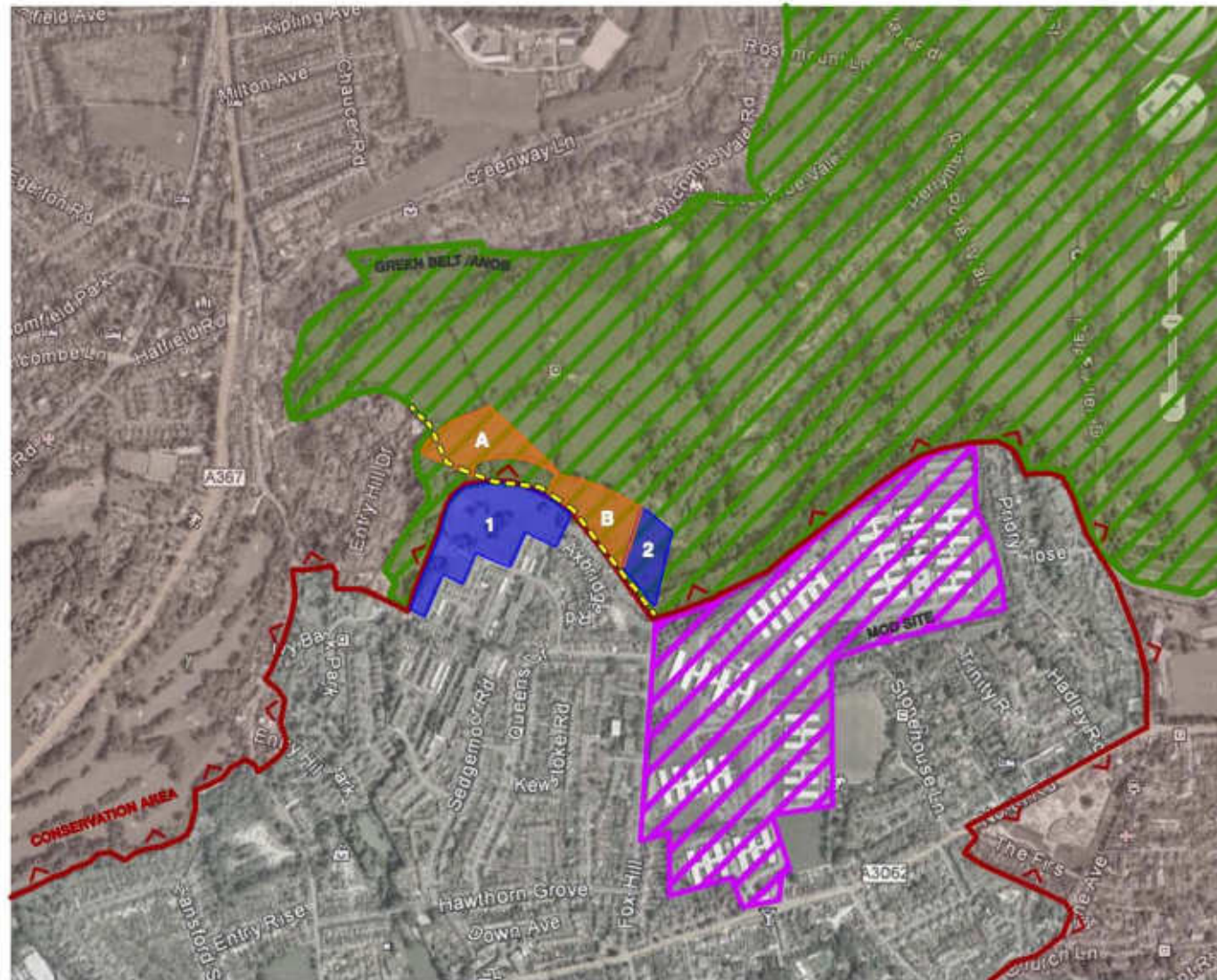


Land off Axbridge Road, Bath
12084 (SK)002 Revision A
Original at A3

City-wide Context

Key






Land off Axbridge Road, Bath
12084 (SK)001 Revision A
Original at A3

Local Context

Key

-  Land Parcels A & B
-  Land Parcels 1 & 2
-  Green Belt
-  Conservation Area
-  MOD Site
-  Nominal rounding-off of the urban area





Parcel B – looking towards Foxhill



Parcel B – looking towards Axbridge Road



Public open space (Parcel 1)



Parcel A – looking towards Parcel B



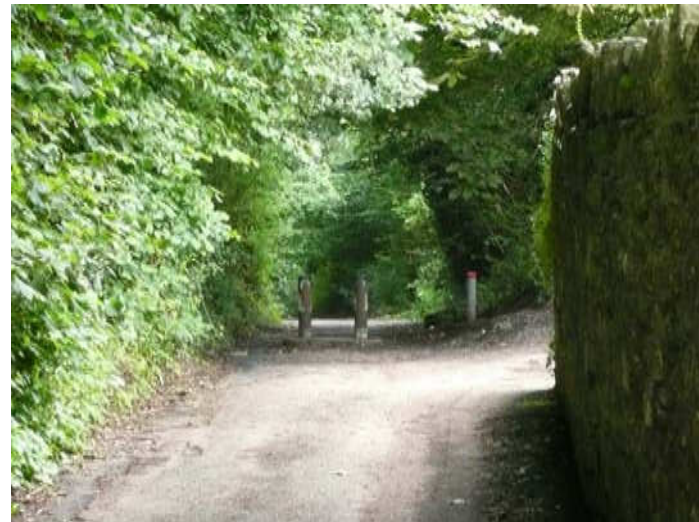
Footpath towards Entry Hill from Parcel A



Parcel A – trees on northern boundary/glimpses across the city



Parcel A – trees on northern boundary/glimpses across the city



Foxhill - leading to Perrymead

3. **Planning Policy**

Local Plan

- 3.1 The currently adopted local planning policy framework for the area is the Bath and North East Somerset Local Plan. This covers the period to 2011 but has been 'saved' pending the formulation and adoption of new planning policy at the local level. A number of policies in this plan will apply to the site but the key ones are:

Green Belt – the site is within the defined Green Belt and as such only development in very specific categories will be allowed unless there are exceptional circumstances. The Green Belt development categories set out in policy GB1 are attached at Appendix 1 and exclude residential development within Bath. Exceptional circumstances require demonstration that harm to the openness and purposes of the Green Belt is clearly outweighed by other considerations.

Area of Outstanding Natural Beauty (AONB) – the green belt designation is also contiguous with the defined AONB in this location and the site therefore also sits within the AONB. Policy NE2 states that development which will adversely affect the natural beauty of the landscape in the AONB will not be permitted.

World Heritage Site – Policy BH1 of the Plan provides that proposals that would harm the qualities or setting of the World Heritage site will not be permitted.

Conservation Area – the site is within Bath Conservation area and policy BH6 provides that development will only be permitted where it preserves or enhances the character or appearance of the Conservation Area.

Core Strategy

- 3.2 Bath and North East Somerset Council (B&NES) is in the process of producing a Core Strategy. This will set out broad strategic policies across B&NES and is due to be accompanied by a 'Place-making Plan' that will set out more detailed policies and site allocations for particular places within B&NES. These documents will replace the current Bath and North East Somerset Local Plan to become the new Local Plan for the area.
- 3.3 The Core Strategy establishes requirements for key land uses, including housing and sets the broad spatial strategy for meeting these requirements in terms of where, strategically, development is to be accommodated. For housing, national policy requires (see below) that the housing need is established via a Strategic Housing Market Area Assessment and that an adequate supply of land to meet this need is determined through a Strategic Housing Land Availability Assessment. The draft B&NES Core Strategy sets out a requirement for 6,000 new dwellings in Bath up to 2026 and a strategy that proposes to make all of this provision within the existing built up area.
- 3.4 The draft Core Strategy in effect re-states the current Local Plan policies in respect of the Green Belt, World Heritage Site and Conservation Area, albeit in a less detailed manner.

- 3.5 Before it can be adopted and become formal planning policy, the draft Core Strategy must be the subject of a public examination conducted by an independent Inspector. The primary role of this examination is to test the Core Strategy in respect of legal compliance and ‘soundness’ in terms of its justification, effectiveness and consistency with national policy.
- 3.6 The Inspector who is presiding over the Core Strategy Examination in Public (EIP) has issued preliminary conclusions on strategic matters and these conclusions raise some very significant issues in relation to the soundness of the Core Strategy. Of greatest relevance are the Inspector’s conclusions that:
- The assessment of housing requirements is not compliant with the National Planning Policy Framework (NPPF).
 - There is a need to add to the housing target, provision for a further 850 dwellings to make up the shortfall in delivery of housing under the existing Local Plan.
 - A 20% buffer needs to be added to the five year housing supply.
 - There is no up to date and comprehensive review of the Green Belt to determine whether all the land so designated fulfils clear Green Belt purposes, the degree of significance that should be attached to some parts of the Green Belt or the extent to which some development in the Green Belt would promote sustainable patterns of development.
 - It is possible that some development in the Green Belt may need to be contemplated.
- 3.7 In response to the Inspector’s preliminary conclusions, the Council has requested a suspension of the EIP until June 2013. While pointing to significant concerns over the potential for the timetable to slip further and indicating a preference for the Core Strategy to be withdrawn, the Inspector has nonetheless suspended the Examination.
- 3.8 B&NES will now need to undertake a great deal of work to address the points raised by the Inspector before the EIP can resume. The Council must first re-assess the housing requirement for the district through a Strategic Housing Market Area Assessment (SHMA) using a methodology that meets the requirements of the National Planning Policy Framework (NPPF). It will then need to re-assess housing land supply through a Strategic Housing Land Supply Assessment (SHLAA) and this is likely to involve a ‘call for sites’ over the coming months. Such a ‘call for sites’ provides an opportunity for landowners to put forward sites for consideration as suitable for inclusion within the housing land supply.
- 3.9 The Council’s timetable envisages completion of the review of evidence by January 2013, with any changes to the Core Strategy being agreed for consultation in February March and consulted upon in April 2013. The Inspector has indicated that the EIP hearings may begin again in July 2013 at the earliest.

B&NES Placemaking Plan

- 3.10 This plan (elsewhere commonly called a Site Allocations Plan) will sit below the Core Strategy to provide more detail on planning proposals for particular settlements, including the allocation of specific sites for development. The Council’s programme indicates that issues and options were due to be published in March/April 2012 with the proposed submission (to the Secretary of State) document being published in November/December 2012. However, we are not aware of any documents being published to date and the Council now proposes to progress this document in parallel with the further work required on the Core Strategy.

National Planning Policy Framework (NPPF)

- 3.11 The NPPF (para. 14) sets out a presumption in favour of sustainable development and provides that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless adverse impacts would outweigh the benefits when assessed against the NPPF as a whole or specific policies in the NPPF indicate development should be restricted.
- 3.12 For Local Plans¹ adopted under legislation that precedes the 2004 Planning and Compulsory Purchase Act, as is the case with the Bath and North East Somerset Local Plan, national policy provides that weight should be accorded to relevant policies according to their degree of consistency with the NPPF (para. 215).
- 3.13 With regard to housing, the NPPF states that applications should be considered in the context of the presumption of sustainable development and that relevant (local) policies should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.
- 3.14 With regard to Green Belt land the NPPF provides (para. 80) that there are five purposes for Green Belts. These are to:
1. Check unrestricted sprawl of large built-up areas.
 2. Prevent neighbouring towns merging into one another.
 3. Assist in safeguarding the countryside from encroachment.
 4. Preserve the setting and special character of historic towns.
 5. Assist in urban regeneration by encouraging the recycling of derelict and other urban land.
- 3.15 The NPPF goes on to say (para 83) that once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time authorities are advised to consider Green Belt boundaries having regard to their intended permanence so that they should be capable of enduring beyond the plan period. When drawing up or reviewing Green Belt boundaries authorities are advised to take account of the need to promote sustainable patterns of development (para 84) and to ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development, not include land which it is unnecessary to keep permanently open and to define boundaries clearly using physical features that are readily recognisable and likely to be permanent.
- 3.16 In respect of Areas of Outstanding Natural Beauty (AONBs) the NPPF (para 115) provides that great weight should be given to conserving landscape and scenic beauty and that conservation of wildlife and cultural heritage are important considerations. It also states (para 116) that planning permission should be refused for major development in AONBs except in exceptional circumstances where it can be demonstrated to be in the public interest, taking account of need, the cost and scope of alternatives , any detrimental impacts and the extent to which they can be moderated.

¹ It should be noted the NPPF uses the term Local Plan as a generic description for plans at the local level and that these may be known by a number of names including Core Strategy, other documents related to a Core Strategy such as Site Allocation Plans or simply as the Local Plan.

3.17 The NPPF requires the impact of proposals on heritage assets (including Conservation Areas and World Heritage Sites) to be taken into account in determining planning applications. It also provides for the consideration of public benefit that can be delivered by development proposals and advises local planning authorities to look for new opportunities for development in Conservation Areas to enhance or better reveal their significance.

4. Development Strategy Options

4.1 On the face of things, the site does not appear to offer development potential. The Green Belt designation of the site is of fundamental significance and establishes a strong presumption against development. In addition, the World Heritage Site, AONB and Conservation Area designations all add to the sensitivity of the site in terms of potential development.

4.2 However, the provisions of the NPPF in respect of the limited weight to be accorded to out of date Local Plan policies, review of Green Belt Boundaries and a presumption in favour of sustainable development are, together with the Inspector's conclusions in respect of the B&NES Core Strategy, also of great significance.

4.3 At the local level, there is something of a policy vacuum, particularly in relation to housing supply. The Local Plan is out of date, although it remains an adopted development plan document. The weight to be accorded to relevant policies in these circumstances needs to be considered in relation to their degree on consistency with the NPPF.

4.4 In considering development potential, the location and nature of the site, and designations on it, are key issues. The main considerations in this respect are that the site is:

- Within the Green Belt, AONB, World Heritage Site and Conservation Area.
- Irregular in shape.
- Isolated from suitable highway access.
- In part separated from the built up area by open land.
- Subject to other physical constraints including, views, trees, a public right of way and potentially ecology.

4.5 It must therefore be acknowledged that there are very significant planning issues to be addressed and there is no straightforward development option with a clear probability of securing a planning permission. There are however material planning considerations that provide the potential for exploring a case for development.

4.6 A fundamental requirement of any proposal would be the need to make a case that development would not result in the loss of land that performs an important Green Belt function and would establish a logical and defensible Green Belt Boundary. It would also be necessary to demonstrate that development will not harm the natural beauty of the AONB and would preserve or enhance the character or appearance of the Conservation Area.

Green Belt Function of the Site

- 4.7 The site context is shown in the context plans above and it can be seen that in this location the Green Belt represents a ‘green incursion’ into the built up area. In relation to its purposes, as set out in the NPPF, it can therefore be seen that here the Green Belt’s role is not primarily one of checking unrestricted sprawl and it is not acting to prevent neighbouring towns from merging. It does play a role in safeguarding the countryside from encroachment, albeit countryside that penetrates into the body of the built-up area. However, the main role of the Green Belt in this location is one of preserving the setting and special character of Bath through the separation of development on the Combe Down plateau from that of Lyncombe Vale to the north. It also plays a role, as part of the overall Green Belt designation around Bath, in encouraging the recycling of derelict and other urban land by restricting opportunities for greenfield development.
- 4.8 Any development proposal would therefore need to demonstrate that it would not result in a loss of separation between the built up areas of the Combe Down plateau and Lyncombe Vale, otherwise harm the character and setting of the World Heritage Site, Conservation Area and AONB, or prejudice the objective of recycling brownfield land.

Scenarios

- 4.10 Given that the Green Belt in this location represents a ‘green incursion’ into the urban area, a nominal line to ‘round-off’ the built up area is shown in the Local Context Plan above. It can be seen that this largely excludes the site and suggests a development potential on land to the south. This raises two important considerations.
- 4.11 Scenario 1: The first of these is the potential for a combined development scheme bringing together the site and the land to the south, shown respectively as parcels A/B and parcel 1 in Local Context Plan above. The land to the south (parcel 1) was the subject of consideration as a residential site through the B&NES SHLAA process but was rejected because it currently functions as open space and a play area. Also, while it is outside the Green Belt, AONB and Conservation Area, the proximity of these designated areas are referred to in the SLHAA, along with identification of a need to undertake a tree and landscape assessment.
- 4.12 Under this scenario, a residential scheme could entail some development on this land to the south (Parcel 1), potentially with some also on part of the Parcel B element of the site, and the remainder of the site (A and B) becoming public open space to offset the loss through development of the land to the south.
- 4.13 Scenario 2: The second consideration relates to the nominal line shown in the Local Context plan above and ‘rounding-off’ the built-up area. While this appears logical and neat from an aerial perspective, a ground level assessment from the site itself suggests that some development could be conceived on Parcel B, but most probably not on Parcel A, in a manner that reflects the character of hillside development in Bath. Whilst there are views across the city, into and out of the site, the boundary is substantially screened by a belt of trees and a development proposal could be designed to reflect the existing characteristic of views, both across the city and of buildings glimpsed through trees. To achieve this would however, require incorporation of third party land from adjacent Parcels 1 and/or 2 to achieve an acceptable access.
- 4.14 Scenario 3: Another factor to consider is the potential relationship between the site and other development in the area. The most significant of these is the Ministry of Defence (MoD) Foxhill site. This is surplus to requirements and is currently being marketed, with a deadline of March 2013 for completion of a sale for development. A ‘Concept Statement’ prepared for this land by the Council identifies potential for around 700 new homes and sets out a requirement for significant infrastructure to support

this level of development, including both formal and informal green space. There may therefore be an option for coming to an arrangement with the buyer of this land to provide off-site green space on the site (parcels A and B) in order to maximise development potential of the MoD land. In this way the site would retain its Green Belt function whilst realising a level of development value by linking it to land where the principle of development is not in question.

- 4.15 Of these scenarios, the third presents the lowest level of planning risk. However, there can be no guarantee of a deal with a future owner of the MoD land or with developers of other sites within the vicinity. It therefore makes sense at this stage to proceed in a manner that keeps options open.

5. Next Steps

- 5.1 In respect of the MoD land the main requirement is to monitor the land disposal process and to then establish contact with the new landowner. The process of marketing the land, inviting bids and agreeing a buyer is due to complete in March 2013 but the opportunity to engage with a preferred bidder might arise in advance of this..
- 5.2 For development of the site itself, both Scenarios 1 and 2 require discussion with adjoining third party landowners.
- 5.3 In broad terms development of the site could be pursued via two routes:
1. Promotion of the site through the Core Strategy process involving review of housing requirements and supply in response to the issues raised by the Core Strategy Inspector, any associated review of the Green Belt boundary and through the Council's planned Placemaking Plan process, if this progresses in a timely manner.
 2. Submission of a planning application for residential development.
- 5.4 The NPPF states that the planning system is plan-led and provides that review of Green Belt boundaries should be undertaken through the preparation or review of Local Plans. Option 1 above would in these terms be the correct course. However, there is a significant risk that the Core Strategy process, already adjourned twice during the EIP, could become further delayed. This, together with the current absence of an up to date planning policy framework at local level, could provide a basis for submitting a planning application. There is also the option to pursue promotion of the site through the Core Strategy, in parallel with preparation of a planning application.
- 5.5 However, whichever course of action is taken, it will be necessary to undertake some initial baseline work in respect of a number of topics, including ecology, landscape/trees/views, highways and housing land supply.
- 5.6 Taking these points into consideration and in order to explore the development potential of the site whilst managing risk, it is therefore suggested that the next steps should entail:
- Monitor the B&NES Core Strategy and Place-making Plan process.
 - Monitor the MoD land disposal process.

- Establish dialogue with adjoining third party owners in respect of land Parcels 1 and 2 to explore the potential for a joint development approach or sale of the land.
- Prepare the scope for initial baseline studies in respect of access and highways, trees and ecology etc

5.7 Then, on the basis of this work and by agreement:

- Make representations, as appropriate, to promote the site through the B&NES Core Strategy and Place-making Plan process.
- Seek quotes for and commission necessary elements of the baseline studies.
- Establish dialogue with the new owners of the MoD land.
- Undertake preliminary sketch work to test the development potential of the site.

6. Conclusions

- 6.1 The site is a very sensitive one in planning terms and is the subject of significant constraints. However, there are a number of factors, as outlined in this report, which could provide the basis for realising a development value, either through development on the site or its use to off-set green space obligations on development of land elsewhere in the vicinity.
- 6.2 In these circumstances it is suggested that, if the potential is to be pursued, a staged approach is taken in order to further assess the prospects for development/use of the land through the plan-making process and potentially through a planning application at an appropriate stage, with regular review of risks and prospects as this work proceeds.

BATH AND NORTH EAST SOMERSET LOCAL PLAN

GREEN BELT POLICY

POLICY GB.1

Within the Green Belt, as shown on the Proposals Map, permission will not be given, except in very special circumstances, for development other than:

i) The construction of new buildings for the following purposes:

- a) agriculture or forestry;
- b) essential facilities for outdoor sport and recreation, for cemeteries and for other uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) limited extensions, alterations or replacement of an existing dwelling provided it is in accordance with Policies HG.14 and HG.15;

d) infilling in accordance with Policy HG.6 in the villages defined by Policy SC.1 as R3 villages;

e) affordable housing to meet local needs in accordance with Policy HG.9;

f) limited infilling or redevelopment of the major existing developed sites identified in Policy GB.3;

ii) the re-use of existing buildings in accordance with Policy ET.9;

iii) other development and material changes of use of land which maintain the openness of the Green Belt and do not conflict with the purposes of including land in it;

iv) Park and Ride development in accordance with Policy

**Consultation on the B&NES Local Plan
Options Document (November 2018)**

**COMMENTS
FORM**

**You are strongly encouraged to make your comments on-line via the
Local Plan consultation portal www.bathnes.gov.uk/localplan2016-2036**

However, if you are using this form, please complete the form by filling in Part 1 with your contact details and use Part 2 for your response to the questions in the Options document.

Please complete a separate form for each **proposed policy approach/option** you are commenting on using the **unique reference numbers** as set out in Chapters 3 - 8.

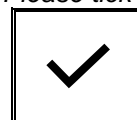
Please send your completed form(s) using email to local_plan2@bathnes.gov.uk.
Alternatively you can post the form to Planning Policy, Bath & North East Somerset Council, Lewis House, Manvers Street, Bath BA1 1JG.

Your comments must be received by 7 January 2019

Your comments will be used to inform the next stage of the Local Plan preparation.

Part 1: Contact details			
Email is the Council's preferred method of communication and enables us to contact you quickly and efficiently. Please also provide a postcode with details of your address.			
Personal Details		Agent Details (if applicable)	
Title		Title	Mr
First Name		First Name	Daniel
Surname		Surname	Millward
Job Title <i>(only if applicable)</i>		Job Title	Senior Strategic Planner
Organisation <i>(only if applicable)</i>	Edward Ware Homes Ltd	Organisation	Pegasus Group
Email		Email	daniel.millward@pegasusgroup.co.uk
Address		Address	Pegasus Group, First Floor, Equinox North,
			Great Park Road, Almondsbury,
			Bristol
Postcode		Postcode	BS32 4QL
Date		Date	07.01.2019

Please tick



I would like to be on the Planning Policy Mailing List and receive updates about future consultations on Planning Policy documents including the Local Plan. I am aware that I can unsubscribe at any time.

Please note that names and comments will be published

For official use only:

Received:

Acknowledged:

Respondent No.:

Agent No.:

Rep.:

Part 2:

Which proposed policy approach/option in the Options document (November 2018) are you commenting on?

Please use the unique reference number by each policy approach/option.

Please make your comments as succinct as possible.

Please see accompanying representations which relate to:

- 3. Spatial Strategy; and
- 7. Somer Valley.

Please expand this box or attach a separate sheet if you require more space.

See our website for more information and to make your comments on-line: www.bathnes.gov.uk/localplan

Please note that names and comments will be published

Representations to the Bath and North East Somerset Issues and Options Consultation

Land at Northmead Road, Thicketmead and
Boxbury Hill, Midsomer Norton;
Abbots Farm Close, Paulton;
Wells Road, High Littleton; and
Cappards Road, Bishop Sutton

On behalf of **Stratland (Hicks Gate) Ltd**

Prepared by: Alex Bullock/Daniel Millward

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APPENDIX 2:	REPRESENTATIONS TO THE BANES ISSUES AND OPTIONS PLAN (JANUARY 2018)

1. INTRODUCTION

- 1.1 Pegasus Group are instructed by Edward Ware Homes to submit representations to the Bath and North East Somerset (BANES) Local Plan Issues and Options Consultation Document (IOP). The document was published for consultation in November 2018 with representations due to be submitted by the 7th January 2019.
- 1.2 Edward Ware Homes have land interests across BANES at the following locations:
- Northmead Road, Thicketmead and Boxbury Hill, Midsomer Norton;
 - Abbots Farm Close, Paulton;
 - Wells Road, High Littleton;
 - Cappards Road, Bishop Sutton.
- 1.3 Site location/illustrative concept plans for each of these areas are appended to these representations.

APPENDIX 1: SITE LOCATION/ILLUSTRATIVE CONCEPT PLANS

- 1.4 These representations will first respond directly to the key issues raised within the consultation document, and then set out how an allocation of the proposed sites would help the Council to deliver non-strategic development in sustainable and logical locations in line with the spatial strategy options identified within IOP.

2. RESPONSE TO THE ISSUES AND OPTIONS PLAN

2.1 Below we set out our response to the relevant sections of the Issues and Options Plan (IOP). The structure largely follows that of the IOP, taking relevant chapters in turn using the same headings as per the IOP. Specifically, these representations relate to the following chapters:

- *3. Spatial Strategy (Including the Rural Areas); and*
- *7. Somer Valley.*

3. Spatial Strategy (Including the Rural Areas)

2.2 The Spatial Strategy chapter of the IOP sets out the implications of the JSP for the residual housing need within BANES. The JSP, once adopted, will establish the housing and economic growth that needs to be planned for up to 2036 and a spatial strategy for where the strategic components should be accommodated across the West of England (WoE).

2.3 At '3.2 Housing' the Council set out the implications of the JSP for the Council's housing targets. In short, the new BANES Local Plan will be required to find sites to deliver a minimum of 700 dwellings on non-strategic sites across the district. Non-strategic sites in this context are defined as being capable of delivering between 10 and 500 dwellings.

2.4 The Council sets out three strategies to meet this residual demand. Before addressing these we wish to make the following comments on the JSP housing targets more generally.

The JSP Housing Target is too Low

2.5 As stated above, the current IOP is predicated on the submission version of the JSP which identifies a need for 102,200 new homes across the Plan area and the expectation that BANES will deliver some 14,500 homes to help meet this target. The majority of this requirement will be met through existing commitments and development at two key strategic development locations (SDLs) at Whitchurch and Keynsham. However, The JSP does set out a requirement for 700 dwellings to be delivered on non-strategic sites. As stated previously, non-strategic sites are those capable of delivering between 10 and 500 dwellings.

2.6 As we and many others (including the Home Builders Federation) have suggested, this overall requirement for the JSP area and that attributed to BANES is too low. This underestimation can be attributed to three interrelated issues:

- Addressing housing affordability;
- Low economic growth assumptions; and
- Lack of adjustment to meet significant affordable housing needs.

2.7 Although the JSP is being examined against the requirements of the National Planning Policy Framework (NPPF, 2012), the new standardised methodology for the calculation of the minimum local housing need based on household projections and housing affordability makes for an interesting comparison. It is of note that the standard method achieves only a minimum housing need figure and further uplifts may be considered necessary.

2.8 The standard method results in the following *minimum housing requirements* for each of the four authorities:

Authority	1 Year Requirement (dwellings)	20 Year Requirement (dwellings)
Bath & North East Somerset	657	13,138
Bristol	2,440	48,802
North Somerset	1,338	26,760
South Gloucestershire	1,402	28,030
West of England Total	5,836	116,730

Table 1 – West of England Summary Standard Method Requirements

2.9 As a result, we consider that the JSP’s figures are too low. Indeed, when one takes into account other factors that would increase this figure (e.g. affordable housing need) one would expect the target to be closer to the 125,000 dwellings.

2.10 This shortfall of some 20,000 dwellings will need to be met by all four WoE Authorities and, as such, we would expect BANES’ apportionment to increase accordingly. We would, therefore, expect the non-strategic growth figure of 700 dwellings to increase substantially once the Inspectors have examined the JSP in mid-2019.

There is an over-reliance on Strategic Development Locations to deliver the bulk of the housing requirement

- 2.11 Equally, we are also concerned by the significant reliance upon several of the Strategic Development Locations (SDLs) across all authorities.
- 2.12 The Transport Topic Paper 8 (WED007) indicates that the total cost to deliver the transport works for the SDLs is estimated to be between £1-1.4 billion and notes that this would be *"an ambitious programme and would represent a step-change in the level of investment from that achieved in the last two decades"*.
- 2.13 As the Topic paper makes clear, *"in most cases, it is anticipated that the transport schemes will be completed either in advance of, or during, the early phases of housing build-outs in the relevant SDLs"*. Such a conclusion is not surprising given the standard of existing infrastructure and its ability to accommodate major strategic growth.
- 2.14 Whilst, we do not object to the WoE Councils pursuing ambitious programmes of work, we remain sceptical that all works will receive funding and it is understood none benefit from committed funding at present.
- 2.15 **Even if** all the proposed projects receive funding, the associated timescales are likely to be significantly longer than anticipated. Therefore, their implementation and build out rates are likely to be significantly longer than currently envisaged. This in turn would result in the delivery of residential units over a much longer timetable than currently anticipated. In BANES, the Council are expecting to deliver 1,600 of the 2,000 proposed dwellings at Whitchurch, and 1,400 of the 1,500 dwellings at North Keynsham by 2036. Any slips to these delivery trajectories will have severe implications for the Council's ability to deliver the requisite quantum of housing over the plan period.
- 2.16 It is our position, therefore, that the total requirement flowing out of the JSP will increase, as will BANES' contribution. As such, we consider that the Council should reduce its dependency on strategic development locations within this plan period. This will mean identifying locations to deliver non-strategic growth far in excess of the numbers currently identified to ensure flexibility going forward. Sites located within the Green Belt may be required to play an important role in meeting this

residual housing need, especially those which currently make a limited contribution to its key purposes.

The Council's Options for Meeting Strategic Growth (Pages 14-23)

2.17 The Council set out three Options to meet the non-strategic growth requirements of the JSP. These are summarised as follows:

- **Option 1** - Concentrate development (c. 650 dwellings) in a few locations outside the Green Belt (Radstock (250), Midsomer Norton (200) and Timsbury (200)) with only a small quantum of development at the rural villages (c. 50 dwellings)
- **Option 2** – Allow for a more dispersed pattern of development across settlements outside the Green Belt, allowing a larger quantum of the requirement to be met by the rural villages (e.g. Temple Cloud and Clutton) alongside development at Radstock, Midsomer Norton and Timsbury.
- **Option 3** – Allow for development at locations both inside and outside of the Green Belt.

2.18 Each of these will be addressed in turn.

Option 1

2.19 Whilst we consider **Option 1** to be a viable strategy, we do not feel that it is the best one for the Council to pursue at this time. The benefits of the strategy are that it will deliver the bulk of development around the larger settlements of Radstock and Midsomer Norton. This will limit the impact of proposals on infrastructure demands, specifically with regard to primary school capacity demand (as set out at paragraph 3.2.9 of the IOP).

2.20 However, the limited quantum of development that would be allowed to come forward at other rural villages (e.g. Clutton, Temple Cloud, High Littleton etc) means that there are limited opportunities to allow for boosts to their vitality and viability through the delivery of new housing and other services alongside it.

-
- 2.21 By limiting the scope for development at rural villages outside the green belt, there is limited scope to allow them to improve their range of services and facilities for residents. This in turn could result in a degradation of their overall vitality and viability over the plan period with no growth proposed.
- 2.22 Indeed, there is considerable demand for additional services and facilities in these rural locations; however, the delivery of small-scale development at such locations will do little to address these issues. Development on a larger scale at rural locations provides opportunities to deliver additional and/or improved services and facilities whilst also boosting their self-containment.
- 2.23 **Paragraph 78** of the NPPF makes it explicitly clear that planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. It also states that 'where there are groups of smaller settlements, development in one village may support services in a village nearby.
- 2.24 As such, we consider that **Option 1** would not constitute a policy approach that would allow rural villages to grow and thrive, thus running contrary to this paragraph of the NPPF. This is because it would only allow for c. 50 dwellings to come forward across all the rural villages (with the exception of Timsbury).

Option 2

- 2.25 **Option 2** would allow for a greater quantum of development to be met by the rural villages. We are supportive of this approach as a large portion of development will be allowed to come forward at the most sustainable locations (i.e. Radstock and Midsomer Norton) whilst also allowing a quantum of development to come forward at the rural villages (e.g. Clutton and Temple Cloud) that can deliver tangible benefits through the provision of additional services and facilities.
- 2.26 In short, this will ensure that there are sufficient opportunities for the rural villages to maintain and enhance their vitality through the delivery of additional services and facilities alongside residential development.
- 2.27 The principal issue with **Option 2** relates to impact development will have on primary school capacity at the rural villages. The current Core Strategy approach has allowed development to come forward at rural villages under Policy RA1. As a result, the pressure on existing infrastructure at such villages has increased without

being offset by the delivery of additional services and facilities. As such, many primary schools are at, or close to, capacity at a number of the rural villages, including many of the more sustainable ones. This is illustrated by Diagram 6 of the previous Issues and Options consultation document from November 2017.

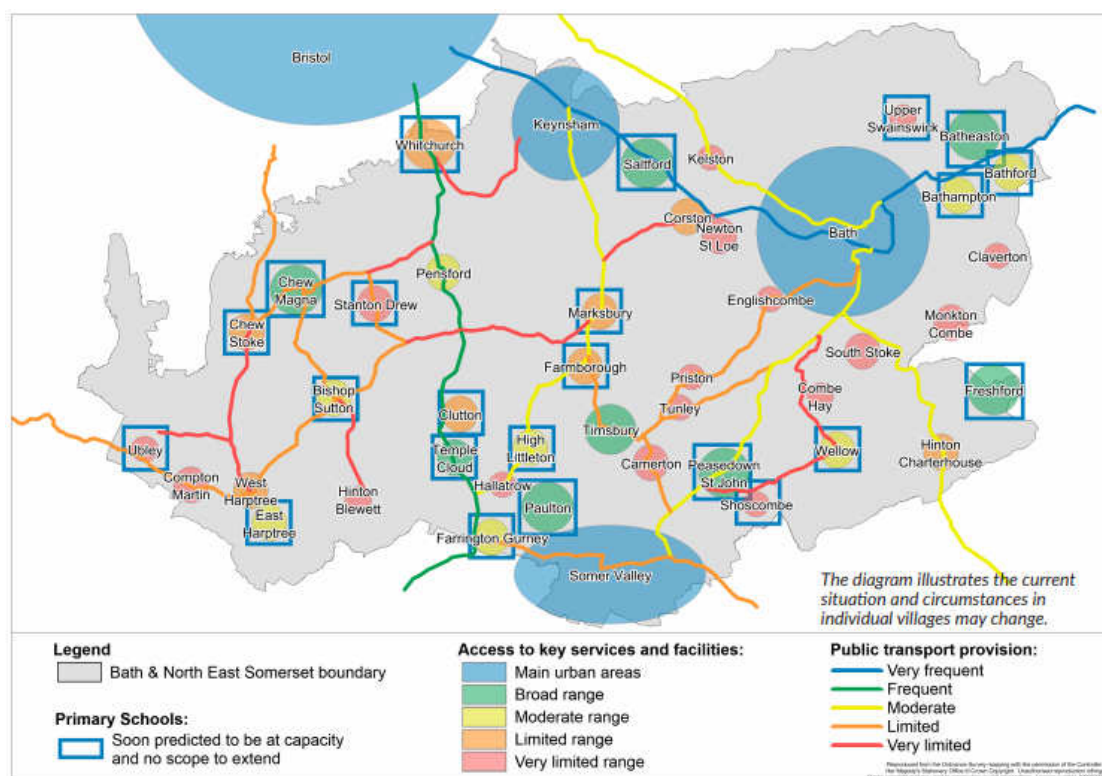


FIGURE 1: DIAGRAM 6 – BANES LOCAL PLAN ISSUES AND OPTION PLAN NOVEMBER 2017

- 2.28 Primary school capacity issues can be addressed at the rural villages, provided a sufficient level of development can come forward to make it viable to do so. This can be achieved through the delivery of new schools, replacement schools and/or capacity boosts at existing schools.
- 2.29 In addition, the Council could adopt a more flexible approach to travel between settlements to access primary school places, where other sustainability benefits are delivered to offset any increase in less sustainable travel patterns. This would also allow a focussed strategy to be adopted whereby development in separate, but closely related rural locations could benefit from the delivery of additional services and facilities.

2.30 In short, **Option 2** strikes a good balance between delivering the majority of development at sustainable locations (e.g. Midsomer Norton and Radstock) whilst also facilitating development that can help ensure the vitality and viability of the rural villages (such as Clutton, High Littleton, Paulton and Bishop Sutton etc).

Option 3

2.31 With regard to **Option 3**, we agree with the Council that this is the less desirable option due to the need to preserve the green belt. However, we consider that in the case of BANES, there may be a requirement to undertake a full green belt review should the non-strategic requirement increase following the JSP hearings; albeit, we consider that there is scope to accommodate the current level of non-strategic growth (i.e. the 700 dwellings target) on sites outside of the green belt.

2.32 Nevertheless, depending on the scale of the anticipated increase to the overall housing target within the JSP, there may be a requirement to identify non-strategic sites within the Green Belt.

7. The Somer Valley

2.33 With regard to housing, the Somer Valley chapter of the IOP largely echoes the strategies set out within chapter 3 of the IOP. These have been discussed above.

2.34 Paragraph 7.9.7 of the IOP sets out the approach to delivering additional housing within the Somer Valley. The strategy to meet this need would entail:

- Maximising the use of brownfield sites not already allocated;
- Intensification of existing urban areas where appropriate e.g. redeveloping surplus garage sites;
- Review and more intense use of existing allocation sites;
- New greenfield sites as a last resort.

2.35 Whilst we acknowledge that urban intensification and regeneration are the most sustainable options to delivering new development, their potential to deliver housing can often be overestimated. The deliverability of sites is a key factor that should be weighed into the assessment of potential sites for development and,

therefore, greenfield sites should be considered as part of the identification of a robust set of allocations.

3. PROMOTED SITES

3.1 As stated in the introduction, Edward Ware Homes is promoting land at the following sites within the district:

- Northmead Road, Thicketmead and Boxbury Hill, Midsomer Norton;
- Abbots Farm Close, Paulton;
- Wells Road, High Littleton;
- Cappards Road, Bishop Sutton.

3.2 These sites were promoted during the consultation on the previous Issues and Options Plan between November 2017 and January 2018. The content of those representations is not repeated below but remains very much relevant to this consultation. As such, we have attached copy of those representations at appendix 2.

APPENDIX 2: REPRESENTATIONS TO THE BANES ISSUES AND OPTIONS PLAN (JANUARY 2018)

3.3 A summary of the representations for each site is provided below, alongside some additional commentary following recent changes in the current policy context.

Northmead Road, Thicketmead and Boxbury Hill, Midsomer Norton

3.4 All three of these sites have relatively recent planning history resulting in the refusal of planning permission, and in the case of Boxbury Hill, at appeal. The planning history for each site essentially confirms that each site is fundamentally sustainable in terms of its relationship to services, facilities, employment and transport connections within Midsomer Norton, with each application falling down due to the planning policy context or other minor issues that can be addressed through revisions to the proposals.

3.5 It is considered that the identification of Midsomer Norton and Radstock as being key to delivering part of the non-strategic housing requirement, coupled with revisions to the application layouts enable the reasons for refusal to be overcome, thus justifying the sites being allocated for development in the new Local Plan.

3.6 Our previous representations made the case in a district-wide sense for additional development sites to be allocated in the Somer Valley to meet housing requirements to 2036. We therefore welcome the options presented in Section 3 of the IOP which acknowledge that the Somer Valley and surrounding rural settlements will essentially be responsible for delivering the non-strategic growth requirements as dictated by the JSP.

3.7 Given the sustainability credentials of each site and the need for Midsomer Norton to deliver additional housing to meet the non-strategic growth requirements of the JSP, we consider that all three sites should be allocated in the emerging local plan for the indicative quantities set out in our previous representations.

Abbots Farm Close, Paulton

3.8 This site was subject to a refused planning permission for 47 dwellings due to a lack of primary school capacity within Paulton. Section 2 of these representations consider more generally how the Council can adopt a focussed approach to the rural villages and a more flexible approach to the issue of primary school capacity and accessibility. The reason for this is to ensure that development can come forward at otherwise sustainable villages even though their primary school(s) is/are at capacity.

3.9 The absence of education capacity should not place a moratorium on the delivery of housing at otherwise sustainable locations. Paulton is a service village with a wide range of services and facilities; however, its primary schools are at/soon to be at capacity with no scope to expand. When identifying locations for non-strategic growth, the relative sustainability merits of sites should be considered in the round and not solely based on the primary school capacity of the settlement. Given its range of services and facilities, Paulton can be the focus for some development within the new Local Plan.

3.10 Furthermore, even in locations where new/replacement primary schools can be delivered, it is almost certain that pupils from neighbouring villages will be needed to ensure any investment is maximised. There is, therefore, a clear justification for relaxing the strategy to allow development at sustainable locations even if this means some pupils have to travel to other settlements to go to new and existing primary schools.

-
- 3.11 In the case of Paulton, this could mean identifying a modest amount of growth at Abbots Farm Close and allowing any additional primary school place demand to be absorbed by the surrounding villages (e.g. Hallatrow and/or a new primary school at Clutton and/or High Littleton).
- 3.12 It is therefore considered that the site should be allocated for development in the new Local Plan. The allocation policy should budget for around 45 dwellings as no revisions are needed to the refused application, and include placemaking principles to secure the appropriate design response. Budgeting for 45 dwellings should not mean that this figure is a cap, if at planning application stage it can be demonstrated that a higher figure would not prejudice adherence to the placemaking principles.

Wells Road, High Littleton

- 3.13 As with Edward Ware's land interest in Paulton, the principal constraint for the site is the lack of primary school capacity within the village and there being no realistic prospect of expanding the existing school.
- 3.14 However, the size of Edward Ware's land interest at High Littleton means that it is feasible to deliver a new 1FE primary school on the site alongside a modest level of residential development (c. 50 dwellings). This 1FE school would be retained alongside the existing primary school. There is also scope for a 2FE school to be delivered in the village which would replace the existing primary school.
- 3.15 Indeed, it is understood that the current school is failing to meet the needs of High Littleton with children having to attend primary schools outside of the village. There is, therefore, a clear local need and imperative to look to address this issue. The delivery of a new primary school, facilitated by a modest amount of residential development as proposed at Edward Ware's site presents an excellent opportunity to resolve this issue.
- 3.16 Furthermore, we are of the view that additional primary school capacity at High Littleton, in conjunction with a more flexible approach to travel between villages to attend primary schools, could unlock development potential in other villages where land for housing, but not necessarily education can be identified. For example, it could be the case that children from High Littleton currently attending Cameley

(Temple Cloud) could go to school in the village, thereby enabling children from developments in Clutton, Hallatrow or Paulton to attend Cameley.

- 3.17 It is therefore considered that the site should be allocated for development in the new Local Plan. The allocation policy should budget for up to 50 dwellings, and up to around 1.8ha of land for a 1/2 form entry primary school. Budgeting for 50 dwellings should not mean that this figure is a cap, if at planning application stage it can be demonstrated that a higher figure would not prejudice adherence to the placemaking principles.

Cappards Road, Bishop Sutton

- 3.18 The Council should also be familiar with the proposed site for up to 32 dwellings at Cappards Road, Bishop Sutton, due to the Secretary of State (SoS) decision in September 2016. A site location plan is appended for reference. The only reason the application was refused by the SoS was in defence of a recently adopted Neighbourhood Plan under the guise of development unacceptably prejudicing the implementation of the Core Strategy in respect of the balance between homes and jobs in the south of the District.
- 3.19 However, the policy context has now changed and all three spatial strategy options within the IOP would seek to accommodate some level of development at rural villages, albeit to differing degrees.
- 3.20 Given the identification of Clutton and Temple Cloud specifically as potential options for development under Option 2, it is considered that there remains scope for development at other nearby villages (e.g. Bishop Sutton and High Littleton) as part of a focussed approach to deliver housing and other services and facilities to meet the needs of each community.
- 3.21 Should Bishop Sutton be identified for growth under the Local Plan (as we believe it should be), the residual land at Cappards Road is the clear front runner for allocation. The planning history of the site demonstrates that there are no environmental reasons affecting the sites suitability. Further, the SoS decision noted that "the village has capacity in terms of facilities and services" (para 23). In this context, if growth was to be directed to Bishop Sutton, the adopted Neighbourhood Plan would have to give way to higher order, more recently adopted planning policy.

- 3.22 Given the above, it is therefore considered that the site should be allocated for development in the new Local Plan. The allocation policy should budget for up to 32 dwellings. Budgeting for 32 dwellings should not mean that this figure is a cap, if at planning application stage it can be demonstrated that a higher figure would not prejudice adherence to the placemaking principles.

4. CONCLUSION

- 4.1 These representations have been prepared on behalf of Edward Ware Homes in response to the Bath and North East Somerset (BANES) Local Plan Issues and Options Consultation Document (IOP).
- 4.2 Edward Ware Homes have land interests across BANES at the following locations:
- Northmead Road, Thicketmead and Boxbury Hill, Midsomer Norton;
 - Abbots Farm Close, Paulton;
 - Wells Road, High Littleton;
 - Cappards Road, Bishop Sutton.
- 4.3 These representations have set out their response to the relevant parts of the Plan, specifically in relation to the JSP Housing Requirement (Section 3 of the IOP), the proposed Spatial Strategy Options (Section 3 of the IOP) and the strategy for the Somer Valley (Section 7 of the IOP).
- 4.4 In short, we believe that the Council are likely to have to plan for a greater level of non-strategic housing growth due to flaws with the calculation of the JSP's housing requirement. We expect the Inspectors to conclude that a higher housing figure should be adopted, following the examination of the plan in May 2019. As such, we expect the 700-dwelling figure for non-strategic sites to increase significantly in light of this.
- 4.5 In terms of the spatial strategy options, we believe that Option 2, which would allow for a greater level of growth at the rural villages, would be the most appropriate way in which to meet this non-strategic requirement. This is because it strikes a sound balance between development at the most sustainable locations (Radstock and Midsomer Norton) and allowing development at rural villages to maintain their vitality and viability.
- 4.6 Option 1, which would only allow for the development of 50 dwellings across all the rural villages (with the exception of Timsbury), would not allow for a sufficient level of development to come forward to achieve this goal.

-
- 4.7 Meanwhile, we consider that Option 3 would only be viable in the event that a higher quantum of non-strategic growth was required following the examination of the JSP.
- 4.8 The sites promoted in these representations would be able to come forward under Spatial Strategy Option 2 and are deliverable, available and sustainably located. We therefore consider that they should be allocated for development in the new Local Plan.

APPENDIX 1

SITE LOCATION/ILLUSTRATIVE CONCEPT PLANS

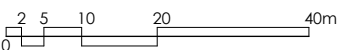


REV
Amendments

Date



NORTH



Job No/Drawing No	Job Title
13000/3200 C	Land Off Abbotts Close, Paulton

Scale	Date	Drawn	Drawing Title
1:1000	05	MNR	Framework Plan
@A4	2013	DA	

All Dimensions to be checked on site

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PROJECT
Boxbury Hill
 Midsomer Norton
 For: Edward Ware Homes

DRAWING
Schematic Layout

SCALE	DATE	AUTHOR	CHK'D
1:1000 @ A2	04/01/18	TW	-
JOB NO.	DRAWING NO.	REV	
EDWA180103	SCL.01	-	

RESIDUAL LAND AT CAPPARDS ROAD, BISHOP SUTTON



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0 1m 2m 3m 4m 5m Sheet Size
A3

Rev	Date	Int



PROJECT:
RESIDUAL LAND AT CAPPARDS
ROAD, BISHOP SUTTON (PHASE 3)

DRG TITLE:
SITE LOCATION PLAN

JOB NO:	DRG NO:	REV:
1159	102	-

SCALE: DRN BY:

1:1250 HJT

DATE: CKD BY:
11/13 TE

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SITE LOCATION LAYOUT



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REV	DESCRIPTION	DATE	AUTHOR	CHK'D
A	Layout revised to accommodate existing sewer	02/01/18	TW	-

23 Units
 30% Affordable
 Gross site area: 1.24Ha
 DPH: 20



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PROJECT
 Northmead Road
 Norton Radstock
 For: Edward Ware Homes

DRAWING
 Schematic Layout

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1:500 @ A2	13/12/17	TW	-


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REV	DESCRIPTION	DATE	AUTHOR	CHK'D

30 Units
 30% Affordable
 Gross site area: 3.06Ha
 DPH: 24





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PROJECT
 Thicket Mead, Radstock

For: Edward Ware Homes

DRAWING
 Schematic Layout

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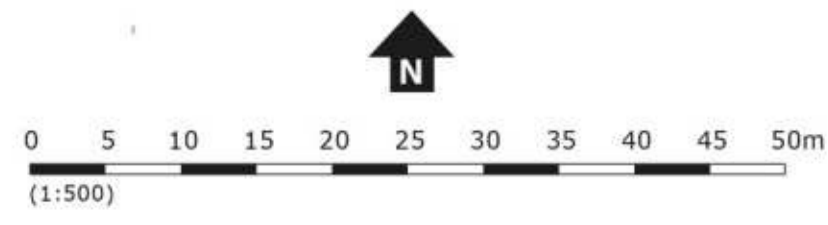
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- 1 / 2 Form entry school
- Existing PRoW diversion
- Structural / transitional tree planting





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PROJECT
 Wells Road, High Littleton

For: Edward Ware Homes

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SCALE	DATE	AUTHOR	CHK'D
1:500 @ A1	04/01/18	TW	-
JOB NO.	DRAWING NO.	REV	
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APPENDIX 2

REPRESENTATIONS TO THE BANES ISSUES AND OPTIONS PLAN (JANUARY 2018)

BATH AND NORTH EAST SOMERSET LOCAL PLAN 2016-2036:

ISSUES AND OPTIONS CONSULTATION

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1. INTRODUCTION

- 1.1 These representations are made on behalf of Edward Ware Homes, who have several 'non-strategic' land interests in Bath and North East Somerset.
- 1.2 The BANES Local Plan 2016-36 Issues and Options Document has been published for consultation alongside the Publication Joint Spatial Plan for the West of England 2016-2036 (JSP). Due to the division of labour between the JSP and the BANES Local Plan, the issues and options consultation begins to set out concepts for the precise planning of the strategic development locations that the JSP identifies within BANES (North Keynsham and Whitchurch). It also represents the beginning of the process to determine apportionment of 700 dwellings on non-strategic sites, allocated to BANES.
- 1.3 The examination of the JSP will determine whether the overall housing requirement, and for BANES specifically, remains as proposed. Brownfield supply will be tested, as will the deliverability of the package of strategic development locations, and the balance between strategic and non-strategic growth. We do not repeat representations we have made here but they lead to the conclusion that for a number of reasons a greater degree of non-strategic growth may well be an outcome of the examination of the JSP.
- 1.4 It is understood that after this initial Issues and Options consultation (phase 1a) there will be a further element of Issues and Options consultation (phase 1b) in Spring 2018. This will cover other place-based issues and Development Management policies. Following consideration of comments on both these consultation phases, as well as further assessment work, the Council will publish its Preferred Options for consultation in Summer 2018. This will encompass greater detail on the strategic development locations, as well as smaller site allocations. The Local Plan timetable foresees a Regulation 19 consultation in Autumn 2018, with examination in Spring 2019. This timetable seems to be predicted on the JSP, as it affects BANES, being found sound with little modification, which is unlikely, based on the experience of strategic plans around the country.
- 1.5 Focusing on the period to Summer 2018, we request that the evidence base (not least the revised HEELA) is published for consultation prior to the publication on the Draft Plan.

2. SPATIAL STRATEGY OPTIONS

2.1 The 'Spatial Strategy Options' section of the Issues and Options consultation explains that a key role of the new Local Plan will be to establish how the JSP's emerging 'non-strategic growth' requirement for BANES of around 700 new homes will be delivered. Paragraph 3.06 suggests that the Council proposes site specific allocations to achieve this, as opposed to criteria based policies based on broad locations. Edward Ware Homes supports this more pro-active and certain approach.

2.2 It is the case that after two rounds of Plan-making (the Core Strategy, adopted June 2014, and the Placemaking Plan, adopted July 2017) that the Council failed to identify sufficient housing land to deliver the housing requirement 13,000 homes by 2029. Consequently, Edward Ware Homes encourages the Council to plan in full to 2036 within the new phase of plan-making.

2.3 The Issues and Options consultation demonstrates that the Council is clear that it must maximise sustainable development opportunities outside the Green Belt before seeking to justify exceptional circumstances for the removal of land from the Green Belt. This is uncontroversial. The authority on this is set down, not only in the NPPF but in *Calverton PC v Nottingham City Council High Court & Ors* [2015] EWHC 1078 (Admin) (21 April 2015).

2.4 Mr Justice Jay set out the following five matters for consideration to lead to the planning judgements as to whether there are exceptional circumstances with regard to the release of Green Belt land through the local plan process in a particular case having determined the objectively assessed need (para 51):

- *the acuteness/intensity of the objectively assessed need;*
- *the inherent constraints on supply/availability of land prima facie suitable for sustainable development;*
- *the consequent difficulties in achieving sustainable development without impinging on the Green Belt;*
- *the nature and extent of the harm to the Green Belt (or those parts of it which would be lost if the boundaries were reviewed); and*
- *the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent.*

2.5 Determining what is the maximum level of development that would constitute sustainable development south of the Green Belt in BANES in the present plan-making context is a matter of planning judgement. This should have regard to access to employment opportunities (current and forecast) both in the immediate area and also the connectivity that is available to Bath, Keynsham and Bristol, and indeed Frome, in Mendip. In our assessment, the task at present (700 dwellings on non-strategic sites) strongly suggests that most, if not all, of the need for non-strategic greenfield development could be accommodated in non-Green Belt locations, subject to:

- The availability, suitability and deliverability of sites;
- The level of social infrastructure (notably primary school places) or availability and sustainability of land for accommodating growth.

2.6 It is likely that a very high proportion, if not all, of the non-strategic requirement will be sourced from greenfield sites. The evidence base behind the JSP presents an urban intensification allowance for large sites in Bath, and makes a District-wide allowance for small additional windfall sites¹ post 2029. No urban intensification allowance is presented in the JSP evidence base for large sites elsewhere in BANES, e.g. within the existing urban area of Keynsham or Radstock, and if such sites can be identified these would contribute to the non-strategic requirement of 700 dwellings.

2.7 However, it seems likely that if there was the requisite level of confidence in such supply, it would have been relied upon within the housing trajectory to 2029 during the examination of Placemaking Plan. Whilst occasional brownfield windfall sites (of over 10 dwellings) have been permitted since the adoption of the Placemaking Plan, it is unlikely that circumstances have changed so much so as to reveal new specific sites that can deliver by 2029 or 2036. However, it is acknowledged that circumstances may change during plan preparation during 2018.

2.8 Against this background, Edward Ware Homes notes the three broad options that are presented for the apportionment of 700 dwellings, namely: -

- 1) Continuing the existing hierarchical approach of the Development Plan with development directed to the most sustainable locations outside the Green Belt, where access to employment opportunities, facilities and services, as

¹ 9 dwellings or less

well as to public transport is best. The consultation states that this could include locations within Keynsham, at Midsomer Norton, Radstock and Westfield in the Somer Valley, and at certain larger villages outside the Green Belt with access to key facilities and services (including a primary school with capacity/scope to expand). Beyond that, it is said that other smaller non-Green Belt villages could accommodate a lower proportion of the growth.

- 2) Focussing development at a few key locations, such as on the edge of the towns; or at two or three of the larger villages. These could act as the focal points for future housing development without the need to allocate sites at the smaller less sustainable settlements.
- 3) A more dispersed approach allowing a range of smaller sites across the District at a greater range of settlements, large and small. This could include sites at all settlements outside the main urban areas.

2.9 Given the current scale of the task (700 dwellings), Edward Ware Homes rejects the need to identify sites at the least sustainable rural settlements in BANES.

2.10 Such settlements would receive some development under Option 1 and 3. Therefore the realistic options are a modified Option 1 or Option 2. Clearly, the Council regarded Option 1 as the most appropriate approach during the preparation of the Core Strategy (when the scale of the task was larger). To deviate from Option 1, the Council needs to present reasons explaining why this was no longer a sound approach. The scale of the task can form part of that reasoning, but is very clear from the tone of the issues and options document that the future co-planning of housing development with the availability of primary school places is a key driver of the current plan-making process. Core Strategy growth has pushed primary school capacity to its limit in many villages in the south of the district.

2.11 On this matter, we are concerned that there is no settlement classification policy in the BANES Core Strategy i.e. there is no 'absolute' rural settlement hierarchy based on how settlements currently perform/function. The RA.1 and RA.2 policies are not a direct substitute for this. They define places based on their capacity to receive development (with primary school capacity being a high-profile variable). However, already very sustainable rural villages would be excluded from RA.1 status if the school is full and could not be expanded. Indeed, this would and indeed does deny recognition of a village's current role in the life of the district. We suggest

that the Council combines a 'growth neutral' classification system, with additional polices then governing growth to ensure an objective assessment of the sustainability of locations.

- 2.12 Clearly, Midsomer Norton, Radstock and Westfield represent the core urban area outside the Green Belt and this area can be expected to receive a significant share of the housing requirement. This share might however, be tempered by development effects in respect of Policy NE2A (Landscape setting of settlements). We note that Diagram 6 of the consultation only refers to primary school capacity/expansion options and does not refer to these towns and thus it is assumed that even if they face the same issues as some villages, that primary school places would not be regarded as a barrier to growth i.e. a solution would be found.
- 2.13 It is interesting to note that Option 1 breaks up the concept of a Somer Valley policy area (Core Strategy Policy SV1) and refers only to Midsomer Norton, Radstock and Westfield and not Paulton & Peasedown St John. We question whether this is a signal that the later villages will be separated from a future Somer Valley Area and, if so, whether they would become RA.1 villages or, given their scale, form a new layer in the settlement hierarchy. Again, any deviation for the adopted Core Strategy so soon after its adoption would need to be clearly justified.
- 2.14 The difference between Option 1 and Option 2 is due in large part to a difference in the approach to the role of larger villages. Option 1 seems to enable all larger villages to grow, yet would target one village for primary school investment. This would mean the Council having to relax its RA.1 approach and allow travel between villages to access primary education. This would represent a move away from the current idealised approach of Policy RA.1 but this would not be unsound. By contrast, although Option 2 would also require a new primary school, the host village would be targeted for a greater degree of growth, and surrounding feeder villages to the school would be targeted to a lesser degree. Villages outside the catchment would seemingly receive no growth.
- 2.15 Either way there will need to be some degree of relaxation to Policy RA.1. If a new school is identified in one village, there is a limit to the amount of housing development that the JSP would allow to support it (499 dwellings) and the reality of the BANES Local Plan strategy might result in a lesser figure. Generally, 700 dwellings would be considered to generate 210 pupils (a new 1FE school). We

submit that for that investment to be used efficiently, it will have to receive pupils from at least 201 new homes in other places (other villages or the Somer Valley).

2.16 On this matter NPPF:55 states that:

“where there are groups of smaller settlements, development in one village may support services in a village nearby.”

2.17 This embraces the principle that all needs arising from development in one village need not be met at that village. This is backed up by NPPF:29, which states that:

“The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, (our emphasis), the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.”

2.18 The NPPF offers a greater degree of flexibility for plan-making that the Council have hitherto taken-up.

2.19 Given the scale of the task Edward Ware Homes has no strong view at this stage on a modified Option 1 or an Option 2 approach. However, we believe that the Council should expect a significant uplift (at a least doubling) of the non-strategic growth requirement following the examination of the JSP. Therefore, new rural primary school capacity should be considered in more than one location as part of scenario testing in the preparation of the new Local Plan.

Sustainable Development in the Somer Valley

2.20 In the adopted Core Strategy, the Somer Valley policy area is tasked to deliver 2,400 homes² and 900 jobs between 2011 and 2029. This equates to a rate of 133 homes per year, 50 jobs per year and a ratio of 2.66 new homes per additional job.

2.21 Effectively, with the plan period in BANES being extended by 7 years, a roll forward of that rate/relationship (which has been judged to be sound) would equate to 931 more dwellings if jobs growth prospects were to increase by 350. Given that the JSP already makes a windfall allowance for small sites post 2029, the housing figure

² 1,000 dwellings at Paulton and Peasedown St John (41.6%)

of 931 dwellings effectively comes down to 800 dwellings for 2029/30 – 2036/36 for non-strategic sites of 10 or more dwellings). This is broadly the same as the merging non-strategic requirement of 700.

- 2.22 In justifying the Core Strategy, the Council noted the current imbalance of jobs to homes in the Somer Valley policy area, and its weaker employment growth prospects compared to land in the Green Belt around Bath, Keynsham and Whitchurch. Based thereon, it reasoned that additional housing growth on greenfield sites in the Somer Valley and RA.1 villages should be, to a degree, constrained. Therefore, a significant amount of the Core Strategy's residual housing requirement to 2029 was directed to Green Belt locations. However, additional housing supply was not completely constrained in the Somer Valley and a few hundred additional greenfield dwellings were planned, even though the Council could have determined that existing commitments and likely brownfield development should not have been exceeded.
- 2.23 The Core Strategy could have constrained housing growth in the Somer Valley to 2,000 homes (111 homes per year) and 900 jobs, at a ratio of 2.22:1, but it chose to increase housing supply to reduce the need for land to be removed from Green Belt.
- 2.24 The acceptance of a ratio of at least 2.66 dwellings per additional job in the Somer Valley, when a lower ratio could have been used, is a factor that should weigh in the current strategy making process. This does not lead to a conclusion that no additional jobs would result in no further housing, as the latent need for housing would remain, and the need to avoid removing land from the Green Belt would remain.
- 2.25 There are signs in the issues and options document that Peasedown and Paulton may be separated from a future Somer Valley policy area. Based purely on the Core Strategy housing trajectory Midsomer Norton, Radstock and Westfield are programmed for 1,400 dwellings 2011-2020 (77 per annum). Rolled forward over 7 years this is 539 dwellings, and less a small windfall allowance (assumed at 12 per annum)³ this would equate to 455 dwellings.

³ Roll forward of November 2016 housing trajectory

- 2.26 Thus, identifying Midsomer Norton, Radsotck and Westfield alone for around 450 would be consistent with the rate of delivery set forth in the Core Strategy.
- 2.27 Paulton and Peasdown are a special case because of the one-off redevelopment of the former Polestar printing factory, but as large villages in their own right, and subject to environmental effects and access to primary school places they too should also receive some development (under the focussed approach).

Sustainable Development in the Rural Areas

- 2.28 The adopted Core Strategy sought to direct some of the residual need for housing to rural areas, particularly the larger villages, which were allocated around 50 dwellings between 2011-2029 (2.8 per annum). A simple roll forward of this rate for the period 2029-26 would generate the scope for around 20 more dwellings, based adopted policy. However, in some cases e.g. Bishop Sutton and Temple Cloud this number has already been breached through planning appeals.
- 2.29 The appeals recognised that although the spatial strategy only required each RA.1 village to delivery 50 dwellings, it did not mean that each village was not capable of accommodating a greater level of development in the absence of a 5-year land supply.
- 2.30 In the current plan-making context in our assessment the Council should assess the degree to which there is headroom within each village for additional, proportionate growth to 2036. It should also consider whether some rural settlements might be options for an even greater level of development. In the context of the West of England JSP, a Chatfield 'light' approach might be a suitable option for one or more settlements within BANES.
- 2.31 We set out in the table below the number of dwellings in RA.1 villages in 2011, and what 'around 50 dwellings', or what has actually been permitted on large sites means in terms of growth. There is considerable variety in respect of what 50 dwellings really means for each village. For example, Farrington Gurney would grow by 13.5% whereas High Littleton and Timsbury would grow by just 4.4% and 5.9%, despite them all being within the same layer of the policy hierarchy. This is inconsistent. We do not think that a simple roll forward of the Core Strategy figure of around 50 would be a suitable approach, and it would yield only limits the supply of additional dwellings (even if primary school places were not an issue) in places that can grow to a greater degree.

2.32 For illustrative purposes, we show that if each of the selected village was permitted to grow by at least 20% for the 25-year period 2011-2036 then there is potential for around 550 dwellings.

Effects of 50 dwellings growth and 20% growth on selected non-Green Belt villages

Village	Dwellings 2011	% growth from 50 dwellings or permission on large sites	Total and additional dwellings to those permitted at 20% growth by 2036
Timsbury	1,145	4.4% 50 units enabled by the Core Strategy and allocated in the PMP.	1,374 - total 179 - additional to permissions
High Littleton	852	5.9% 50 units enabled by the Core Strategy but not yet permitted	1,022 -total 170 - additional to permissions
Clutton	637	7.8% 50 dwellings permitted	764– total 77 - additional to permissions
Bishop Sutton	565	13.4% 76 dwellings permitted	678 - total 37 - additional to permissions
Temple Cloud	487	14.3% 70 dwellings permitted	584 – total 27 - additional to permissions
Farrington Gurney	370	13.5% 50 units enabled by the Core Strategy but not yet permitted	444 – total 74 - additional to permissions
Total			564 - additional to permissions

2.33 If the housing requirement for non-strategic growth remains as low as 700 (which it may not), then not all of this ‘in-principle’ potential may be required in this plan period, especially given that there are reasonable site options in the Somer Valley.

There may be also reasons why this level of development cannot be identified at certain villages due to the availability of suitable sites. We also recognise as set out in paragraph 3.14 that the Council may choose to restrict proportionate housing growth in some villages, in favour of a focused/intensified growth in others. Even if Option 2 (the focused approach) is selected, we would caution against an absolute restriction of development in the other large villages. The JSP identifies that BANES perform especially poorly in respect of contingency land supply (just 100 dwellings) compared to 1,500 in South Gloucestershire and North Somerset. There is therefore some justification for enabling a more meaningful plan 'B' supply within the BANES Local Plan, if not the JSP itself.

Conclusions

- 2.34 The current housing trajectory shows that the Core Strategy housing requirement in the Somer Valley is on track to be met well before 2029. Indeed, with any additional housing allocations, this area would develop only via the development of small windfall sites for the 10 years from 2026-2036. The same can be said for the rural areas.
- 2.35 The Keynsham and Whitchurch areas will see growth from the late 2020s to 2036 and beyond based on the SDL's proposed in the JSP. Bath is of course a special case and will reach a natural stop. To maintain a geographically balanced housing development programme so that the supply of new housing does not dry up in sub-markets, the search of new non-strategic housing sites would focus on the south of BANES.

3. NORTHMEAD ROAD, THICKETMEAD & BOXBURY HILL, MIDSOMER NORTON

3.1 Edward Ware Homes is promoting three sites on the western side of Midsomer Norton at:

- Thicket Mead (A362), to the east of Tesco Old Mills;
- Northmead Road (B335), to the east of the MSN Greenway; and
- Boxbury Hill / Phillis Hill (Paulton Ward).

3.2 All three of these sites have recent planning history resulting in the refusal planning permission, and in the case of Boxbury Hill, at appeal. However, it is considered that the changing plan-making context in association with revisions to the application layouts enable the reasons for refusal to be overcome, thus justifying the sites being allocated for development in the new Local Plan.

3.3 We have strategically made the case in a district-wide sense for additional development sites to be allocated in the Somer Valley to meet housing requirements to 2036. At a more localised level, it is considered that there is no doubt that the location of each site in relation to the built-up area of the town is sustainable.

3.4 Midsomer Norton High Street (and more specifically Sainsburys) is 0.8-1.0 miles away, equating to a 20-minute walk or a 7-10 minute cycle ride, with the option of using the Norton Radstock Greenway for part of the journey; Tesco, Old Mills is a 2-5 minute walk from all the sites; and the existing business units at Old Mills, and the new Enterprise Zone at Old Mills are a 6-10 minute walk from all the sites.

3.5 In respect of suitability, all three sites have the advantage of being located outside the area that is designated under Placemaking Plan Policy NE2A.

3.6 It should be noted that the land now promoted at Thicketmead has been reduced to exclude the southern part of the former application area, save for an attenuation basin. Other things being equal, sites not covered by Policy NE2A in the Midsomer Norton and Radstock area should be selected over those that are covered by it. The Council will be aware that policy NE2A has extensive coverage in respect of many of the settlements in the south of the Green Belt.

Thicket Mead (A362) to the east of Tesco Old Mills

- 3.7 An outline planning application for a residential development of up to 72 dwellings and associated infrastructure (14/00685/OUT) was submitted in February 2014 and refused in August 2014. The illustrative site layout for that application is presented below.

14/00685/OUT: Previous Illustrative site layout



- 3.8 The reasons for refusal were as follows, and covered the need for development, landscape effects, ecological effects, and site capacity /layout.

1) *Site located outside of the HDB and constituted the unnecessary development of greenfield land. The form and pattern of proposed development would be unrelated to and isolated from the established pattern of development to the east and would be a clear intrusion into the open countryside. The development would detract unacceptably from the character of the open countryside and the*

setting of the Greenway which passes through the site. (CS SV1 & CP6, LP HG4 & NE.1).

- 2) *Insufficient evidence submitted to demonstrate that there will be no harm to ecology, habitat provision and protected species, in particular harm to the conservation interests of the adjoining Site of Nature Conservation Interest and to bats of the Mells Valley Special Area of Conservation, which are likely to utilise the site and surrounds for commuting and foraging. The proposals additionally fail to demonstrate that the integrity, multi-functionality, quality and connectivity of the Strategic Green Infrastructure Network will be maintained, protected and enhanced.*
- 3) *The proposed development would result in the loss of Grade 1 agricultural land in this case whereby there is no sustainability considerations proposed of sufficient weight to override the protection afforded to the agricultural value of the land. Consequently, the development would be contrary to the guidance set out in the National Planning Policy Framework.*

3.9 In our assessment, reasons for refusal 1 and 2 clearly relate to the southern part of the proposed development where the land slopes down into the Wellow Brook (an SNCI).

3.10 Subsequent to the refusal of planning permission, the Council has adopted Policy NE2A on the landscape setting of settlements. This designation covers only the southern part of the former application area.

3.11 We note that the urban design comments on 14/00685/OUT stated that:

“the northern part of the site may be capable of limited redevelopment, being previously developed land between built form and reasonably connected to local facilities and transport”.

3.12 This comment relates to the farm buildings and bungalow on the site, and in the context of there being a general objection, at the time, to greenfield development beyond the HDB. In the current context, the in-principle greenfield objection falls away such that a larger development is supportable, albeit smaller than the former application.

- 3.13 We note that the landscape officer comments on 14/00685/OUT began by stating that:

“Whilst I could possibly support the development of some land occupied by the existing farm buildings, as they are a visual detractor and this could be seen as a small degree of change as mentioned above, I could not support any possible development further south than the narrow pinch point just south of the Oak tree. The land south of this point is very sensitive and gently sloping farmland with a distinctive character.”

- 3.14 In this passage, the officer sets aside the HDB in his objective assessment of the landscape effects of development and recognises that undeveloped parts of the site also have a high degree of planning merit.
- 3.15 Consequently, in our assessment a reduced scheme pertaining to all the land north of the pinch point is supportable in respect of overcoming reasons for refusal 1 and 2. At Appendix 1, we present a scheme of 30 dwellings on this area, which essentially forms a large infill site between the housing development boundary and Tesco. The only development south of the pinch point would be the creation of an attenuation basin.

APPENDIX 1: THICKETMEAD, REVISED LAYOUT

- 3.16 It is therefore considered that the site should be allocated for development in the new Local Plan. The allocation policy should budget for around 30 dwellings and include placemaking principles to secure the appropriate design response. Budgeting for 30 dwellings should not mean that this figure is a cap if, at the planning application stage, it can be demonstrated that a higher figure would not prejudice adherence to the placemaking principles.

Northmead Road (B335) to the east of the MSN Greenway

- 3.17 An outline planning application (ref: 14/00672/OUT) for a residential development of up to 44 dwellings and associated infrastructure (access to be determined all other matters reserved), was submitted in February 2014 and refused in August 2014. An appeal was begun but withdrawn. The illustrative site layout for that application is presented below.

14/00672/OUT: Previous Illustrative site layout



3.18 The reasons for refusal were as follows, and covered the need for development, ecological effects, and site capacity /layout.

- 1) *Development unnecessary and therefore harm to character and appearance unacceptable.*
- 2) *Insufficient evidence submitted to demonstrate no harm to ecology, habitat provision and protected species, in particular harm to bats of the Mells Valley Special Area of Conservation, which are likely to utilise the site and surrounds for commuting and foraging (Policies NE.10 /CP6).*
- 3) *Fails to demonstrate that the number of dwellings proposed could be accommodated within the site in a satisfactory manner. The indicative layout submitted suggests that the number of dwellings proposed would cause unacceptable harm to the amenity of surrounding residents through loss of privacy and would fail to incorporate sufficient ecological mitigation. (D2, D4, NE1 and CP6).*

- 3.19 Clearly reason for refusal 1 falls away given the new plan-making context and the need to identify additional sites to accommodate 700 dwellings, coupled with the lack of sufficient brownfield supply and the need to maximise sustainable development opportunities outside the green belt. This exercise will require greenfield land and therefore will entail a degree harm to the character and appearance of selected sites. The Northmead Road site is not identified within the Policy NE2A landscape setting designation, meaning that the openness of the site was not assessed by the Council as being important to the setting of the settlement. Consequently, in comparison to many other options, harm to character and appearance would be more acceptable.
- 3.20 In respect of reason for refusal 2, a Bat and Reptile Survey (Michael Woods Associates) was submitted to the Council in January 2015 to the appeal being withdrawn, and this is available on the online planning case file. The survey recovered bat activity and found that the hedgerows on site are important features for bats (both foraging and commuting).
- 3.21 In respect of reason for refusal 2 and 3, Appendix 2 present a revised illustrative layout to illustrate between 25-35 dwellings. The revised layout enables sufficient ecological mitigation to be incorporated, particularly in respect of the southern and central hedgerows. The revised layout also reduces the impact on the amenity of neighbouring dwellings to an acceptable level.

APPENDIX 2: NORTHMEAD ROAD, REVISED LAYOUT

- 3.22 It is therefore considered that the site should be allocated for development in the new Local Plan. The allocation policy should budget for around 23 dwellings and include placemaking principles to secure the appropriate design response. Budgeting for 23 dwellings should not mean that this figure is a cap, if at planning application stage, it can be demonstrated that a higher figure would not prejudice adherence to the placemaking principles.

Boxbury Hill / Phillis Hill (Paulton Ward).

- 3.23 An outline planning application (ref: 13/04880/OUT) for a residential development of up to 124 dwellings and associated infrastructure, was submitted in November 2013 and refused in February 2014. An appeal was submitted and the decision was upheld in May 2015. However, the decision was quashed in January 2017⁴ because

⁴ [2016] EWHC 103 (Admin)

the Inspector raised matters relating to housing supply in his reasoning that were not raised at the appeal hearings. Whilst the decision as a whole is quashed there was no challenge to the inspectors reasoning in respect of site specific matters.

- 3.24 In addition, paragraph 4 of Mr Justice Holgates judgement is important to note. This states that:

"The decisions on both the Paulton and Midsomer North sites also included adverse findings on other aspects of the appeal proposals. But the Secretary of State accepts that the Inspector did not treat any of those findings as a freestanding reason sufficient to justify the dismissal of the appeals, irrespective of the Inspector's treatment of the housing land supply issues."
(our emphasis)

- 3.25 Consequently, where there is an identified need for housing, the heritage issue pertaining to the Boxbury Hill site, as set out below, is not of itself sufficient to render the site unsuitable for sustainable residential development. If the setting of the Batch was not a freestanding reason justifying the refusal of the appeal application in respect of NPPF:14 on decision taking, then logic dictates that it cannot be a freestanding reason in respect of NPPF:14 in relation to plan-making (allocation).

3.26 The illustrative site layout for the refused application is presented below.

13/04880/OUT: Illustrative site layout



3.27 The reasons for refusal were as follows, and covered heritage effects, landscape effects, and the separation of settlements:

- 1) *Development is considered to have significant harmful impact upon the setting of the adjacent Old Colliery Batch which forms part of a non-designated heritage asset (NPPF 135, CS CP6 and D4 of LP);*
- 2) *The proposed residential development and loss of this important open space, which forms an important undeveloped hillside would have a significant and detrimental impact on local character and the landscape setting of the immediate and wider area (NPPF 17 & 109, CS CP6 & CP7, LP D2, D4, NE1, NE3, and BH15);*
- 3) *Site represents an important buffer between Paulton and Midsomer Norton, contributing to the separation of the two independent urban areas. The development prejudices the separateness of these two settlements.*

- 3.28 The quashed appeal decision rejected reasons for refusal 2 and 3. However, the quashing of the decision had nothing to do with the inspector's reasoning in respect these matters.
- 3.29 Paragraphs 40-54 of the appeal decision set out the inspector's reasoning and conclusion in respect of the effect of the proposed development on the character and appearance of the area.
- 3.30 We concur with the statement at paragraph 48 that acknowledges that *"whilst the loss of this open space might be regretted by some, it would be overstating its significance to accept that it is an important open space which makes a contribution to the character of the settlement."*
- 3.31 We consider that the Inspector was right to conclude on paragraph 53 that *"the degree of harm would not be so great as to be unacceptable; development here would, for the most part, be seen as an extension or expansion of the present pattern of development, which has successfully integrated into the hillside setting of the settlement."*
- 3.32 Subsequent to the appeal decision the Council, rightly, did not consider that the site should be covered by the Policy NE2A designation within the Placemaking Plan.
- 3.33 Paragraphs 32-39 of the appeal decision set out the inspectors reasoning and conclusion in respect of the effect of the proposed development on the separate settings of Midsomer Norton and Paulton. He concluded that he did not consider *"that the proposed scheme would, to any practicable or material degree, in either physical or social terms harm or diminish the separate settings of Paulton and Midsomer Norton."*
- 3.34 Reason for refusal 1 was upheld in the quashed appeal decision and therefore the impact of residential development on the setting the undesignated Batch is the only suitability matter to be weighed in the planning balance.
- 3.35 It should be recognised that the Inspector considered harm to the setting of the batch in the context of his quashed reasoning that the Somer Valley area had a 'disaggregated' 5-year land supply at the time of his decision. In his view, this meant that the benefits of the proposal did not sufficiently and demonstrably outweigh the benefits as, in his view, there was no need for the harm.

- 3.36 However, circumstances have changed with the introduction of the JSP and there is a need for additional housing, and moreover a need to maximise sustainable development outside the Green Belt.
- 3.37 In response to the Inspectors reasoning, Edward Ware Homes have revised the scheme for the site and the number of homes proposed has been halved, with a focus on development on the western and eastern parts of the site, with the central area left open and underdeveloped.

APPENDIX 3: BOXBURY HILL, REVISED LAYOUT

- 3.38 Given the refreshed need for housing and the associated need to maximise non-Green Belt options, the site can be allocated with justified 'limited' harm in respect of landscape, visual and settlement separation matters, and not enough harm affect 'suitability'. The impact of development on the setting of the Batch, even at 124 dwellings is not a freestanding reason to render the site unsuitable for development. However, a lower level of development and a heritage-led urban design strategy to reduce the level of harm and make the site very competitive in a comparative assessment of alternatives.
- 3.39 It is therefore considered that the site should be allocated for development in the new Local Plan. The allocation policy should budget for up to 60 dwellings and include placemaking principles to secure the appropriate design response based on a split development concept. Budgeting for 60 dwellings should not mean that this figure is a cap, if at planning application stage it can be demonstrated that a higher figure would not prejudice adherence to the placemaking principles and high quality design.

4. ABBOTS FARM CLOSE, PAULTON

- 4.1 An outline planning application (13/03547/OUT) for a residential development of up to 47 dwellings and associated infrastructure, was submitted in August 2013 and refused in January 2014. An appeal was submitted and the decision was upheld in May 2015. However, the decision was quashed in January 2017 because the Inspector raised matters relating to housing supply in his reasoning that were not raised at the appeal hearings. We refer again to paragraph 3.25 of these representations in respect of the issues pertaining to the site not presenting a freestanding reason for refusal (or in the current context, allocation), where there is an identified need for housing - albeit we acknowledge that primary school children do need somewhere to go to school within a reasonable distance, if not within the village itself.

APPENDIX 4: ABBOTS FARM CLOSE, PROPOSED LAYOUT

- 4.2 The single reason for refusal was as follows:

1) The proposed development of the site, due to the lack of local primary education places, is contrary to the principle of sustainable development and would be likely to result in unsustainable transport movement by private cars. (T1 & CF3 of BANES LP)

- 4.3 The inspector's reasoning and conclusion in respect of the whether development would be 'sustainable' in light of the need for trips to be made beyond Paulton to access primary school places, is found at paragraphs 32-45 of his decision. His conclusion was affected by his quashed reasoning that there being a 5-year land supply in the Somer Valley, rendered development unnecessary and the environmental effects (albeit minor of transporting around 14/15 pupils) avoidable.
- 4.4 In his conclusion, he also stated that *"if there were an overriding need for further housing land in Paulton, these would be factors which would weigh in favour of granting permission."* There is now an overriding need for additional development in the district, and an associated need to optimise the use of non-green belt opportunities in accommodating, at present, 700 dwellings. Paulton forms part of the Somer Valley cluster of settlements outside the Green Belt, this being the most sustainable strategic location/policy area outside the Green Belt. Logically this area should be a focus for accommodating much of the additional housing that is needed.

- 4.5 Although a village, Paulton is not subject to policy RA.1 (rather SV.1), and therefore there is no requirement for primary school capacity to be available in the village. Consequently, it would be sustainable for children from the development site to go to school elsewhere in the Somer Valley or in capacity generated by the development of new primary school places at, for example, Clutton or High Littleton.
- 4.6 Since the appeal decision, the Council has also refused (in June 2017) an application to change part of the outline application for the former Polestar factory from a continuing care retirement community of 210 C2 and C3 units, to 73 dwellings.
- 4.7 The first reason for refusal states that:
- 1) *The proposed development, due to the generation of pupils in excess of the local primary school capacity, would represent an unsustainable form of development which would lack access to the necessary supporting infrastructure, would increase the reliance upon motor vehicles at the expense of walking/cycling and would have detrimental social implications. The proposals are therefore contrary to the development plan, the emerging plan and the NPPF, in particular policy CP13 of the Bath and North East Somerset Core Strategy, policy T.1 of the Bath and North East Somerset Local Plan and policies LCR3A and ST1 of the emerging Bath and North East Somerset Placemaking Plan.*
- 4.8 The decision was made in the context of BANES stating that it had a 5-year land supply and therefore, no housing shortage. The wording would appear to update the reason for refusal relating to Abbots Farm Close, albeit Policy T.1 (Overarching Access Policy) of the BANES Local Plan has since been superseded by ST1 (Promoting Sustainable Development) of the Placemaking Plan.
- 4.9 Again, we repeat that this approach only holds true where there is no identified need for housing. Where such a need returns (either through plan-making or 5-year supply matters) that the absence of primary school places in Paulton is not a standalone reason for non-allocation, if places are available elsewhere. Abbots Farm Close should be comparatively assessed against all other site options and not dismissed outright.

- 4.10 In addition, given that there is brownfield family housing capacity in Paulton (in the absence of demand from retirement housing operators to come forward with proposals on the former Polestar site), equivalent to 73 dwellings, it would appear to be necessary for the Council to find a solution for unlocking that capacity. Once this is achieved the solution will also unlock Abbots Farm Close.
- 4.11 Finally, there was no site-specific reason for refusal on environmental grounds, meaning that the site is suitable for the proposed development. However, since the appeal decision, Policy NE2A has been adopted and the associated proposals map designation covers the site. It is considered that this is erroneous in respect of Abbots Farm Close, given that landscape or landscape setting did not form a reason for refusal. It does not matter that Policy NE2A was not adopted at the time of refusal. The issues were still capable of being raised under existing landscape policies as for Boxbury Hill re the use of NE1.
- 4.12 However, NE2A is not a blanket ban on development. Rather it requires *“any development within designated areas to conserve and enhance the landscape setting of settlements and their character, views and features”*. Only *“development that would result in adverse impact to the landscape setting of settlements that cannot be adequately be mitigated”* will be refused.
- 4.13 Given the wide geographical coverage of policy NE2A, there will be a spectrum of sensitive areas on the edge of settlements that contribute to the settings to various degrees. There will be parcels of land that have less sensitivity and they will be more appropriate to satisfy the policy framework. Abbots Farm Close in one such location. There is sufficient evidence from the determination of the former application to make this judgement and this should be reflected in the HEELA.
- 4.14 Firstly, there was no landscape reason for refusal, let alone any landscape objection, subject to conditions. Secondly, although the landscape officer stated that development would have a landscape impact, it was noted that the site is relatively well contained in landscape terms, with housing development to the east and north, and this harm is not considered to outweigh the benefits of development. Some detailed concerns were raised by the landscape and tree officer; however, the illustrative layout was revised to ensure a buffer between the western boundary and the housing that was proposed.

4.15 It is therefore considered that the site should be allocated for development in the new Local Plan. The allocation policy should budget for around 45 dwellings as no revisions are needed to the refused application, and include placemaking principles to secure the appropriate design response. Budgeting for 45 dwellings should not mean that this figure is a cap, if at planning application stage it can be demonstrated that a higher figure would not prejudice adherence to the placemaking principles.

5. WELLS ROAD, HIGH LITTLETON

- 5.1 Edward Ware Homes control around 4ha of land south of Wells Road, High Littleton as identified in Appendix 5.

APPENDIX 5 - INDICATIVE CONCEPT PLAN

- 5.2 The site has been the subject of two previous outline planning applications (14/00038/OUT & 15/01639/OUT) for residential development of up to 71 dwellings. Both applications were refused for similar reasons in relation to the impact of the development within an edge of settlement location in the open countryside and inadequate provision of local primary school places.
- 5.3 The revised proposals as shown indicatively on the concept layout at Appendix 5, show a reduction in the proposed built form to circa 50 units as well as the on-site provision of a 1FE entry primary school.
- 5.4 High Littleton is an RA.1 village identified for the development of 50 dwellings on large sites from 2011-2029. Only one substantial site has been granted planning permission for 9 dwellings but this has not yet been developed, the Core Strategy requirement for the village amounts to just 7.8% growth over the Core Strategy period 2011-29.
- 5.5 In our assessment, 20-25% growth from a 2011 baseline to 2036 would equate to 170-213 dwellings (161-204 more than permitted). This range is the minimum level of additional development that could be directed to the village.
- 5.6 In our assessment, there is potential for the village to accommodate a level of housing between 170 dwellings and 213 dwellings as part of the focused approach of the Issues and Options consultation. This would be accompanied by a new 1FE primary school for the village (in addition to the current school) or a replacement 2FE primary school.
- 5.7 The land around the village is designated under Policy NE2A (Landscape setting of settlements) exception of very small parcels of land around the settlement edge. The Edward Ware Homes site sits wholly within this designation.
- 5.8 The Issues and Options document identifies that the primary school in High Littleton is at capacity and cannot be expanded due to the constrained nature of the site. There is scope within the land controlled by Edward Ware Homes to deliver at least a 1FE entry primary school which would increase the capacity.

- 5.9 Planning at the upper end of the range 170-213 would make the most efficient use of a further 1FE of primary school capacity in the village. This level of development would generate around 150 primary aged children. To make the most efficient use of the new space the Council would need to relax policy RA.1 to enable around 60 children from surrounding villages to also be accommodated. As presented, RA.1 is 'idealised' in respect of the insistence that children living in a village must be able to attend a primary school in the same village. Ultimately this policy will stop any development in the RA.1 villages unless demographic shifts enable places to become available.
- 5.10 The presentation of a focused approach to development in the Issues and Options consultation goes hand in hand with a recognition that clusters of villages are able to share services and facilities.
- 5.11 Although 499 dwellings is possible under the definition of non-strategic growth in the JSP, Edward Ware Homes currently assess that a development of 50 units on the land identified in Appendix 5, together with additional primary school capacity, represents a deliverable package, and to enable the sustainable growth of the village westward.
- 5.12 Ultimately, we are of the view that if development is to take place in this area that a confident medium and long-term approach should be taken.
- 5.13 We would like to work with the Council to explore some of the development options for the site including the school's organisation manager to discuss primary school options, alongside the Midsomer Norton Schools Partnership and the Headteacher of High Littleton.
- 5.14 Edward Ware Homes believe that on-site provision in this location will work well but will be guided by the Council, the school and the Trust.
- 5.15 Additional primary school capacity in this part of BANES, in conjunction with a relaxation of policy RA.1 could unlock development potential in other villages where land for housing, but not land for education can be identified. We do not have sufficient data to test potential outcomes, but it could be the case that children from High Littleton currently attending Cameley (Temple Cloud) could go to school in the village, thereby enabling children from developments in Clutton, Hallatrow or Paulton to attend Cameley. We expect the Council to test some of the potential implications when formulating the draft Plan.

- 5.16 Most new residents will either wish to travel north along the A39 to Bath for work or alternatively connecting to the A37 and onwards to Bristol, or south to Norton Radstock, including, in time, new jobs in the Enterprise Zone at Old Mills. The Whitchurch urban extension will become a source of employment and will host a park and ride for travel further into the Bristol. Midsomer Norton is within cycling distance of High Littleton.
- 5.17 Diagram 6 of the Issues and Option Document identifies that the A39 benefits from a moderate public transport facility which connects into the A37 which itself benefits from a frequent service which serves Bristol.
- 5.18 Edward Ware Homes intend to meet with High Littleton and Hallatrow Parish Council to discuss the options for the site and believe a without prejudice meeting with the planning policy team would be constructive to discuss this new opportunity.
- 5.19 It is therefore considered that the site should be allocated for development in the new Local Plan. The allocation policy should budget for up to 50 dwellings, and up to around 1.8ha of land for a 1/2 form entry primary school. Budgeting for 50 dwellings should not mean that this figure is a cap, if at planning application stage it can be demonstrated that a higher figure would not prejudice adherence to the placemaking principles.

6. CAPPARDS ROAD, BISHOP SUTTON

- 6.1 The Council should also be familiar with the proposed site for up to 32 dwellings at Cappards Road, Bishop Sutton, due to the Secretary of State (SoS) decision in September 2016
- 6.2 As indicated in our overview appraisal of the headroom for development at the larger villages, around 20% growth from large sites at Bishop Sutton for the 25-year period 2011-2035 would equate to 113 dwellings. To date 76 dwellings have been completed, leaving some headroom for another 37 dwellings
- 6.3 The residual land at Cappards Road is the clear front runner for that development at Bishop Sutton. The planning history of the site demonstrates that there are no environmental reasons affecting the sites suitability. Further, the SoS decision noted that “the village has capacity in terms of facilities and services” (para 23). The only reason the application was refused by the SoS was in defence of a recently adopted Neighbourhood Plan under the guise of development unacceptably prejudicing the implementation of the CS in respect of the balance between homes and jobs in the south of the District.
- 6.4 However, due to the changing planning policy context and the need to identify an additional 700 units over an extended plan period to 2036, the issue of ‘balance’ can again be re-evaluated. In this context, the JSP directs around 2,900 dwellings to Whitchurch and Keynsham to 2036 and assumes a further 300 dwellings within Bath. There is therefore good reason in respect of achieving a geographically balanced strategy, for additional non-strategic growth to be delivered through sustainable development opportunities outside the Green Belt, otherwise the operation of the housing sub-market in the south of the district will be harmed with little new build from around the mid-2020s.
- 6.5 In this context, if growth was to be directed to Bishop Sutton, the adopted Neighbourhood Plan would have to give way to higher order, more recently adopted planning policy.
- 6.6 The residual land at Cappards Road presents a clear-cut opportunity. It is recognised that a comparative assessment will need to take place in respect of other potential non-green belt sites in the Somer Valley and at other villages. In this regard, a key strength of the Cappards Road site is that it is not designated under Policy NE2A as contributing to the landscape setting of Bishop Sutton. The

development of another 30 dwellings would also be 'proportionate' over the extended plan period.

6.7 We note that Diagram 6 of the Issues and Options document identifies that the primary school in Bishop Sutton is either full, projected to be full and cannot be expanded within its site.

6.8 This is at odds with the recent SoS appeal decision, which stated at para 11.50 that:

"The local school can accommodate any additional pupils, subject to an appropriate contribution from the developer [7.234] through a payment in accordance with the Council's CIL. There would not, therefore, appear to be any significant problems in terms of overloading the existing community infrastructure of the village."

6.9 The Council should therefore explain why circumstances have changed and provide more detailed evidence of current and projected pupil numbers and explain the technical reasons why the school could not be expanded if needed.

6.10 Even if the Council's assessment is shown to be valid, we assess that development at Cappards Road, in association with that as proposed at Clutton could form part of a focused approach to rural development. If the development concept for Clutton to the west of the A37 is embraced it would result in new primary school capacity that would not be entirely filled by even a maximum level non-strategic development at the village. To make efficient use of the additional capacity would require pupils to enrol from additional development in neighbouring villages. There is therefore scope for a focused /clustered strategy centred on Clutton, but in association with development at Bishop Sutton and other villages in reasonable proximity. It is but a 2.6 mile, 5-minute drive from Bishop Sutton to the proposed site at Clutton, and although driving instead of walking is not ideal, it would result in a very short trip.

7. OTHER MATTERS AND CONCLUSIONS

- 7.1 Whilst we do not repeat the bulk of our representation on the West of England JSP, there are a couple of matter of particular relevance to BANES, that if not dealt with through the examination of the JSP, could be raised in the examination of the BANES Local Plan.

Existing Commitments

- 7.2 Having regard to the housing trajectory for the Core Strategy period to 2029 there are risks in respect of the full delivery of Bath Western Riverside and Sydenham Park. It is considered that Western Riverside will ultimately come forward by 2036, but Sydenham Park, which is allocated for 500 dwellings (200 affordable dwellings) is a considerable risk and represents an aspirational allocation as opposed to a site where there is any evidence of realistic long term developability.
- 7.3 'Bunnings' are making a long-term investment in the former Homebase estate and much of the site is owned by Sainsbury's, which requires it for car parking for its Green Park store. The mixture of existing use values, long leases and limits on height render reliance on this site extremely high risk, even to 2036.

Contingency

- 7.4 The West of England JSP embraces the concept of contingency strategic locations and other supply of 3,100 dwellings, to be released at plan review to achieve the housing requirement to 2036 if it appears that this is at risk. This is addition to flexibility; this being the 3,300 dwellings that are to be planned for immediately, over and above the actual housing requirement of 102,200.
- 7.5 Because of a calculation error in the SHMA (in respect if not allowing for vacancy and second homes) the actual housing requirement does in fact claim the flexibility component too. This has the knock-on effect of making the contingency supply the flexibility component, thus leaving no actual contingency. To correct this, on this terms of the JSP, another 3,100 dwellings need to be sourced, albeit the scale of the matter is rather superseded by more profound issues identified with the SHMA and the baseline housing requirement.

- 7.6 Nevertheless, in the JSP as written North Somerset as a contingency of 1,500 dwellings (6% of its housing requirement of 25,000). South Gloucestershire also as a contingency of 1,500 dwelling (4.6% of its housing requirement of 32,500). Broadly speaking this is around 5% and equivalent to one year's supply for a 20-year plan period. For understandable reasons, Bristol has no contingency as it is maximising what can be achieved within its housing of 33,500.
- 7.7 BANES have a rather underwhelming contingency of 100 dwellings (0.6% of its housing requirement of 14,500). A more reasonable contingency of at least 5% would equate to around 710 dwellings.

Affordable Housing Delivery

- 7.8 The adopted Core Strategy contains a policy target for 3,290 affordable dwellings for the period 2011-2029, of which 410 relate to backlog in respect of underperformance against the Local Plan 1996-2011, and 2,880 (160 per annum) relate to newly arising need post 2011. This squares with the latest Bath SHMA for the JSP (155 per annum).
- 7.9 Therefore, the ambition to 2029 in the adopted Core Strategy remains valid. From 2011/12 - 2016/17, 1,281 affordable homes have been built in BANES (JSP Topic Paper 1, Diagram 2). This leaves 2,009 more homes to secure over the next 12 years. One needs to check if the JSP and the BANES Local Plan will enable this.
- 7.10 BANES have not published a housing trajectory since November 2016. This included data showing a projected supply of 3,205 affordable dwellings for the plan period 2011/12-2028/29 (a deficit of 85 against the target). Since this time the regeneration of the Foxhill estate has been permitted and this will result in net loss of 204 affordable dwellings, increasing the shortfall to 2028/29 of 290 dwellings.
- 7.11 In addition, for the 7 years post 2029, BANES should really be delivering another 1,085 affordable dwellings to maintain the rate of delivery required by the Core Strategy in respect of newly arising need. Anything less would equate to reduction in ambition. To its credit, it is evident from BANES Local Plan Issues and Options consultation that it is planning for 3,100 affordable homes to 2036 (100% of the SHMA need). However, it is still necessary to meet the adopted 2029 target en-route to 2036.

7.12 Added together, the underlined figures generate a need for 1,375 affordable dwellings. Having regard to the JSP:

- Whitchurch, if it delivers 1,600 total dwellings to 2036 will yield 480 affordable homes, at 30%;
- North Keynsham, if it delivers 1,400 total dwellings to 2036 will yield 420 affordable homes, at 30%;
- Non-strategic growth, if this delivers 700 dwellings to 2036 will yield 210 dwellings, at 30%;
- This totals 1,100 affordable dwellings;
- Based on Topic Paper 1, 15% of small windfalls in BANES of 672 (TP2, Annex 1), will yield 100 units and lifting supply to 1,200;
- Therefore, over the whole JSP period the shortfall will be 175 affordable dwellings, which at 30% provision would require another 583 total dwellings to correct;
- Moreover, having regard to the housing trajectory of the JSP, the SDLs will deliver 45 affordable dwellings by 2028/29 (the Core Strategy end date), non-strategic growth could all come forward, yielding 110 dwellings by 2028/29 and the small windfalls nothing (as they are all post 2028/29). This is 155 affordable dwellings;
- Therefore, the new supply proposed in the JSP will not be sufficient to correct the shortfall of 290 affordable homes for the Core Strategy period to 2028/29. A residual deficit of 135 will remain, requiring 450 total dwellings to correct, at 30% provision;
- As part of this analysis we have not discounted 200 affordable dwellings from the 500 total units proposed for Sydenham park in the Placemaking Plan. The prospect of this site delivering anything by 2028/2029 and subsequently to 2036, is minimal.

7.13 Our conclusion is that, simply on the basis of meeting adopted affordable housing requirements to 2028/29, the non-strategic growth figure for BANES should be uplifted by 450 dwellings, from 700 dwellings to 1,150 dwellings. If Sydenham Park is not developable, then a further land supply adjustment will be needed within the JSP for BANES.

APPENDIX 1


THICKETMEAD, MIDSOMER NORTON, REVISED LAYOUT

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REV	DESCRIPTION	DATE	AUTHOR	CHK'D

30 Units
 30% Affordable
 Gross site area: 3.06Ha
 DPH: 24





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PROJECT
 Thicket Mead, Radstock

For: Edward Ware Homes

DRAWING
 Schematic Layout

SCALE	DATE	AUTHOR	CHK'D
1:500 @ A1	13/12/17	TW	-

JOB NO.	DRAWING NO.	REV
EDWA171117	SCL.01	-

APPENDIX 2

NORTHMEAD ROAD, MIDSOMER NORTON, REVISED LAYOUT



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REV	DESCRIPTION	DATE	AUTHOR	CHK'D
A	Layout revised to accommodate existing sewer	02/01/18	TW	-

23 Units
 30% Affordable
 Gross site area: 1.24Ha
 DPH: 20



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PROJECT
 Northmead Road
 Norton Radstock
 For: Edward Ware Homes

DRAWING
 Schematic Layout

SCALE	DATE	AUTHOR	CHK'D
1:500 @ A2	13/12/17	TW	-
JOB NO.	DRAWING NO.	REV	
EDWA171118	SCL.01	A	

APPENDIX 3

BOXBURY HILL, MIDSOMER NORTON, REVISED LAYOUT

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PROJECT
Boxbury Hill
 Midsomer Norton
 For: Edward Ware Homes

DRAWING
Schematic Layout

SCALE	DATE	AUTHOR	CHK'D
1:1000 @ A2	04/01/18	TW	-
JOB NO.	DRAWING NO.	REV	
EDWA180103	SCL.01	-	

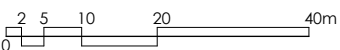
APPENDIX 4

ABBOTS FARM CLOSE, PAULTON, LAYOUT



REV
Amendments

Date



Job No/Drawing No	Job Title
13000/3200 C	Land Off Abbotts Close, Paulton

Scale	Date	Drawn	Drawing Title
1:1000	05	MNR	Framework Plan
@A4	2013	DA	

All Dimensions to be checked on site

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APPENDIX 5

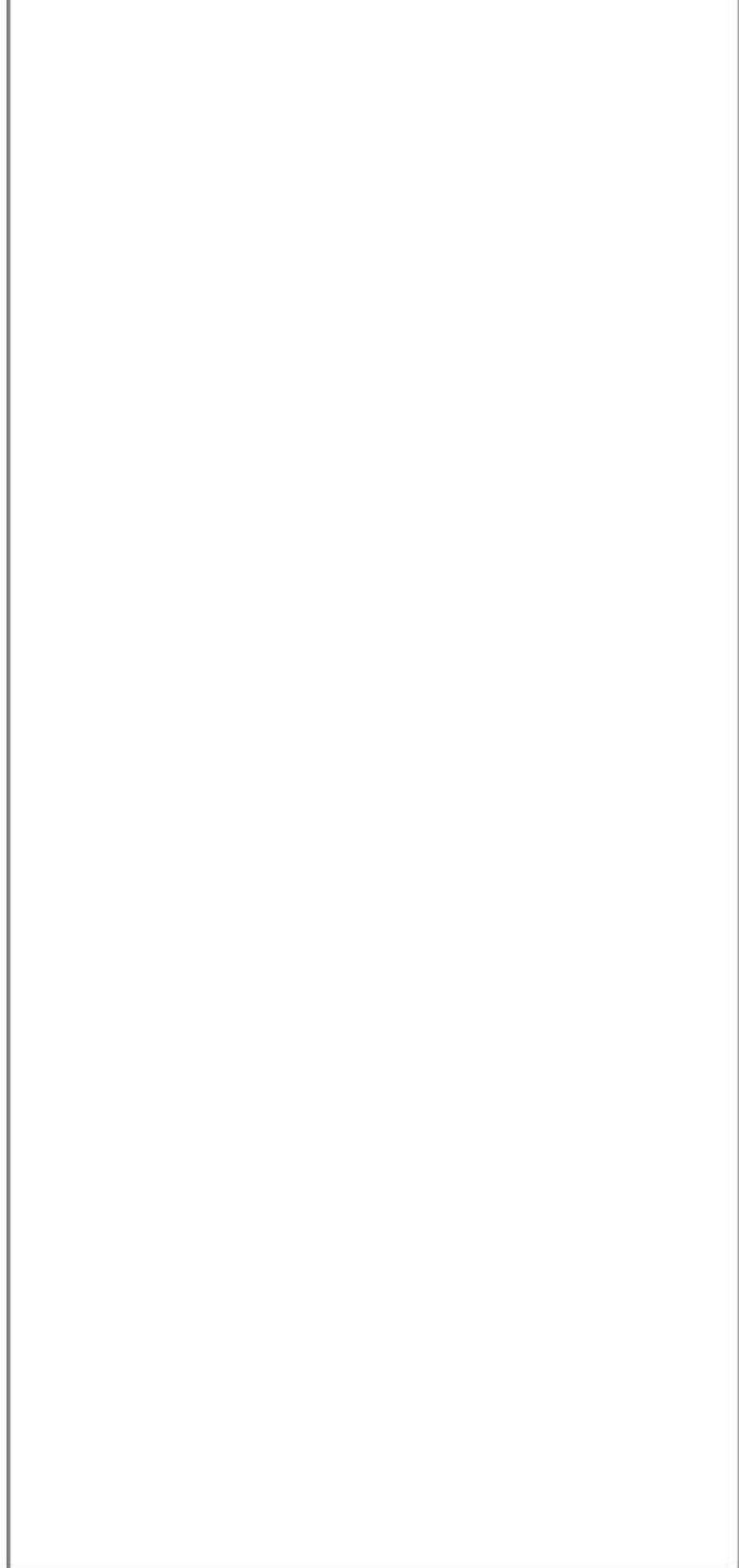
WELLS ROAD, HIGH LITTLETON, LAYOUT



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REV	DESCRIPTION	DATE	AUTHOR	CHK'D

- 1 / 2 Form entry school
- Existing PRoW diversion
- Structural / transitional tree planting



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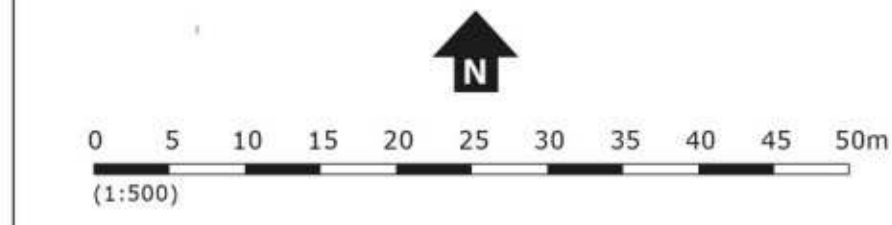
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PROJECT
 Wells Road, High Littleton

For: Edward Ware Homes

DRAWING
 Schematic Layout

SCALE	DATE	AUTHOR	CHK'D
1:500 @ A1	04/01/18	TW	-
JOB NO.	DRAWING NO.	REV	
EDWA171119	SCL.01	-	



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**Consultation on the B&NES Local Plan
Options Document (November 2018)**

**COMMENTS
FORM**

**You are strongly encouraged to make your comments on-line via the
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However, if you are using this form, please complete the form by filling in Part 1 with your contact details and use Part 2 for your response to the questions in the Options document.

Please complete a separate form for each **proposed policy approach/option** you are commenting on using the **unique reference numbers** as set out in Chapters 3 - 8.

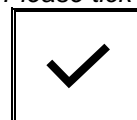
Please send your completed form(s) using email to local_plan2@bathnes.gov.uk.
Alternatively you can post the form to Planning Policy, Bath & North East Somerset Council, Lewis House, Manvers Street, Bath BA1 1JG.

Your comments must be received by 7 January 2019

Your comments will be used to inform the next stage of the Local Plan preparation.

Part 1: Contact details			
Email is the Council's preferred method of communication and enables us to contact you quickly and efficiently. Please also provide a postcode with details of your address.			
Personal Details		Agent Details (if applicable)	
Title		Title	Mr
First Name		First Name	Daniel
Surname		Surname	Millward
Job Title <i>(only if applicable)</i>		Job Title	Senior Strategic Planner
Organisation <i>(only if applicable)</i>	Edward Ware Homes Ltd	Organisation	Pegasus Group
Email		Email	daniel.millward@pegasusgroup.co.uk
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			Great Park Road, Almondsbury,
			Bristol
Postcode		Postcode	BS32 4QL
Date		Date	07.01.2019

Please tick



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Please note that names and comments will be published

For official use only:

Received:

Acknowledged:

Respondent No.:

Agent No.:

Rep.:

Part 2:

Which proposed policy approach/option in the Options document (November 2018) are you commenting on?

Please use the unique reference number by each policy approach/option.

Please make your comments as succinct as possible.

Please see accompanying representations which relate to:

- 3. Spatial Strategy; and
- 7. Somer Valley.

Please expand this box or attach a separate sheet if you require more space.

See our website for more information and to make your comments on-line: www.bathnes.gov.uk/localplan

Please note that names and comments will be published

Representations to the Bath and North East Somerset Issues and Options Consultation

Land at Northmead Road, Thicketmead and
Boxbury Hill, Midsomer Norton;
Abbots Farm Close, Paulton;
Wells Road, High Littleton; and
Cappards Road, Bishop Sutton

On behalf of **Stratland (Hicks Gate) Ltd**

Prepared by: Alex Bullock/Daniel Millward



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APPENDICES:

APPENDIX 1:	SITE LOCATION/ILLUSTRATIVE CONCEPT PLANS
APPENDIX 2:	REPRESENTATIONS TO THE BANES ISSUES AND OPTIONS PLAN (JANUARY 2018)

1. INTRODUCTION

- 1.1 Pegasus Group are instructed by Edward Ware Homes to submit representations to the Bath and North East Somerset (BANES) Local Plan Issues and Options Consultation Document (IOP). The document was published for consultation in November 2018 with representations due to be submitted by the 7th January 2019.
- 1.2 Edward Ware Homes have land interests across BANES at the following locations:
- Northmead Road, Thicketmead and Boxbury Hill, Midsomer Norton;
 - Abbots Farm Close, Paulton;
 - Wells Road, High Littleton;
 - Cappards Road, Bishop Sutton.
- 1.3 Site location/illustrative concept plans for each of these areas are appended to these representations.

APPENDIX 1: SITE LOCATION/ILLUSTRATIVE CONCEPT PLANS

- 1.4 These representations will first respond directly to the key issues raised within the consultation document, and then set out how an allocation of the proposed sites would help the Council to deliver non-strategic development in sustainable and logical locations in line with the spatial strategy options identified within IOP.

2. RESPONSE TO THE ISSUES AND OPTIONS PLAN

2.1 Below we set out our response to the relevant sections of the Issues and Options Plan (IOP). The structure largely follows that of the IOP, taking relevant chapters in turn using the same headings as per the IOP. Specifically, these representations relate to the following chapters:

- *3. Spatial Strategy (Including the Rural Areas); and*
- *7. Somer Valley.*

3. Spatial Strategy (Including the Rural Areas)

2.2 The Spatial Strategy chapter of the IOP sets out the implications of the JSP for the residual housing need within BANES. The JSP, once adopted, will establish the housing and economic growth that needs to be planned for up to 2036 and a spatial strategy for where the strategic components should be accommodated across the West of England (WoE).

2.3 At '3.2 Housing' the Council set out the implications of the JSP for the Council's housing targets. In short, the new BANES Local Plan will be required to find sites to deliver a minimum of 700 dwellings on non-strategic sites across the district. Non-strategic sites in this context are defined as being capable of delivering between 10 and 500 dwellings.

2.4 The Council sets out three strategies to meet this residual demand. Before addressing these we wish to make the following comments on the JSP housing targets more generally.

The JSP Housing Target is too Low

2.5 As stated above, the current IOP is predicated on the submission version of the JSP which identifies a need for 102,200 new homes across the Plan area and the expectation that BANES will deliver some 14,500 homes to help meet this target. The majority of this requirement will be met through existing commitments and development at two key strategic development locations (SDLs) at Whitchurch and Keynsham. However, The JSP does set out a requirement for 700 dwellings to be delivered on non-strategic sites. As stated previously, non-strategic sites are those capable of delivering between 10 and 500 dwellings.

2.6 As we and many others (including the Home Builders Federation) have suggested, this overall requirement for the JSP area and that attributed to BANES is too low. This underestimation can be attributed to three interrelated issues:

- Addressing housing affordability;
- Low economic growth assumptions; and
- Lack of adjustment to meet significant affordable housing needs.

2.7 Although the JSP is being examined against the requirements of the National Planning Policy Framework (NPPF, 2012), the new standardised methodology for the calculation of the minimum local housing need based on household projections and housing affordability makes for an interesting comparison. It is of note that the standard method achieves only a minimum housing need figure and further uplifts may be considered necessary.

2.8 The standard method results in the following *minimum housing requirements* for each of the four authorities:

Authority	1 Year Requirement (dwellings)	20 Year Requirement (dwellings)
Bath & North East Somerset	657	13,138
Bristol	2,440	48,802
North Somerset	1,338	26,760
South Gloucestershire	1,402	28,030
West of England Total	5,836	116,730

Table 1 – West of England Summary Standard Method Requirements

2.9 As a result, we consider that the JSP’s figures are too low. Indeed, when one takes into account other factors that would increase this figure (e.g. affordable housing need) one would expect the target to be closer to the 125,000 dwellings.

2.10 This shortfall of some 20,000 dwellings will need to be met by all four WoE Authorities and, as such, we would expect BANES’ apportionment to increase accordingly. We would, therefore, expect the non-strategic growth figure of 700 dwellings to increase substantially once the Inspectors have examined the JSP in mid-2019.

There is an over-reliance on Strategic Development Locations to deliver the bulk of the housing requirement

- 2.11 Equally, we are also concerned by the significant reliance upon several of the Strategic Development Locations (SDLs) across all authorities.
- 2.12 The Transport Topic Paper 8 (WED007) indicates that the total cost to deliver the transport works for the SDLs is estimated to be between £1-1.4 billion and notes that this would be *“an ambitious programme and would represent a step-change in the level of investment from that achieved in the last two decades”*.
- 2.13 As the Topic paper makes clear, *“in most cases, it is anticipated that the transport schemes will be completed either in advance of, or during, the early phases of housing build-outs in the relevant SDLs”*. Such a conclusion is not surprising given the standard of existing infrastructure and its ability to accommodate major strategic growth.
- 2.14 Whilst, we do not object to the WoE Councils pursuing ambitious programmes of work, we remain sceptical that all works will receive funding and it is understood none benefit from committed funding at present.
- 2.15 **Even if** all the proposed projects receive funding, the associated timescales are likely to be significantly longer than anticipated. Therefore, their implementation and build out rates are likely to be significantly longer than currently envisaged. This in turn would result in the delivery of residential units over a much longer timetable than currently anticipated. In BANES, the Council are expecting to deliver 1,600 of the 2,000 proposed dwellings at Whitchurch, and 1,400 of the 1,500 dwellings at North Keynsham by 2036. Any slips to these delivery trajectories will have severe implications for the Council’s ability to deliver the requisite quantum of housing over the plan period.
- 2.16 It is our position, therefore, that the total requirement flowing out of the JSP will increase, as will BANES’ contribution. As such, we consider that the Council should reduce its dependency on strategic development locations within this plan period. This will mean identifying locations to deliver non-strategic growth far in excess of the numbers currently identified to ensure flexibility going forward. Sites located within the Green Belt may be required to play an important role in meeting this

residual housing need, especially those which currently make a limited contribution to its key purposes.

The Council's Options for Meeting Strategic Growth (Pages 14-23)

2.17 The Council set out three Options to meet the non-strategic growth requirements of the JSP. These are summarised as follows:

- **Option 1** - Concentrate development (c. 650 dwellings) in a few locations outside the Green Belt (Radstock (250), Midsomer Norton (200) and Timsbury (200)) with only a small quantum of development at the rural villages (c. 50 dwellings)
- **Option 2** – Allow for a more dispersed pattern of development across settlements outside the Green Belt, allowing a larger quantum of the requirement to be met by the rural villages (e.g. Temple Cloud and Clutton) alongside development at Radstock, Midsomer Norton and Timsbury.
- **Option 3** – Allow for development at locations both inside and outside of the Green Belt.

2.18 Each of these will be addressed in turn.

Option 1

2.19 Whilst we consider **Option 1** to be a viable strategy, we do not feel that it is the best one for the Council to pursue at this time. The benefits of the strategy are that it will deliver the bulk of development around the larger settlements of Radstock and Midsomer Norton. This will limit the impact of proposals on infrastructure demands, specifically with regard to primary school capacity demand (as set out at paragraph 3.2.9 of the IOP).

2.20 However, the limited quantum of development that would be allowed to come forward at other rural villages (e.g. Clutton, Temple Cloud, High Littleton etc) means that there are limited opportunities to allow for boosts to their vitality and viability through the delivery of new housing and other services alongside it.

-
- 2.21 By limiting the scope for development at rural villages outside the green belt, there is limited scope to allow them to improve their range of services and facilities for residents. This in turn could result in a degradation of their overall vitality and viability over the plan period with no growth proposed.
- 2.22 Indeed, there is considerable demand for additional services and facilities in these rural locations; however, the delivery of small-scale development at such locations will do little to address these issues. Development on a larger scale at rural locations provides opportunities to deliver additional and/or improved services and facilities whilst also boosting their self-containment.
- 2.23 **Paragraph 78** of the NPPF makes it explicitly clear that planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. It also states that 'where there are groups of smaller settlements, development in one village may support services in a village nearby.
- 2.24 As such, we consider that **Option 1** would not constitute a policy approach that would allow rural villages to grow and thrive, thus running contrary to this paragraph of the NPPF. This is because it would only allow for c. 50 dwellings to come forward across all the rural villages (with the exception of Timsbury).

Option 2

- 2.25 **Option 2** would allow for a greater quantum of development to be met by the rural villages. We are supportive of this approach as a large portion of development will be allowed to come forward at the most sustainable locations (i.e. Radstock and Midsomer Norton) whilst also allowing a quantum of development to come forward at the rural villages (e.g. Clutton and Temple Cloud) that can deliver tangible benefits through the provision of additional services and facilities.
- 2.26 In short, this will ensure that there are sufficient opportunities for the rural villages to maintain and enhance their vitality through the delivery of additional services and facilities alongside residential development.
- 2.27 The principal issue with **Option 2** relates to impact development will have on primary school capacity at the rural villages. The current Core Strategy approach has allowed development to come forward at rural villages under Policy RA1. As a result, the pressure on existing infrastructure at such villages has increased without

being offset by the delivery of additional services and facilities. As such, many primary schools are at, or close to, capacity at a number of the rural villages, including many of the more sustainable ones. This is illustrated by Diagram 6 of the previous Issues and Options consultation document from November 2017.

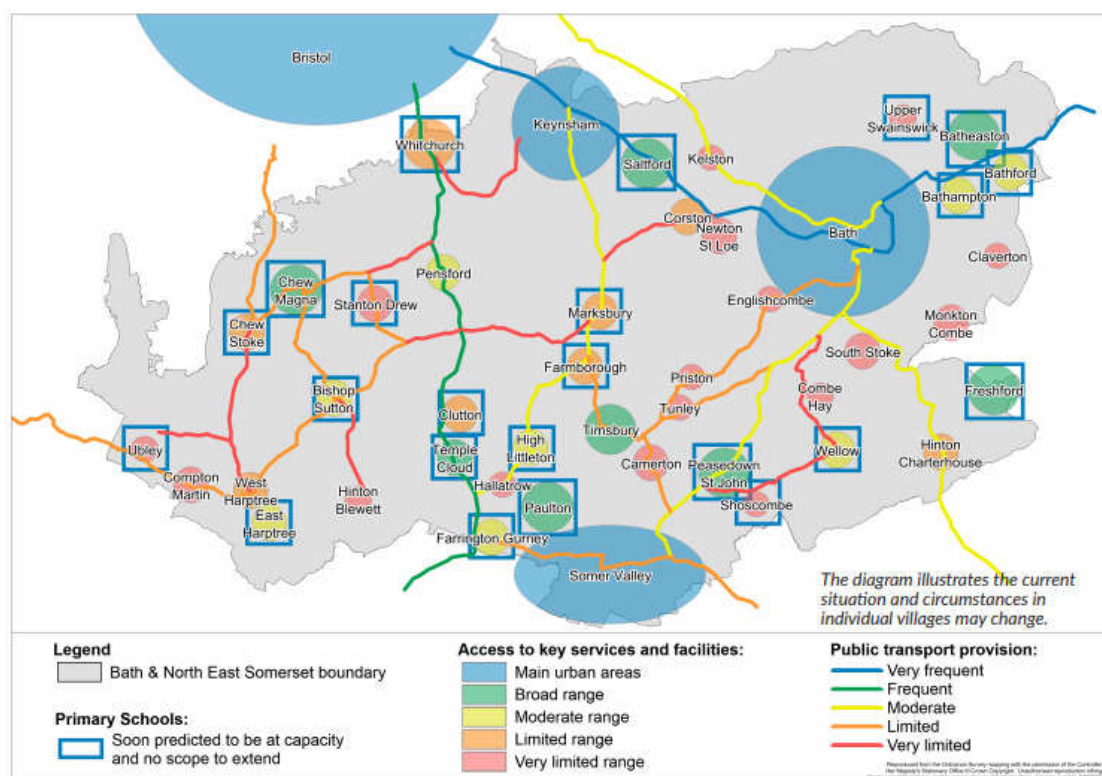


FIGURE 1: DIAGRAM 6 – BANES LOCAL PLAN ISSUES AND OPTION PLAN NOVEMBER 2017

- 2.28 Primary school capacity issues can be addressed at the rural villages, provided a sufficient level of development can come forward to make it viable to do so. This can be achieved through the delivery of new schools, replacement schools and/or capacity boosts at existing schools.
- 2.29 In addition, the Council could adopt a more flexible approach to travel between settlements to access primary school places, where other sustainability benefits are delivered to offset any increase in less sustainable travel patterns. This would also allow a focussed strategy to be adopted whereby development in separate, but closely related rural locations could benefit from the delivery of additional services and facilities.

2.30 In short, **Option 2** strikes a good balance between delivering the majority of development at sustainable locations (e.g. Midsomer Norton and Radstock) whilst also facilitating development that can help ensure the vitality and viability of the rural villages (such as Clutton, High Littleton, Paulton and Bishop Sutton etc).

Option 3

2.31 With regard to **Option 3**, we agree with the Council that this is the less desirable option due to the need to preserve the green belt. However, we consider that in the case of BANES, there may be a requirement to undertake a full green belt review should the non-strategic requirement increase following the JSP hearings; albeit, we consider that there is scope to accommodate the current level of non-strategic growth (i.e. the 700 dwellings target) on sites outside of the green belt.

2.32 Nevertheless, depending on the scale of the anticipated increase to the overall housing target within the JSP, there may be a requirement to identify non-strategic sites within the Green Belt.

7. The Somer Valley

2.33 With regard to housing, the Somer Valley chapter of the IOP largely echoes the strategies set out within chapter 3 of the IOP. These have been discussed above.

2.34 Paragraph 7.9.7 of the IOP sets out the approach to delivering additional housing within the Somer Valley. The strategy to meet this need would entail:

- Maximising the use of brownfield sites not already allocated;
- Intensification of existing urban areas where appropriate e.g. redeveloping surplus garage sites;
- Review and more intense use of existing allocation sites;
- New greenfield sites as a last resort.

2.35 Whilst we acknowledge that urban intensification and regeneration are the most sustainable options to delivering new development, their potential to deliver housing can often be overestimated. The deliverability of sites is a key factor that should be weighed into the assessment of potential sites for development and,

therefore, greenfield sites should be considered as part of the identification of a robust set of allocations.

3. PROMOTED SITES

3.1 As stated in the introduction, Edward Ware Homes is promoting land at the following sites within the district:

- Northmead Road, Thicketmead and Boxbury Hill, Midsomer Norton;
- Abbots Farm Close, Paulton;
- Wells Road, High Littleton;
- Cappards Road, Bishop Sutton.

3.2 These sites were promoted during the consultation on the previous Issues and Options Plan between November 2017 and January 2018. The content of those representations is not repeated below but remains very much relevant to this consultation. As such, we have attached copy of those representations at appendix 2.

APPENDIX 2: REPRESENTATIONS TO THE BANES ISSUES AND OPTIONS PLAN (JANUARY 2018)

3.3 A summary of the representations for each site is provided below, alongside some additional commentary following recent changes in the current policy context.

Northmead Road, Thicketmead and Boxbury Hill, Midsomer Norton

3.4 All three of these sites have relatively recent planning history resulting in the refusal of planning permission, and in the case of Boxbury Hill, at appeal. The planning history for each site essentially confirms that each site is fundamentally sustainable in terms of its relationship to services, facilities, employment and transport connections within Midsomer Norton, with each application falling down due to the planning policy context or other minor issues that can be addressed through revisions to the proposals.

3.5 It is considered that the identification of Midsomer Norton and Radstock as being key to delivering part of the non-strategic housing requirement, coupled with revisions to the application layouts enable the reasons for refusal to be overcome, thus justifying the sites being allocated for development in the new Local Plan.

3.6 Our previous representations made the case in a district-wide sense for additional development sites to be allocated in the Somer Valley to meet housing requirements to 2036. We therefore welcome the options presented in Section 3 of the IOP which acknowledge that the Somer Valley and surrounding rural settlements will essentially be responsible for delivering the non-strategic growth requirements as dictated by the JSP.

3.7 Given the sustainability credentials of each site and the need for Midsomer Norton to deliver additional housing to meet the non-strategic growth requirements of the JSP, we consider that all three sites should be allocated in the emerging local plan for the indicative quantities set out in our previous representations.

Abbots Farm Close, Paulton

3.8 This site was subject to a refused planning permission for 47 dwellings due to a lack of primary school capacity within Paulton. Section 2 of these representations consider more generally how the Council can adopt a focussed approach to the rural villages and a more flexible approach to the issue of primary school capacity and accessibility. The reason for this is to ensure that development can come forward at otherwise sustainable villages even though their primary school(s) is/are at capacity.

3.9 The absence of education capacity should not place a moratorium on the delivery of housing at otherwise sustainable locations. Paulton is a service village with a wide range of services and facilities; however, its primary schools are at/soon to be at capacity with no scope to expand. When identifying locations for non-strategic growth, the relative sustainability merits of sites should be considered in the round and not solely based on the primary school capacity of the settlement. Given its range of services and facilities, Paulton can be the focus for some development within the new Local Plan.

3.10 Furthermore, even in locations where new/replacement primary schools can be delivered, it is almost certain that pupils from neighbouring villages will be needed to ensure any investment is maximised. There is, therefore, a clear justification for relaxing the strategy to allow development at sustainable locations even if this means some pupils have to travel to other settlements to go to new and existing primary schools.

-
- 3.11 In the case of Paulton, this could mean identifying a modest amount of growth at Abbots Farm Close and allowing any additional primary school place demand to be absorbed by the surrounding villages (e.g. Hallatrow and/or a new primary school at Clutton and/or High Littleton).
- 3.12 It is therefore considered that the site should be allocated for development in the new Local Plan. The allocation policy should budget for around 45 dwellings as no revisions are needed to the refused application, and include placemaking principles to secure the appropriate design response. Budgeting for 45 dwellings should not mean that this figure is a cap, if at planning application stage it can be demonstrated that a higher figure would not prejudice adherence to the placemaking principles.

Wells Road, High Littleton

- 3.13 As with Edward Ware's land interest in Paulton, the principal constraint for the site is the lack of primary school capacity within the village and there being no realistic prospect of expanding the existing school.
- 3.14 However, the size of Edward Ware's land interest at High Littleton means that it is feasible to deliver a new 1FE primary school on the site alongside a modest level of residential development (c. 50 dwellings). This 1FE school would be retained alongside the existing primary school. There is also scope for a 2FE school to be delivered in the village which would replace the existing primary school.
- 3.15 Indeed, it is understood that the current school is failing to meet the needs of High Littleton with children having to attend primary schools outside of the village. There is, therefore, a clear local need and imperative to look to address this issue. The delivery of a new primary school, facilitated by a modest amount of residential development as proposed at Edward Ware's site presents an excellent opportunity to resolve this issue.
- 3.16 Furthermore, we are of the view that additional primary school capacity at High Littleton, in conjunction with a more flexible approach to travel between villages to attend primary schools, could unlock development potential in other villages where land for housing, but not necessarily education can be identified. For example, it could be the case that children from High Littleton currently attending Cameley

(Temple Cloud) could go to school in the village, thereby enabling children from developments in Clutton, Hallatrow or Paulton to attend Cameley.

- 3.17 It is therefore considered that the site should be allocated for development in the new Local Plan. The allocation policy should budget for up to 50 dwellings, and up to around 1.8ha of land for a 1/2 form entry primary school. Budgeting for 50 dwellings should not mean that this figure is a cap, if at planning application stage it can be demonstrated that a higher figure would not prejudice adherence to the placemaking principles.

Cappards Road, Bishop Sutton

- 3.18 The Council should also be familiar with the proposed site for up to 32 dwellings at Cappards Road, Bishop Sutton, due to the Secretary of State (SoS) decision in September 2016. A site location plan is appended for reference. The only reason the application was refused by the SoS was in defence of a recently adopted Neighbourhood Plan under the guise of development unacceptably prejudicing the implementation of the Core Strategy in respect of the balance between homes and jobs in the south of the District.
- 3.19 However, the policy context has now changed and all three spatial strategy options within the IOP would seek to accommodate some level of development at rural villages, albeit to differing degrees.
- 3.20 Given the identification of Clutton and Temple Cloud specifically as potential options for development under Option 2, it is considered that there remains scope for development at other nearby villages (e.g. Bishop Sutton and High Littleton) as part of a focussed approach to deliver housing and other services and facilities to meet the needs of each community.
- 3.21 Should Bishop Sutton be identified for growth under the Local Plan (as we believe it should be), the residual land at Cappards Road is the clear front runner for allocation. The planning history of the site demonstrates that there are no environmental reasons affecting the sites suitability. Further, the SoS decision noted that "the village has capacity in terms of facilities and services" (para 23). In this context, if growth was to be directed to Bishop Sutton, the adopted Neighbourhood Plan would have to give way to higher order, more recently adopted planning policy.

- 3.22 Given the above, it is therefore considered that the site should be allocated for development in the new Local Plan. The allocation policy should budget for up to 32 dwellings. Budgeting for 32 dwellings should not mean that this figure is a cap, if at planning application stage it can be demonstrated that a higher figure would not prejudice adherence to the placemaking principles.

4. CONCLUSION

- 4.1 These representations have been prepared on behalf of Edward Ware Homes in response to the Bath and North East Somerset (BANES) Local Plan Issues and Options Consultation Document (IOP).
- 4.2 Edward Ware Homes have land interests across BANES at the following locations:
- Northmead Road, Thicketmead and Boxbury Hill, Midsomer Norton;
 - Abbots Farm Close, Paulton;
 - Wells Road, High Littleton;
 - Cappards Road, Bishop Sutton.
- 4.3 These representations have set out their response to the relevant parts of the Plan, specifically in relation to the JSP Housing Requirement (Section 3 of the IOP), the proposed Spatial Strategy Options (Section 3 of the IOP) and the strategy for the Somer Valley (Section 7 of the IOP).
- 4.4 In short, we believe that the Council are likely to have to plan for a greater level of non-strategic housing growth due to flaws with the calculation of the JSP's housing requirement. We expect the Inspectors to conclude that a higher housing figure should be adopted, following the examination of the plan in May 2019. As such, we expect the 700-dwelling figure for non-strategic sites to increase significantly in light of this.
- 4.5 In terms of the spatial strategy options, we believe that Option 2, which would allow for a greater level of growth at the rural villages, would be the most appropriate way in which to meet this non-strategic requirement. This is because it strikes a sound balance between development at the most sustainable locations (Radstock and Midsomer Norton) and allowing development at rural villages to maintain their vitality and viability.
- 4.6 Option 1, which would only allow for the development of 50 dwellings across all the rural villages (with the exception of Timsbury), would not allow for a sufficient level of development to come forward to achieve this goal.

-
- 4.7 Meanwhile, we consider that Option 3 would only be viable in the event that a higher quantum of non-strategic growth was required following the examination of the JSP.
- 4.8 The sites promoted in these representations would be able to come forward under Spatial Strategy Option 2 and are deliverable, available and sustainably located. We therefore consider that they should be allocated for development in the new Local Plan.

APPENDIX 1

SITE LOCATION/ILLUSTRATIVE CONCEPT PLANS

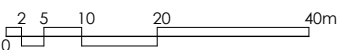


REV
Amendments

Date



NORTH



Job No/Drawing No **13000/3200 C** Job Title **Land Off Abbotts Close, Paulton**

Scale Date Drawn Drawing Title
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@A4 2013 DA

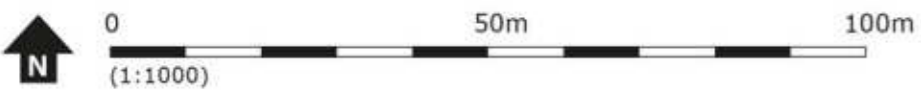
All Dimensions to be checked on site

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REV	DESCRIPTION	DATE	AUTHOR	CHK'D
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PROJECT
Boxbury Hill
 Midsomer Norton
 For: Edward Ware Homes

DRAWING
Schematic Layout

SCALE	DATE	AUTHOR	CHK'D
1:1000 @ A2	04/01/18	TW	-
JOB NO.	DRAWING NO.	REV	
EDWA180103	SCL.01	-	

RESIDUAL LAND AT CAPPARDS ROAD, BISHOP SUTTON



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0 1m 2m 3m 4m 5m Sheet Size
A3

Rev	Date	Int



PROJECT:
RESIDUAL LAND AT CAPPARDS
ROAD, BISHOP SUTTON (PHASE 3)

DRG TITLE:
SITE LOCATION PLAN

JOB NO:	DRG NO:	REV:
1159	102	-

SCALE: 1:1250 HJT

DRN BY: TE

DATE: 11/13

CKD BY: TE

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SITE LOCATION LAYOUT



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REV	DESCRIPTION	DATE	AUTHOR	CHK'D
A	Layout revised to accommodate existing sewer	02/01/18	TW	-

23 Units
 30% Affordable
 Gross site area: 1.24Ha
 DPH: 20



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PROJECT
 Northmead Road
 Norton Radstock
 For: Edward Ware Homes

DRAWING
 Schematic Layout


SCALE	DATE	AUTHOR	CHK'D
1:500 @ A2	13/12/17	TW	-
JOB NO.	DRAWING NO.	REV	
EDWA171118	SCL.01	A	

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REV	DESCRIPTION	DATE	AUTHOR	CHK'D

30 Units
 30% Affordable
 Gross site area: 3.06Ha
 DPH: 24





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PROJECT
 Thicket Mead, Radstock

For: Edward Ware Homes

DRAWING
 Schematic Layout

SCALE	DATE	AUTHOR	CHK'D
1:500 @ A1	13/12/17	TW	-

JOB NO.	DRAWING NO.	REV
EDWA171117	SCL.01	-



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REV	DESCRIPTION	DATE	AUTHOR	CHK'D

- 1 / 2 Form entry school
- Existing PRoW diversion
- Structural / transitional tree planting



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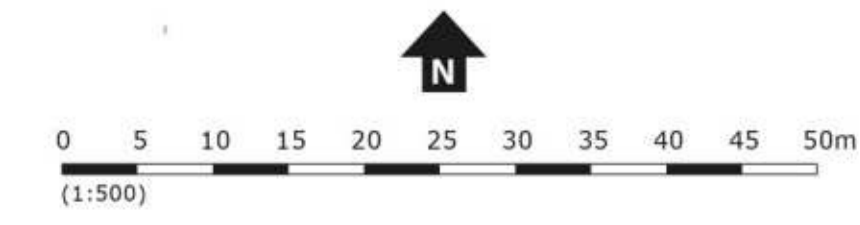
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PROJECT
Wells Road, High Littleton

For: **Edward Ware Homes**

DRAWING
Schematic Layout

SCALE	DATE	AUTHOR	CHK'D
1:500 @ A1	04/01/18	TW	-
JOB NO.	DRAWING NO.	REV	
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APPENDIX 2

REPRESENTATIONS TO THE BANES ISSUES AND OPTIONS PLAN (JANUARY 2018)

BATH AND NORTH EAST SOMERSET LOCAL PLAN 2016-2036:

ISSUES AND OPTIONS CONSULTATION

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1. INTRODUCTION

- 1.1 These representations are made on behalf of Edward Ware Homes, who have several 'non-strategic' land interests in Bath and North East Somerset.
- 1.2 The BANES Local Plan 2016-36 Issues and Options Document has been published for consultation alongside the Publication Joint Spatial Plan for the West of England 2016-2036 (JSP). Due to the division of labour between the JSP and the BANES Local Plan, the issues and options consultation begins to set out concepts for the precise planning of the strategic development locations that the JSP identifies within BANES (North Keynsham and Whitchurch). It also represents the beginning of the process to determine apportionment of 700 dwellings on non-strategic sites, allocated to BANES.
- 1.3 The examination of the JSP will determine whether the overall housing requirement, and for BANES specifically, remains as proposed. Brownfield supply will be tested, as will the deliverability of the package of strategic development locations, and the balance between strategic and non-strategic growth. We do not repeat representations we have made here but they lead to the conclusion that for a number of reasons a greater degree of non-strategic growth may well be an outcome of the examination of the JSP.
- 1.4 It is understood that after this initial Issues and Options consultation (phase 1a) there will be a further element of Issues and Options consultation (phase 1b) in Spring 2018. This will cover other place-based issues and Development Management policies. Following consideration of comments on both these consultation phases, as well as further assessment work, the Council will publish its Preferred Options for consultation in Summer 2018. This will encompass greater detail on the strategic development locations, as well as smaller site allocations. The Local Plan timetable foresees a Regulation 19 consultation in Autumn 2018, with examination in Spring 2019. This timetable seems to be predicted on the JSP, as it affects BANES, being found sound with little modification, which is unlikely, based on the experience of strategic plans around the country.
- 1.5 Focusing on the period to Summer 2018, we request that the evidence base (not least the revised HEELA) is published for consultation prior to the publication on the Draft Plan.

2. SPATIAL STRATEGY OPTIONS

- 2.1 The 'Spatial Strategy Options' section of the Issues and Options consultation explains that a key role of the new Local Plan will be to establish how the JSP's emerging 'non-strategic growth' requirement for BANES of around 700 new homes will be delivered. Paragraph 3.06 suggests that the Council proposes site specific allocations to achieve this, as opposed to criteria based policies based on broad locations. Edward Ware Homes supports this more pro-active and certain approach.
- 2.2 It is the case that after two rounds of Plan-making (the Core Strategy, adopted June 2014, and the Placemaking Plan, adopted July 2017) that the Council failed to identify sufficient housing land to deliver the housing requirement 13,000 homes by 2029. Consequently, Edward Ware Homes encourages the Council to plan in full to 2036 within the new phase of plan-making.
- 2.3 The Issues and Options consultation demonstrates that the Council is clear that it must maximise sustainable development opportunities outside the Green Belt before seeking to justify exceptional circumstances for the removal of land from the Green Belt. This is uncontroversial. The authority on this is set down, not only in the NPPF but in *Calverton PC v Nottingham City Council High Court & Ors* [2015] EWHC 1078 (Admin) (21 April 2015).
- 2.4 Mr Justice Jay set out the following five matters for consideration to lead to the planning judgements as to whether there are exceptional circumstances with regard to the release of Green Belt land through the local plan process in a particular case having determined the objectively assessed need (para 51):
- *the acuteness/intensity of the objectively assessed need;*
 - *the inherent constraints on supply/availability of land prima facie suitable for sustainable development;*
 - *the consequent difficulties in achieving sustainable development without impinging on the Green Belt;*
 - *the nature and extent of the harm to the Green Belt (or those parts of it which would be lost if the boundaries were reviewed); and*
 - *the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent.*

2.5 Determining what is the maximum level of development that would constitute sustainable development south of the Green Belt in BANES in the present plan-making context is a matter of planning judgement. This should have regard to access to employment opportunities (current and forecast) both in the immediate area and also the connectivity that is available to Bath, Keynsham and Bristol, and indeed Frome, in Mendip. In our assessment, the task at present (700 dwellings on non-strategic sites) strongly suggests that most, if not all, of the need for non-strategic greenfield development could be accommodated in non-Green Belt locations, subject to:

- The availability, suitability and deliverability of sites;
- The level of social infrastructure (notably primary school places) or availability and sustainability of land for accommodating growth.

2.6 It is likely that a very high proportion, if not all, of the non-strategic requirement will be sourced from greenfield sites. The evidence base behind the JSP presents an urban intensification allowance for large sites in Bath, and makes a District-wide allowance for small additional windfall sites¹ post 2029. No urban intensification allowance is presented in the JSP evidence base for large sites elsewhere in BANES, e.g. within the existing urban area of Keynsham or Radstock, and if such sites can be identified these would contribute to the non-strategic requirement of 700 dwellings.

2.7 However, it seems likely that if there was the requisite level of confidence in such supply, it would have been relied upon within the housing trajectory to 2029 during the examination of Placemaking Plan. Whilst occasional brownfield windfall sites (of over 10 dwellings) have been permitted since the adoption of the Placemaking Plan, it is unlikely that circumstances have changed so much so as to reveal new specific sites that can deliver by 2029 or 2036. However, it is acknowledged that circumstances may change during plan preparation during 2018.

2.8 Against this background, Edward Ware Homes notes the three broad options that are presented for the apportionment of 700 dwellings, namely: -

- 1) Continuing the existing hierarchical approach of the Development Plan with development directed to the most sustainable locations outside the Green Belt, where access to employment opportunities, facilities and services, as

¹ 9 dwellings or less

well as to public transport is best. The consultation states that this could include locations within Keynsham, at Midsomer Norton, Radstock and Westfield in the Somer Valley, and at certain larger villages outside the Green Belt with access to key facilities and services (including a primary school with capacity/scope to expand). Beyond that, it is said that other smaller non-Green Belt villages could accommodate a lower proportion of the growth.

- 2) Focussing development at a few key locations, such as on the edge of the towns; or at two or three of the larger villages. These could act as the focal points for future housing development without the need to allocate sites at the smaller less sustainable settlements.
- 3) A more dispersed approach allowing a range of smaller sites across the District at a greater range of settlements, large and small. This could include sites at all settlements outside the main urban areas.

2.9 Given the current scale of the task (700 dwellings), Edward Ware Homes rejects the need to identify sites at the least sustainable rural settlements in BANES.

2.10 Such settlements would receive some development under Option 1 and 3. Therefore the realistic options are a modified Option 1 or Option 2. Clearly, the Council regarded Option 1 as the most appropriate approach during the preparation of the Core Strategy (when the scale of the task was larger). To deviate from Option 1, the Council needs to present reasons explaining why this was no longer a sound approach. The scale of the task can form part of that reasoning, but is very clear from the tone of the issues and options document that the future co-planning of housing development with the availability of primary school places is a key driver of the current plan-making process. Core Strategy growth has pushed primary school capacity to its limit in many villages in the south of the district.

2.11 On this matter, we are concerned that there is no settlement classification policy in the BANES Core Strategy i.e. there is no 'absolute' rural settlement hierarchy based on how settlements currently perform/function. The RA.1 and RA.2 policies are not a direct substitute for this. They define places based on their capacity to receive development (with primary school capacity being a high-profile variable). However, already very sustainable rural villages would be excluded from RA.1 status if the school is full and could not be expanded. Indeed, this would and indeed does deny recognition of a village's current role in the life of the district. We suggest

that the Council combines a 'growth neutral' classification system, with additional polices then governing growth to ensure an objective assessment of the sustainability of locations.

- 2.12 Clearly, Midsomer Norton, Radstock and Westfield represent the core urban area outside the Green Belt and this area can be expected to receive a significant share of the housing requirement. This share might however, be tempered by development effects in respect of Policy NE2A (Landscape setting of settlements). We note that Diagram 6 of the consultation only refers to primary school capacity/expansion options and does not refer to these towns and thus it is assumed that even if they face the same issues as some villages, that primary school places would not be regarded as a barrier to growth i.e. a solution would be found.
- 2.13 It is interesting to note that Option 1 breaks up the concept of a Somer Valley policy area (Core Strategy Policy SV1) and refers only to Midsomer Norton, Radstock and Westfield and not Paulton & Peasedown St John. We question whether this is a signal that the later villages will be separated from a future Somer Valley Area and, if so, whether they would become RA.1 villages or, given their scale, form a new layer in the settlement hierarchy. Again, any deviation for the adopted Core Strategy so soon after its adoption would need to be clearly justified.
- 2.14 The difference between Option 1 and Option 2 is due in large part to a difference in the approach to the role of larger villages. Option 1 seems to enable all larger villages to grow, yet would target one village for primary school investment. This would mean the Council having to relax its RA.1 approach and allow travel between villages to access primary education. This would represent a move away from the current idealised approach of Policy RA.1 but this would not be unsound. By contrast, although Option 2 would also require a new primary school, the host village would be targeted for a greater degree of growth, and surrounding feeder villages to the school would be targeted to a lesser degree. Villages outside the catchment would seemingly receive no growth.
- 2.15 Either way there will need to be some degree of relaxation to Policy RA.1. If a new school is identified in one village, there is a limit to the amount of housing development that the JSP would allow to support it (499 dwellings) and the reality of the BANES Local Plan strategy might result in a lesser figure. Generally, 700 dwellings would be considered to generate 210 pupils (a new 1FE school). We

submit that for that investment to be used efficiently, it will have to receive pupils from at least 201 new homes in other places (other villages or the Somer Valley).

2.16 On this matter NPPF:55 states that:

“where there are groups of smaller settlements, development in one village may support services in a village nearby.”

2.17 This embraces the principle that all needs arising from development in one village need not be met at that village. This is backed up by NPPF:29, which states that:

“The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, (our emphasis), the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.”

2.18 The NPPF offers a greater degree of flexibility for plan-making that the Council have hitherto taken-up.

2.19 Given the scale of the task Edward Ware Homes has no strong view at this stage on a modified Option 1 or an Option 2 approach. However, we believe that the Council should expect a significant uplift (at a least doubling) of the non-strategic growth requirement following the examination of the JSP. Therefore, new rural primary school capacity should be considered in more than one location as part of scenario testing in the preparation of the new Local Plan.

Sustainable Development in the Somer Valley

2.20 In the adopted Core Strategy, the Somer Valley policy area is tasked to deliver 2,400 homes² and 900 jobs between 2011 and 2029. This equates to a rate of 133 homes per year, 50 jobs per year and a ratio of 2.66 new homes per additional job.

2.21 Effectively, with the plan period in BANES being extended by 7 years, a roll forward of that rate/relationship (which has been judged to be sound) would equate to 931 more dwellings if jobs growth prospects were to increase by 350. Given that the JSP already makes a windfall allowance for small sites post 2029, the housing figure

² 1,000 dwellings at Paulton and Peasedown St John (41.6%)

of 931 dwellings effectively comes down to 800 dwellings for 2029/30 – 2036/36 for non-strategic sites of 10 or more dwellings). This is broadly the same as the merging non-strategic requirement of 700.

- 2.22 In justifying the Core Strategy, the Council noted the current imbalance of jobs to homes in the Somer Valley policy area, and its weaker employment growth prospects compared to land in the Green Belt around Bath, Keynsham and Whitchurch. Based thereon, it reasoned that additional housing growth on greenfield sites in the Somer Valley and RA.1 villages should be, to a degree, constrained. Therefore, a significant amount of the Core Strategy's residual housing requirement to 2029 was directed to Green Belt locations. However, additional housing supply was not completely constrained in the Somer Valley and a few hundred additional greenfield dwellings were planned, even though the Council could have determined that existing commitments and likely brownfield development should not have been exceeded.
- 2.23 The Core Strategy could have constrained housing growth in the Somer Valley to 2,000 homes (111 homes per year) and 900 jobs, at a ratio of 2.22:1, but it chose to increase housing supply to reduce the need for land to be removed from Green Belt.
- 2.24 The acceptance of a ratio of at least 2.66 dwellings per additional job in the Somer Valley, when a lower ratio could have been used, is a factor that should weigh in the current strategy making process. This does not lead to a conclusion that no additional jobs would result in no further housing, as the latent need for housing would remain, and the need to avoid removing land from the Green Belt would remain.
- 2.25 There are signs in the issues and options document that Peasedown and Paulton may be separated from a future Somer Valley policy area. Based purely on the Core Strategy housing trajectory Midsomer Norton, Radstock and Westfield are programmed for 1,400 dwellings 2011-2020 (77 per annum). Rolled forward over 7 years this is 539 dwellings, and less a small windfall allowance (assumed at 12 per annum)³ this would equate to 455 dwellings.

³ Roll forward of November 2016 housing trajectory

- 2.26 Thus, identifying Midsomer Norton, Radsotck and Westfield alone for around 450 would be consistent with the rate of delivery set forth in the Core Strategy.
- 2.27 Paulton and Peasdown are a special case because of the one-off redevelopment of the former Polestar printing factory, but as large villages in their own right, and subject to environmental effects and access to primary school places they too should also receive some development (under the focussed approach).

Sustainable Development in the Rural Areas

- 2.28 The adopted Core Strategy sought to direct some of the residual need for housing to rural areas, particularly the larger villages, which were allocated around 50 dwellings between 2011-2029 (2.8 per annum). A simple roll forward of this rate for the period 2029-26 would generate the scope for around 20 more dwellings, based adopted policy. However, in some cases e.g. Bishop Sutton and Temple Cloud this number has already been breached through planning appeals.
- 2.29 The appeals recognised that although the spatial strategy only required each RA.1 village to delivery 50 dwellings, it did not mean that each village was not capable of accommodating a greater level of development in the absence of a 5-year land supply.
- 2.30 In the current plan-making context in our assessment the Council should assess the degree to which there is headroom within each village for additional, proportionate growth to 2036. It should also consider whether some rural settlements might be options for an even greater level of development. In the context of the West of England JSP, a Chatfield 'light' approach might be a suitable option for one or more settlements within BANES.
- 2.31 We set out in the table below the number of dwellings in RA.1 villages in 2011, and what 'around 50 dwellings', or what has actually been permitted on large sites means in terms of growth. There is considerable variety in respect of what 50 dwellings really means for each village. For example, Farrington Gurney would grow by 13.5% whereas High Littleton and Timsbury would grow by just 4.4% and 5.9%, despite them all being within the same layer of the policy hierarchy. This is inconsistent. We do not think that a simple roll forward of the Core Strategy figure of around 50 would be a suitable approach, and it would yield only limits the supply of additional dwellings (even if primary school places were not an issue) in places that can grow to a greater degree.

2.32 For illustrative purposes, we show that if each of the selected village was permitted to grow by at least 20% for the 25-year period 2011-2036 then there is potential for around 550 dwellings.

Effects of 50 dwellings growth and 20% growth on selected non-Green Belt villages

Village	Dwellings 2011	% growth from 50 dwellings or permission on large sites	Total and additional dwellings to those permitted at 20% growth by 2036
Timsbury	1,145	4.4% 50 units enabled by the Core Strategy and allocated in the PMP.	1,374 - total 179 - additional to permissions
High Littleton	852	5.9% 50 units enabled by the Core Strategy but not yet permitted	1,022 -total 170 - additional to permissions
Clutton	637	7.8% 50 dwellings permitted	764– total 77 - additional to permissions
Bishop Sutton	565	13.4% 76 dwellings permitted	678 - total 37 - additional to permissions
Temple Cloud	487	14.3% 70 dwellings permitted	584 – total 27 - additional to permissions
Farrington Gurney	370	13.5% 50 units enabled by the Core Strategy but not yet permitted	444 – total 74 - additional to permissions
Total			564 - additional to permissions

2.33 If the housing requirement for non-strategic growth remains as low as 700 (which it may not), then not all of this ‘in-principle’ potential may be required in this plan period, especially given that there are reasonable site options in the Somer Valley.

There may be also reasons why this level of development cannot be identified at certain villages due to the availability of suitable sites. We also recognise as set out in paragraph 3.14 that the Council may choose to restrict proportionate housing growth in some villages, in favour of a focused/intensified growth in others. Even if Option 2 (the focused approach) is selected, we would caution against an absolute restriction of development in the other large villages. The JSP identifies that BANES perform especially poorly in respect of contingency land supply (just 100 dwellings) compared to 1,500 in South Gloucestershire and North Somerset. There is therefore some justification for enabling a more meaningful plan 'B' supply within the BANES Local Plan, if not the JSP itself.

Conclusions

- 2.34 The current housing trajectory shows that the Core Strategy housing requirement in the Somer Valley is on track to be met well before 2029. Indeed, with any additional housing allocations, this area would develop only via the development of small windfall sites for the 10 years from 2026-2036. The same can be said for the rural areas.
- 2.35 The Keynsham and Whitchurch areas will see growth from the late 2020s to 2036 and beyond based on the SDL's proposed in the JSP. Bath is of course a special case and will reach a natural stop. To maintain a geographically balanced housing development programme so that the supply of new housing does not dry up in sub-markets, the search of new non-strategic housing sites would focus on the south of BANES.

3. NORTHMEAD ROAD, THICKETMEAD & BOXBURY HILL, MIDSOMER NORTON

3.1 Edward Ware Homes is promoting three sites on the western side of Midsomer Norton at:

- Thicket Mead (A362), to the east of Tesco Old Mills;
- Northmead Road (B335), to the east of the MSN Greenway; and
- Boxbury Hill / Phillis Hill (Paulton Ward).

3.2 All three of these sites have recent planning history resulting in the refusal planning permission, and in the case of Boxbury Hill, at appeal. However, it is considered that the changing plan-making context in association with revisions to the application layouts enable the reasons for refusal to be overcome, thus justifying the sites being allocated for development in the new Local Plan.

3.3 We have strategically made the case in a district-wide sense for additional development sites to be allocated in the Somer Valley to meet housing requirements to 2036. At a more localised level, it is considered that there is no doubt that the location of each site in relation to the built-up area of the town is sustainable.

3.4 Midsomer Norton High Street (and more specifically Sainsburys) is 0.8-1.0 miles away, equating to a 20-minute walk or a 7-10 minute cycle ride, with the option of using the Norton Radstock Greenway for part of the journey; Tesco, Old Mills is a 2-5 minute walk from all the sites; and the existing business units at Old Mills, and the new Enterprise Zone at Old Mills are a 6-10 minute walk from all the sites.

3.5 In respect of suitability, all three sites have the advantage of being located outside the area that is designated under Placemaking Plan Policy NE2A.

3.6 It should be noted that the land now promoted at Thicketmead has been reduced to exclude the southern part of the former application area, save for an attenuation basin. Other things being equal, sites not covered by Policy NE2A in the Midsomer Norton and Radstock area should be selected over those that are covered by it. The Council will be aware that policy NE2A has extensive coverage in respect of many of the settlements in the south of the Green Belt.

Thicket Mead (A362) to the east of Tesco Old Mills

- 3.7 An outline planning application for a residential development of up to 72 dwellings and associated infrastructure (14/00685/OUT) was submitted in February 2014 and refused in August 2014. The illustrative site layout for that application is presented below.

14/00685/OUT: Previous Illustrative site layout



- 3.8 The reasons for refusal were as follows, and covered the need for development, landscape effects, ecological effects, and site capacity /layout.

1) *Site located outside of the HDB and constituted the unnecessary development of greenfield land. The form and pattern of proposed development would be unrelated to and isolated from the established pattern of development to the east and would be a clear intrusion into the open countryside. The development would detract unacceptably from the character of the open countryside and the*

setting of the Greenway which passes through the site. (CS SV1 & CP6, LP HG4 & NE.1).

- 2) *Insufficient evidence submitted to demonstrate that there will be no harm to ecology, habitat provision and protected species, in particular harm to the conservation interests of the adjoining Site of Nature Conservation Interest and to bats of the Mells Valley Special Area of Conservation, which are likely to utilise the site and surrounds for commuting and foraging. The proposals additionally fail to demonstrate that the integrity, multi-functionality, quality and connectivity of the Strategic Green Infrastructure Network will be maintained, protected and enhanced.*
- 3) *The proposed development would result in the loss of Grade 1 agricultural land in this case whereby there is no sustainability considerations proposed of sufficient weight to override the protection afforded to the agricultural value of the land. Consequently, the development would be contrary to the guidance set out in the National Planning Policy Framework.*

3.9 In our assessment, reasons for refusal 1 and 2 clearly relate to the southern part of the proposed development where the land slopes down into the Wellow Brook (an SNCI).

3.10 Subsequent to the refusal of planning permission, the Council has adopted Policy NE2A on the landscape setting of settlements. This designation covers only the southern part of the former application area.

3.11 We note that the urban design comments on 14/00685/OUT stated that:

“the northern part of the site may be capable of limited redevelopment, being previously developed land between built form and reasonably connected to local facilities and transport”.

3.12 This comment relates to the farm buildings and bungalow on the site, and in the context of there being a general objection, at the time, to greenfield development beyond the HDB. In the current context, the in-principle greenfield objection falls away such that a larger development is supportable, albeit smaller than the former application.

- 3.13 We note that the landscape officer comments on 14/00685/OUT began by stating that:

“Whilst I could possibly support the development of some land occupied by the existing farm buildings, as they are a visual detractor and this could be seen as a small degree of change as mentioned above, I could not support any possible development further south than the narrow pinch point just south of the Oak tree. The land south of this point is very sensitive and gently sloping farmland with a distinctive character.”

- 3.14 In this passage, the officer sets aside the HDB in his objective assessment of the landscape effects of development and recognises that undeveloped parts of the site also have a high degree of planning merit.
- 3.15 Consequently, in our assessment a reduced scheme pertaining to all the land north of the pinch point is supportable in respect of overcoming reasons for refusal 1 and 2. At Appendix 1, we present a scheme of 30 dwellings on this area, which essentially forms a large infill site between the housing development boundary and Tesco. The only development south of the pinch point would be the creation of an attenuation basin.

APPENDIX 1: THICKETMEAD, REVISED LAYOUT

- 3.16 It is therefore considered that the site should be allocated for development in the new Local Plan. The allocation policy should budget for around 30 dwellings and include placemaking principles to secure the appropriate design response. Budgeting for 30 dwellings should not mean that this figure is a cap if, at the planning application stage, it can be demonstrated that a higher figure would not prejudice adherence to the placemaking principles.

Northmead Road (B335) to the east of the MSN Greenway

- 3.17 An outline planning application (ref: 14/00672/OUT) for a residential development of up to 44 dwellings and associated infrastructure (access to be determined all other matters reserved), was submitted in February 2014 and refused in August 2014. An appeal was begun but withdrawn. The illustrative site layout for that application is presented below.

14/00672/OUT: Previous Illustrative site layout



3.18 The reasons for refusal were as follows, and covered the need for development, ecological effects, and site capacity /layout.

- 1) *Development unnecessary and therefore harm to character and appearance unacceptable.*
- 2) *Insufficient evidence submitted to demonstrate no harm to ecology, habitat provision and protected species, in particular harm to bats of the Mells Valley Special Area of Conservation, which are likely to utilise the site and surrounds for commuting and foraging (Policies NE.10 /CP6).*
- 3) *Fails to demonstrate that the number of dwellings proposed could be accommodated within the site in a satisfactory manner. The indicative layout submitted suggests that the number of dwellings proposed would cause unacceptable harm to the amenity of surrounding residents through loss of privacy and would fail to incorporate sufficient ecological mitigation. (D2, D4, NE1 and CP6).*

- 3.19 Clearly reason for refusal 1 falls away given the new plan-making context and the need to identify additional sites to accommodate 700 dwellings, coupled with the lack of sufficient brownfield supply and the need to maximise sustainable development opportunities outside the green belt. This exercise will require greenfield land and therefore will entail a degree harm to the character and appearance of selected sites. The Northmead Road site is not identified within the Policy NE2A landscape setting designation, meaning that the openness of the site was not assessed by the Council as being important to the setting of the settlement. Consequently, in comparison to many other options, harm to character and appearance would be more acceptable.
- 3.20 In respect of reason for refusal 2, a Bat and Reptile Survey (Michael Woods Associates) was submitted to the Council in January 2015 to the appeal being withdrawn, and this is available on the online planning case file. The survey recovered bat activity and found that the hedgerows on site are important features for bats (both foraging and commuting).
- 3.21 In respect of reason for refusal 2 and 3, Appendix 2 present a revised illustrative layout to illustrate between 25-35 dwellings. The revised layout enables sufficient ecological mitigation to be incorporated, particularly in respect of the southern and central hedgerows. The revised layout also reduces the impact on the amenity of neighbouring dwellings to an acceptable level.

APPENDIX 2: NORTHMEAD ROAD, REVISED LAYOUT

- 3.22 It is therefore considered that the site should be allocated for development in the new Local Plan. The allocation policy should budget for around 23 dwellings and include placemaking principles to secure the appropriate design response. Budgeting for 23 dwellings should not mean that this figure is a cap, if at planning application stage, it can be demonstrated that a higher figure would not prejudice adherence to the placemaking principles.

Boxbury Hill / Phillis Hill (Paulton Ward).

- 3.23 An outline planning application (ref: 13/04880/OUT) for a residential development of up to 124 dwellings and associated infrastructure, was submitted in November 2013 and refused in February 2014. An appeal was submitted and the decision was upheld in May 2015. However, the decision was quashed in January 2017⁴ because

⁴ [2016] EWHC 103 (Admin)

the Inspector raised matters relating to housing supply in his reasoning that were not raised at the appeal hearings. Whilst the decision as a whole is quashed there was no challenge to the inspectors reasoning in respect of site specific matters.

- 3.24 In addition, paragraph 4 of Mr Justice Holgates judgement is important to note. This states that:

"The decisions on both the Paulton and Midsomer North sites also included adverse findings on other aspects of the appeal proposals. But the Secretary of State accepts that the Inspector did not treat any of those findings as a freestanding reason sufficient to justify the dismissal of the appeals, irrespective of the Inspector's treatment of the housing land supply issues."
(our emphasis)

- 3.25 Consequently, where there is an identified need for housing, the heritage issue pertaining to the Boxbury Hill site, as set out below, is not of itself sufficient to render the site unsuitable for sustainable residential development. If the setting of the Batch was not a freestanding reason justifying the refusal of the appeal application in respect of NPPF:14 on decision taking, then logic dictates that it cannot be a freestanding reason in respect of NPPF:14 in relation to plan-making (allocation).

3.26 The illustrative site layout for the refused application is presented below.

13/04880/OUT: Illustrative site layout



3.27 The reasons for refusal were as follows, and covered heritage effects, landscape effects, and the separation of settlements:

- 1) *Development is considered to have significant harmful impact upon the setting of the adjacent Old Colliery Batch which forms part of a non-designated heritage asset (NPPF 135, CS CP6 and D4 of LP);*
- 2) *The proposed residential development and loss of this important open space, which forms an important undeveloped hillside would have a significant and detrimental impact on local character and the landscape setting of the immediate and wider area (NPPF 17 & 109, CS CP6 & CP7, LP D2, D4, NE1, NE3, and BH15);*
- 3) *Site represents an important buffer between Paulton and Midsomer Norton, contributing to the separation of the two independent urban areas. The development prejudices the separateness of these two settlements.*

- 3.28 The quashed appeal decision rejected reasons for refusal 2 and 3. However, the quashing of the decision had nothing to do with the inspector's reasoning in respect these matters.
- 3.29 Paragraphs 40-54 of the appeal decision set out the inspector's reasoning and conclusion in respect of the effect of the proposed development on the character and appearance of the area.
- 3.30 We concur with the statement at paragraph 48 that acknowledges that *"whilst the loss of this open space might be regretted by some, it would be overstating its significance to accept that it is an important open space which makes a contribution to the character of the settlement."*
- 3.31 We consider that the Inspector was right to conclude on paragraph 53 that *"the degree of harm would not be so great as to be unacceptable; development here would, for the most part, be seen as an extension or expansion of the present pattern of development, which has successfully integrated into the hillside setting of the settlement."*
- 3.32 Subsequent to the appeal decision the Council, rightly, did not consider that the site should be covered by the Policy NE2A designation within the Placemaking Plan.
- 3.33 Paragraphs 32-39 of the appeal decision set out the inspectors reasoning and conclusion in respect of the effect of the proposed development on the separate settings of Midsomer Norton and Paulton. He concluded that he did not consider *"that the proposed scheme would, to any practicable or material degree, in either physical or social terms harm or diminish the separate settings of Paulton and Midsomer Norton."*
- 3.34 Reason for refusal 1 was upheld in the quashed appeal decision and therefore the impact of residential development on the setting the undesignated Batch is the only suitability matter to be weighed in the planning balance.
- 3.35 It should be recognised that the Inspector considered harm to the setting of the batch in the context of his quashed reasoning that the Somer Valley area had a 'disaggregated' 5-year land supply at the time of his decision. In his view, this meant that the benefits of the proposal did not sufficiently and demonstrably outweigh the benefits as, in his view, there was no need for the harm.

- 3.36 However, circumstances have changed with the introduction of the JSP and there is a need for additional housing, and moreover a need to maximise sustainable development outside the Green Belt.
- 3.37 In response to the Inspectors reasoning, Edward Ware Homes have revised the scheme for the site and the number of homes proposed has been halved, with a focus on development on the western and eastern parts of the site, with the central area left open and underdeveloped.

APPENDIX 3: BOXBURY HILL, REVISED LAYOUT

- 3.38 Given the refreshed need for housing and the associated need to maximise non-Green Belt options, the site can be allocated with justified 'limited' harm in respect of landscape, visual and settlement separation matters, and not enough harm affect 'suitability'. The impact of development on the setting of the Batch, even at 124 dwellings is not a freestanding reason to render the site unsuitable for development. However, a lower level of development and a heritage-led urban design strategy to reduce the level of harm and make the site very competitive in a comparative assessment of alternatives.
- 3.39 It is therefore considered that the site should be allocated for development in the new Local Plan. The allocation policy should budget for up to 60 dwellings and include placemaking principles to secure the appropriate design response based on a split development concept. Budgeting for 60 dwellings should not mean that this figure is a cap, if at planning application stage it can be demonstrated that a higher figure would not prejudice adherence to the placemaking principles and high quality design.

4. ABBOTS FARM CLOSE, PAULTON

- 4.1 An outline planning application (13/03547/OUT) for a residential development of up to 47 dwellings and associated infrastructure, was submitted in August 2013 and refused in January 2014. An appeal was submitted and the decision was upheld in May 2015. However, the decision was quashed in January 2017 because the Inspector raised matters relating to housing supply in his reasoning that were not raised at the appeal hearings. We refer again to paragraph 3.25 of these representations in respect of the issues pertaining to the site not presenting a freestanding reason for refusal (or in the current context, allocation), where there is an identified need for housing - albeit we acknowledge that primary school children do need somewhere to go to school within a reasonable distance, if not within the village itself.

APPENDIX 4: ABBOTS FARM CLOSE, PROPOSED LAYOUT

- 4.2 The single reason for refusal was as follows:

1) The proposed development of the site, due to the lack of local primary education places, is contrary to the principle of sustainable development and would be likely to result in unsustainable transport movement by private cars. (T1 & CF3 of BANES LP)

- 4.3 The inspector's reasoning and conclusion in respect of the whether development would be 'sustainable' in light of the need for trips to be made beyond Paulton to access primary school places, is found at paragraphs 32-45 of his decision. His conclusion was affected by his quashed reasoning that there being a 5-year land supply in the Somer Valley, rendered development unnecessary and the environmental effects (albeit minor of transporting around 14/15 pupils) avoidable.
- 4.4 In his conclusion, he also stated that *"if there were an overriding need for further housing land in Paulton, these would be factors which would weigh in favour of granting permission."* There is now an overriding need for additional development in the district, and an associated need to optimise the use of non-green belt opportunities in accommodating, at present, 700 dwellings. Paulton forms part of the Somer Valley cluster of settlements outside the Green Belt, this being the most sustainable strategic location/policy area outside the Green Belt. Logically this area should be a focus for accommodating much of the additional housing that is needed.

- 4.5 Although a village, Paulton is not subject to policy RA.1 (rather SV.1), and therefore there is no requirement for primary school capacity to be available in the village. Consequently, it would be sustainable for children from the development site to go to school elsewhere in the Somer Valley or in capacity generated by the development of new primary school places at, for example, Clutton or High Littleton.
- 4.6 Since the appeal decision, the Council has also refused (in June 2017) an application to change part of the outline application for the former Polestar factory from a continuing care retirement community of 210 C2 and C3 units, to 73 dwellings.
- 4.7 The first reason for refusal states that:
- 1) *The proposed development, due to the generation of pupils in excess of the local primary school capacity, would represent an unsustainable form of development which would lack access to the necessary supporting infrastructure, would increase the reliance upon motor vehicles at the expense of walking/cycling and would have detrimental social implications. The proposals are therefore contrary to the development plan, the emerging plan and the NPPF, in particular policy CP13 of the Bath and North East Somerset Core Strategy, policy T.1 of the Bath and North East Somerset Local Plan and policies LCR3A and ST1 of the emerging Bath and North East Somerset Placemaking Plan.*
- 4.8 The decision was made in the context of BANES stating that it had a 5-year land supply and therefore, no housing shortage. The wording would appear to update the reason for refusal relating to Abbots Farm Close, albeit Policy T.1 (Overarching Access Policy) of the BANES Local Plan has since been superseded by ST1 (Promoting Sustainable Development) of the Placemaking Plan.
- 4.9 Again, we repeat that this approach only holds true where there is no identified need for housing. Where such a need returns (either through plan-making or 5-year supply matters) that the absence of primary school places in Paulton is not a standalone reason for non-allocation, if places are available elsewhere. Abbots Farm Close should be comparatively assessed against all other site options and not dismissed outright.

- 4.10 In addition, given that there is brownfield family housing capacity in Paulton (in the absence of demand from retirement housing operators to come forward with proposals on the former Polestar site), equivalent to 73 dwellings, it would appear to be necessary for the Council to find a solution for unlocking that capacity. Once this is achieved the solution will also unlock Abbots Farm Close.
- 4.11 Finally, there was no site-specific reason for refusal on environmental grounds, meaning that the site is suitable for the proposed development. However, since the appeal decision, Policy NE2A has been adopted and the associated proposals map designation covers the site. It is considered that this is erroneous in respect of Abbots Farm Close, given that landscape or landscape setting did not form a reason for refusal. It does not matter that Policy NE2A was not adopted at the time of refusal. The issues were still capable of being raised under existing landscape policies as for Boxbury Hill re the use of NE1.
- 4.12 However, NE2A is not a blanket ban on development. Rather it requires *“any development within designated areas to conserve and enhance the landscape setting of settlements and their character, views and features”*. Only *“development that would result in adverse impact to the landscape setting of settlements that cannot be adequately be mitigated”* will be refused.
- 4.13 Given the wide geographical coverage of policy NE2A, there will be a spectrum of sensitive areas on the edge of settlements that contribute to the settings to various degrees. There will be parcels of land that have less sensitivity and they will be more appropriate to satisfy the policy framework. Abbots Farm Close in one such location. There is sufficient evidence from the determination of the former application to make this judgement and this should be reflected in the HEELA.
- 4.14 Firstly, there was no landscape reason for refusal, let alone any landscape objection, subject to conditions. Secondly, although the landscape officer stated that development would have a landscape impact, it was noted that the site is relatively well contained in landscape terms, with housing development to the east and north, and this harm is not considered to outweigh the benefits of development. Some detailed concerns were raised by the landscape and tree officer; however, the illustrative layout was revised to ensure a buffer between the western boundary and the housing that was proposed.

4.15 It is therefore considered that the site should be allocated for development in the new Local Plan. The allocation policy should budget for around 45 dwellings as no revisions are needed to the refused application, and include placemaking principles to secure the appropriate design response. Budgeting for 45 dwellings should not mean that this figure is a cap, if at planning application stage it can be demonstrated that a higher figure would not prejudice adherence to the placemaking principles.

5. WELLS ROAD, HIGH LITTLETON

- 5.1 Edward Ware Homes control around 4ha of land south of Wells Road, High Littleton as identified in Appendix 5.

APPENDIX 5 - INDICATIVE CONCEPT PLAN

- 5.2 The site has been the subject of two previous outline planning applications (14/00038/OUT & 15/01639/OUT) for residential development of up to 71 dwellings. Both applications were refused for similar reasons in relation to the impact of the development within an edge of settlement location in the open countryside and inadequate provision of local primary school places.
- 5.3 The revised proposals as shown indicatively on the concept layout at Appendix 5, show a reduction in the proposed built form to circa 50 units as well as the on-site provision of a 1FE entry primary school.
- 5.4 High Littleton is an RA.1 village identified for the development of 50 dwellings on large sites from 2011-2029. Only one substantial site has been granted planning permission for 9 dwellings but this has not yet been developed, the Core Strategy requirement for the village amounts to just 7.8% growth over the Core Strategy period 2011-29.
- 5.5 In our assessment, 20-25% growth from a 2011 baseline to 2036 would equate to 170-213 dwellings (161-204 more than permitted). This range is the minimum level of additional development that could be directed to the village.
- 5.6 In our assessment, there is potential for the village to accommodate a level of housing between 170 dwellings and 213 dwellings as part of the focused approach of the Issues and Options consultation. This would be accompanied by a new 1FE primary school for the village (in addition to the current school) or a replacement 2FE primary school.
- 5.7 The land around the village is designated under Policy NE2A (Landscape setting of settlements) exception of very small parcels of land around the settlement edge. The Edward Ware Homes site sits wholly within this designation.
- 5.8 The Issues and Options document identifies that the primary school in High Littleton is at capacity and cannot be expanded due to the constrained nature of the site. There is scope within the land controlled by Edward Ware Homes to deliver at least a 1FE entry primary school which would increase the capacity.

- 5.9 Planning at the upper end of the range 170-213 would make the most efficient use of a further 1FE of primary school capacity in the village. This level of development would generate around 150 primary aged children. To make the most efficient use of the new space the Council would need to relax policy RA.1 to enable around 60 children from surrounding villages to also be accommodated. As presented, RA.1 is 'idealised' in respect of the insistence that children living in a village must be able to attend a primary school in the same village. Ultimately this policy will stop any development in the RA.1 villages unless demographic shifts enable places to become available.
- 5.10 The presentation of a focused approach to development in the Issues and Options consultation goes hand in hand with a recognition that clusters of villages are able to share services and facilities.
- 5.11 Although 499 dwellings is possible under the definition of non-strategic growth in the JSP, Edward Ware Homes currently assess that a development of 50 units on the land identified in Appendix 5, together with additional primary school capacity, represents a deliverable package, and to enable the sustainable growth of the village westward.
- 5.12 Ultimately, we are of the view that if development is to take place in this area that a confident medium and long-term approach should be taken.
- 5.13 We would like to work with the Council to explore some of the development options for the site including the school's organisation manager to discuss primary school options, alongside the Midsomer Norton Schools Partnership and the Headteacher of High Littleton.
- 5.14 Edward Ware Homes believe that on-site provision in this location will work well but will be guided by the Council, the school and the Trust.
- 5.15 Additional primary school capacity in this part of BANES, in conjunction with a relaxation of policy RA.1 could unlock development potential in other villages where land for housing, but not land for education can be identified. We do not have sufficient data to test potential outcomes, but it could be the case that children from High Littleton currently attending Cameley (Temple Cloud) could go to school in the village, thereby enabling children from developments in Clutton, Hallatrow or Paulton to attend Cameley. We expect the Council to test some of the potential implications when formulating the draft Plan.

- 5.16 Most new residents will either wish to travel north along the A39 to Bath for work or alternatively connecting to the A37 and onwards to Bristol, or south to Norton Radstock, including, in time, new jobs in the Enterprise Zone at Old Mills. The Whitchurch urban extension will become a source of employment and will host a park and ride for travel further into the Bristol. Midsomer Norton is within cycling distance of High Littleton.
- 5.17 Diagram 6 of the Issues and Option Document identifies that the A39 benefits from a moderate public transport facility which connects into the A37 which itself benefits from a frequent service which serves Bristol.
- 5.18 Edward Ware Homes intend to meet with High Littleton and Hallatrow Parish Council to discuss the options for the site and believe a without prejudice meeting with the planning policy team would be constructive to discuss this new opportunity.
- 5.19 It is therefore considered that the site should be allocated for development in the new Local Plan. The allocation policy should budget for up to 50 dwellings, and up to around 1.8ha of land for a 1/2 form entry primary school. Budgeting for 50 dwellings should not mean that this figure is a cap, if at planning application stage it can be demonstrated that a higher figure would not prejudice adherence to the placemaking principles.

6. CAPPARDS ROAD, BISHOP SUTTON

- 6.1 The Council should also be familiar with the proposed site for up to 32 dwellings at Cappards Road, Bishop Sutton, due to the Secretary of State (SoS) decision in September 2016
- 6.2 As indicated in our overview appraisal of the headroom for development at the larger villages, around 20% growth from large sites at Bishop Sutton for the 25-year period 2011-2035 would equate to 113 dwellings. To date 76 dwellings have been completed, leaving some headroom for another 37 dwellings
- 6.3 The residual land at Cappards Road is the clear front runner for that development at Bishop Sutton. The planning history of the site demonstrates that there are no environmental reasons affecting the site's suitability. Further, the SoS decision noted that "the village has capacity in terms of facilities and services" (para 23). The only reason the application was refused by the SoS was in defence of a recently adopted Neighbourhood Plan under the guise of development unacceptably prejudicing the implementation of the CS in respect of the balance between homes and jobs in the south of the District.
- 6.4 However, due to the changing planning policy context and the need to identify an additional 700 units over an extended plan period to 2036, the issue of 'balance' can again be re-evaluated. In this context, the JSP directs around 2,900 dwellings to Whitchurch and Keynsham to 2036 and assumes a further 300 dwellings within Bath. There is therefore good reason in respect of achieving a geographically balanced strategy, for additional non-strategic growth to be delivered through sustainable development opportunities outside the Green Belt, otherwise the operation of the housing sub-market in the south of the district will be harmed with little new build from around the mid-2020s.
- 6.5 In this context, if growth was to be directed to Bishop Sutton, the adopted Neighbourhood Plan would have to give way to higher order, more recently adopted planning policy.
- 6.6 The residual land at Cappards Road presents a clear-cut opportunity. It is recognised that a comparative assessment will need to take place in respect of other potential non-green belt sites in the Somer Valley and at other villages. In this regard, a key strength of the Cappards Road site is that it is not designated under Policy NE2A as contributing to the landscape setting of Bishop Sutton. The

development of another 30 dwellings would also be 'proportionate' over the extended plan period.

6.7 We note that Diagram 6 of the Issues and Options document identifies that the primary school in Bishop Sutton is either full, projected to be full and cannot be expanded within its site.

6.8 This is at odds with the recent SoS appeal decision, which stated at para 11.50 that:

"The local school can accommodate any additional pupils, subject to an appropriate contribution from the developer [7.234] through a payment in accordance with the Council's CIL. There would not, therefore, appear to be any significant problems in terms of overloading the existing community infrastructure of the village."

6.9 The Council should therefore explain why circumstances have changed and provide more detailed evidence of current and projected pupil numbers and explain the technical reasons why the school could not be expanded if needed.

6.10 Even if the Council's assessment is shown to be valid, we assess that development at Cappards Road, in association with that as proposed at Clutton could form part of a focused approach to rural development. If the development concept for Clutton to the west of the A37 is embraced it would result in new primary school capacity that would not be entirely filled by even a maximum level non-strategic development at the village. To make efficient use of the additional capacity would require pupils to enrol from additional development in neighbouring villages. There is therefore scope for a focused /clustered strategy centred on Clutton, but in association with development at Bishop Sutton and other villages in reasonable proximity. It is but a 2.6 mile, 5-minute drive from Bishop Sutton to the proposed site at Clutton, and although driving instead of walking is not ideal, it would result in a very short trip.

7. OTHER MATTERS AND CONCLUSIONS

- 7.1 Whilst we do not repeat the bulk of our representation on the West of England JSP, there are a couple of matter of particular relevance to BANES, that if not dealt with through the examination of the JSP, could be raised in the examination of the BANES Local Plan.

Existing Commitments

- 7.2 Having regard to the housing trajectory for the Core Strategy period to 2029 there are risks in respect of the full delivery of Bath Western Riverside and Sydenham Park. It is considered that Western Riverside will ultimately come forward by 2036, but Sydenham Park, which is allocated for 500 dwellings (200 affordable dwellings) is a considerable risk and represents an aspirational allocation as opposed to a site where there is any evidence of realistic long term developability.
- 7.3 'Bunnings' are making a long-term investment in the former Homebase estate and much of the site is owned by Sainsbury's, which requires it for car parking for its Green Park store. The mixture of existing use values, long leases and limits on height render reliance on this site extremely high risk, even to 2036.

Contingency

- 7.4 The West of England JSP embraces the concept of contingency strategic locations and other supply of 3,100 dwellings, to be released at plan review to achieve the housing requirement to 2036 if it appears that this is at risk. This is addition to flexibility; this being the 3,300 dwellings that are to be planned for immediately, over and above the actual housing requirement of 102,200.
- 7.5 Because of a calculation error in the SHMA (in respect if not allowing for vacancy and second homes) the actual housing requirement does in fact claim the flexibility component too. This has the knock-on effect of making the contingency supply the flexibility component, thus leaving no actual contingency. To correct this, on this terms of the JSP, another 3,100 dwellings need to be sourced, albeit the scale of the matter is rather superseded by more profound issues identified with the SHMA and the baseline housing requirement.

- 7.6 Nevertheless, in the JSP as written North Somerset as a contingency of 1,500 dwellings (6% of its housing requirement of 25,000). South Gloucestershire also as a contingency of 1,500 dwelling (4.6% of its housing requirement of 32,500). Broadly speaking this is around 5% and equivalent to one year's supply for a 20-year plan period. For understandable reasons, Bristol has no contingency as it is maximising what can be achieved within its housing of 33,500.
- 7.7 BANES have a rather underwhelming contingency of 100 dwellings (0.6% of its housing requirement of 14,500). A more reasonable contingency of at least 5% would equate to around 710 dwellings.

Affordable Housing Delivery

- 7.8 The adopted Core Strategy contains a policy target for 3,290 affordable dwellings for the period 2011-2029, of which 410 relate to backlog in respect of underperformance against the Local Plan 1996-2011, and 2,880 (160 per annum) relate to newly arising need post 2011. This squares with the latest Bath SHMA for the JSP (155 per annum).
- 7.9 Therefore, the ambition to 2029 in the adopted Core Strategy remains valid. From 2011/12 - 2016/17, 1,281 affordable homes have been built in BANES (JSP Topic Paper 1, Diagram 2). This leaves 2,009 more homes to secure over the next 12 years. One needs to check if the JSP and the BANES Local Plan will enable this.
- 7.10 BANES have not published a housing trajectory since November 2016. This included data showing a projected supply of 3,205 affordable dwellings for the plan period 2011/12-2028/29 (a deficit of 85 against the target). Since this time the regeneration of the Foxhill estate has been permitted and this will result in net loss of 204 affordable dwellings, increasing the shortfall to 2028/29 of 290 dwellings.
- 7.11 In addition, for the 7 years post 2029, BANES should really be delivering another 1,085 affordable dwellings to maintain the rate of delivery required by the Core Strategy in respect of newly arising need. Anything less would equate to reduction in ambition. To its credit, it is evident from BANES Local Plan Issues and Options consultation that it is planning for 3,100 affordable homes to 2036 (100% of the SHMA need). However, it is still necessary to meet the adopted 2029 target en-route to 2036.

7.12 Added together, the underlined figures generate a need for 1,375 affordable dwellings. Having regard to the JSP:

- Whitchurch, if it delivers 1,600 total dwellings to 2036 will yield 480 affordable homes, at 30%;
- North Keynsham, if it delivers 1,400 total dwellings to 2036 will yield 420 affordable homes, at 30%;
- Non-strategic growth, if this delivers 700 dwellings to 2036 will yield 210 dwellings, at 30%;
- This totals 1,100 affordable dwellings;
- Based on Topic Paper 1, 15% of small windfalls in BANES of 672 (TP2, Annex 1), will yield 100 units and lifting supply to 1,200;
- Therefore, over the whole JSP period the shortfall will be 175 affordable dwellings, which at 30% provision would require another 583 total dwellings to correct;
- Moreover, having regard to the housing trajectory of the JSP, the SDLs will deliver 45 affordable dwellings by 2028/29 (the Core Strategy end date), non-strategic growth could all come forward, yielding 110 dwellings by 2028/29 and the small windfalls nothing (as they are all post 2028/29). This is 155 affordable dwellings;
- Therefore, the new supply proposed in the JSP will not be sufficient to correct the shortfall of 290 affordable homes for the Core Strategy period to 2028/29. A residual deficit of 135 will remain, requiring 450 total dwellings to correct, at 30% provision;
- As part of this analysis we have not discounted 200 affordable dwellings from the 500 total units proposed for Sydenham park in the Placemaking Plan. The prospect of this site delivering anything by 2028/2029 and subsequently to 2036, is minimal.

7.13 Our conclusion is that, simply on the basis of meeting adopted affordable housing requirements to 2028/29, the non-strategic growth figure for BANES should be uplifted by 450 dwellings, from 700 dwellings to 1,150 dwellings. If Sydenham Park is not developable, then a further land supply adjustment will be needed within the JSP for BANES.

APPENDIX 1


THICKETMEAD, MIDSOMER NORTON, REVISED LAYOUT

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REV	DESCRIPTION	DATE	AUTHOR	CHK'D

30 Units
 30% Affordable
 Gross site area: 3.06Ha
 DPH: 24





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architects

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PROJECT
 Thicket Mead, Radstock

For: Edward Ware Homes

DRAWING
 Schematic Layout

SCALE	DATE	AUTHOR	CHK'D
1:500 @ A1	13/12/17	TW	-

JOB NO.	DRAWING NO.	REV
EDWA171117	SCL.01	-

APPENDIX 2

NORTHMEAD ROAD, MIDSOMER NORTON, REVISED LAYOUT



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REV	DESCRIPTION	DATE	AUTHOR	CHK'D
A	Layout revised to accommodate existing sewer	02/01/18	TW	-

23 Units
 30% Affordable
 Gross site area: 1.24Ha
 DPH: 20



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PROJECT
 Northmead Road
 Norton Radstock
 For: Edward Ware Homes

DRAWING
 Schematic Layout

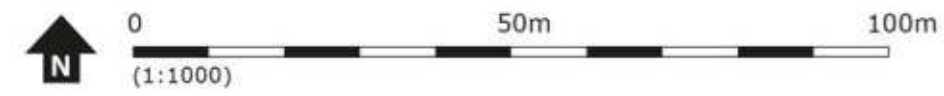
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JOB NO.	DRAWING NO.	REV	
EDWA171118	SCL.01	A	

APPENDIX 3

BOXBURY HILL, MIDSOMER NORTON, REVISED LAYOUT

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PROJECT
Boxbury Hill
 Midsomer Norton
 For: Edward Ware Homes

DRAWING
Schematic Layout

SCALE	DATE	AUTHOR	CHK'D
1:1000 @ A2	04/01/18	TW	-
JOB NO.	DRAWING NO.	REV	
EDWA180103	SCL.01	-	

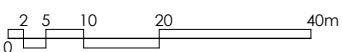
APPENDIX 4

ABBOTS FARM CLOSE, PAULTON, LAYOUT



REV
Amendments

Date



Job No/Drawing No	Job Title
13000/3200 C	Land Off Abbotts Close, Paulton

Scale	Date	Drawn	Drawing Title
1:1000	05	MNR	Framework Plan
@A4	2013	DA	

All Dimensions to be checked on site

pad Design Ltd - The Tobacco Factory - Raleigh Road - Bristol BS3 1TF - Tel. 0117 9530059 - www.pad-design.com



APPENDIX 5

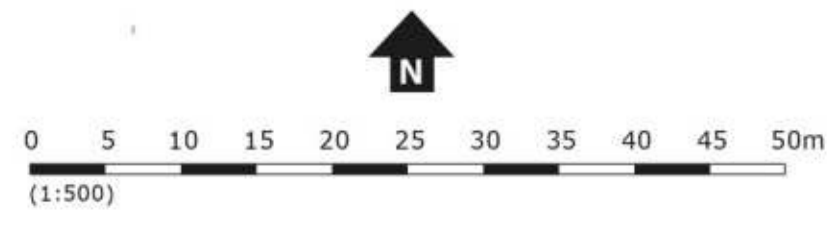
WELLS ROAD, HIGH LITTLETON, LAYOUT




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REV	DESCRIPTION	DATE	AUTHOR	CHK'D

- 1 / 2 Form entry school
- Existing PRoW diversion
- Structural / transitional tree planting





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PROJECT
 Wells Road, High Littleton

For: Edward Ware Homes

DRAWING
 Schematic Layout

SCALE	DATE	AUTHOR	CHK'D
1:500 @ A1	04/01/18	TW	-
JOB NO.	DRAWING NO.	REV	
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Representations to the Bath and North East Somerset Issues and Options Consultation

Land at Northmead Road, Thicketmead and
Boxbury Hill, Midsomer Norton;
Abbots Farm Close, Paulton;
Wells Road, High Littleton; and
Cappards Road, Bishop Sutton

On behalf of **Edward Ware Homes**

Prepared by: Alex Bullock/Daniel Millward



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APPENDIX 1:	SITE LOCATION/ILLUSTRATIVE CONCEPT PLANS
APPENDIX 2:	REPRESENTATIONS TO THE BANES ISSUES AND OPTIONS PLAN (JANUARY 2018)

1. INTRODUCTION

- 1.1 Pegasus Group are instructed by Edward Ware Homes to submit representations to the Bath and North East Somerset (BANES) Local Plan Issues and Options Consultation Document (IOP). The document was published for consultation in November 2018 with representations due to be submitted by the 7th January 2019.
- 1.2 Edward Ware Homes have land interests across BANES at the following locations:
- Northmead Road, Thicketmead and Boxbury Hill, Midsomer Norton;
 - Abbots Farm Close, Paulton;
 - Wells Road, High Littleton;
 - Cappards Road, Bishop Sutton.
- 1.3 Site location/illustrative concept plans for each of these areas are appended to these representations.

APPENDIX 1: SITE LOCATION/ILLUSTRATIVE CONCEPT PLANS

- 1.4 These representations will first respond directly to the key issues raised within the consultation document, and then set out how an allocation of the proposed sites would help the Council to deliver non-strategic development in sustainable and logical locations in line with the spatial strategy options identified within IOP.

2. RESPONSE TO THE ISSUES AND OPTIONS PLAN

2.1 Below we set out our response to the relevant sections of the Issues and Options Plan (IOP). The structure largely follows that of the IOP, taking relevant chapters in turn using the same headings as per the IOP. Specifically, these representations relate to the following chapters:

- *3. Spatial Strategy (Including the Rural Areas); and*
- *7. Somer Valley.*

3. Spatial Strategy (Including the Rural Areas)

2.2 The Spatial Strategy chapter of the IOP sets out the implications of the JSP for the residual housing need within BANES. The JSP, once adopted, will establish the housing and economic growth that needs to be planned for up to 2036 and a spatial strategy for where the strategic components should be accommodated across the West of England (WoE).

2.3 At '3.2 Housing' the Council set out the implications of the JSP for the Council's housing targets. In short, the new BANES Local Plan will be required to find sites to deliver a minimum of 700 dwellings on non-strategic sites across the district. Non-strategic sites in this context are defined as being capable of delivering between 10 and 500 dwellings.

2.4 The Council sets out three strategies to meet this residual demand. Before addressing these we wish to make the following comments on the JSP housing targets more generally.

The JSP Housing Target is too Low

2.5 As stated above, the current IOP is predicated on the submission version of the JSP which identifies a need for 102,200 new homes across the Plan area and the expectation that BANES will deliver some 14,500 homes to help meet this target. The majority of this requirement will be met through existing commitments and development at two key strategic development locations (SDLs) at Whitchurch and Keynsham. However, The JSP does set out a requirement for 700 dwellings to be delivered on non-strategic sites. As stated previously, non-strategic sites are those capable of delivering between 10 and 500 dwellings.

2.6 As we and many others (including the Home Builders Federation) have suggested, this overall requirement for the JSP area and that attributed to BANES is too low. This underestimation can be attributed to three interrelated issues:

- Addressing housing affordability;
- Low economic growth assumptions; and
- Lack of adjustment to meet significant affordable housing needs.

2.7 Although the JSP is being examined against the requirements of the National Planning Policy Framework (NPPF, 2012), the new standardised methodology for the calculation of the minimum local housing need based on household projections and housing affordability makes for an interesting comparison. It is of note that the standard method achieves only a minimum housing need figure and further uplifts may be considered necessary.

2.8 The standard method results in the following *minimum housing requirements* for each of the four authorities:

Authority	1 Year Requirement (dwellings)	20 Year Requirement (dwellings)
Bath & North East Somerset	657	13,138
Bristol	2,440	48,802
North Somerset	1,338	26,760
South Gloucestershire	1,402	28,030
West of England Total	5,836	116,730

Table 1 – West of England Summary Standard Method Requirements

2.9 As a result, we consider that the JSP’s figures are too low. Indeed, when one takes into account other factors that would increase this figure (e.g. affordable housing need) one would expect the target to be closer to the 125,000 dwellings.

2.10 This shortfall of some 20,000 dwellings will need to be met by all four WoE Authorities and, as such, we would expect BANES’ apportionment to increase accordingly. We would, therefore, expect the non-strategic growth figure of 700 dwellings to increase substantially once the Inspectors have examined the JSP in mid-2019.

There is an over-reliance on Strategic Development Locations to deliver the bulk of the housing requirement

- 2.11 Equally, we are also concerned by the significant reliance upon several of the Strategic Development Locations (SDLs) across all authorities.
- 2.12 The Transport Topic Paper 8 (WED007) indicates that the total cost to deliver the transport works for the SDLs is estimated to be between £1-1.4 billion and notes that this would be *“an ambitious programme and would represent a step-change in the level of investment from that achieved in the last two decades”*.
- 2.13 As the Topic paper makes clear, *“in most cases, it is anticipated that the transport schemes will be completed either in advance of, or during, the early phases of housing build-outs in the relevant SDLs”*. Such a conclusion is not surprising given the standard of existing infrastructure and its ability to accommodate major strategic growth.
- 2.14 Whilst, we do not object to the WoE Councils pursuing ambitious programmes of work, we remain sceptical that all works will receive funding and it is understood none benefit from committed funding at present.
- 2.15 **Even if** all the proposed projects receive funding, the associated timescales are likely to be significantly longer than anticipated. Therefore, their implementation and build out rates are likely to be significantly longer than currently envisaged. This in turn would result in the delivery of residential units over a much longer timetable than currently anticipated. In BANES, the Council are expecting to deliver 1,600 of the 2,000 proposed dwellings at Whitchurch, and 1,400 of the 1,500 dwellings at North Keynsham by 2036. Any slips to these delivery trajectories will have severe implications for the Council’s ability to deliver the requisite quantum of housing over the plan period.
- 2.16 It is our position, therefore, that the total requirement flowing out of the JSP will increase, as will BANES’ contribution. As such, we consider that the Council should reduce its dependency on strategic development locations within this plan period. This will mean identifying locations to deliver non-strategic growth far in excess of the numbers currently identified to ensure flexibility going forward. Sites located within the Green Belt may be required to play an important role in meeting this

residual housing need, especially those which currently make a limited contribution to its key purposes.

The Council's Options for Meeting Strategic Growth (Pages 14-23)

2.17 The Council set out three Options to meet the non-strategic growth requirements of the JSP. These are summarised as follows:

- **Option 1** - Concentrate development (c. 650 dwellings) in a few locations outside the Green Belt (Radstock (250), Midsomer Norton (200) and Timsbury (200)) with only a small quantum of development at the rural villages (c. 50 dwellings)
- **Option 2** – Allow for a more dispersed pattern of development across settlements outside the Green Belt, allowing a larger quantum of the requirement to be met by the rural villages (e.g. Temple Cloud and Clutton) alongside development at Radstock, Midsomer Norton and Timsbury.
- **Option 3** – Allow for development at locations both inside and outside of the Green Belt.

2.18 Each of these will be addressed in turn.

Option 1

2.19 Whilst we consider **Option 1** to be a viable strategy, we do not feel that it is the best one for the Council to pursue at this time. The benefits of the strategy are that it will deliver the bulk of development around the larger settlements of Radstock and Midsomer Norton. This will limit the impact of proposals on infrastructure demands, specifically with regard to primary school capacity demand (as set out at paragraph 3.2.9 of the IOP).

2.20 However, the limited quantum of development that would be allowed to come forward at other rural villages (e.g. Clutton, Temple Cloud, High Littleton etc) means that there are limited opportunities to allow for boosts to their vitality and viability through the delivery of new housing and other services alongside it.

-
- 2.21 By limiting the scope for development at rural villages outside the green belt, there is limited scope to allow them to improve their range of services and facilities for residents. This in turn could result in a degradation of their overall vitality and viability over the plan period with no growth proposed.
- 2.22 Indeed, there is considerable demand for additional services and facilities in these rural locations; however, the delivery of small-scale development at such locations will do little to address these issues. Development on a larger scale at rural locations provides opportunities to deliver additional and/or improved services and facilities whilst also boosting their self-containment.
- 2.23 **Paragraph 78** of the NPPF makes it explicitly clear that planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. It also states that 'where there are groups of smaller settlements, development in one village may support services in a village nearby.
- 2.24 As such, we consider that **Option 1** would not constitute a policy approach that would allow rural villages to grow and thrive, thus running contrary to this paragraph of the NPPF. This is because it would only allow for c. 50 dwellings to come forward across all the rural villages (with the exception of Timsbury).

Option 2

- 2.25 **Option 2** would allow for a greater quantum of development to be met by the rural villages. We are supportive of this approach as a large portion of development will be allowed to come forward at the most sustainable locations (i.e. Radstock and Midsomer Norton) whilst also allowing a quantum of development to come forward at the rural villages (e.g. Clutton and Temple Cloud) that can deliver tangible benefits through the provision of additional services and facilities.
- 2.26 In short, this will ensure that there are sufficient opportunities for the rural villages to maintain and enhance their vitality through the delivery of additional services and facilities alongside residential development.
- 2.27 The principal issue with **Option 2** relates to impact development will have on primary school capacity at the rural villages. The current Core Strategy approach has allowed development to come forward at rural villages under Policy RA1. As a result, the pressure on existing infrastructure at such villages has increased without

being offset by the delivery of additional services and facilities. As such, many primary schools are at, or close to, capacity at a number of the rural villages, including many of the more sustainable ones. This is illustrated by Diagram 6 of the previous Issues and Options consultation document from November 2017.

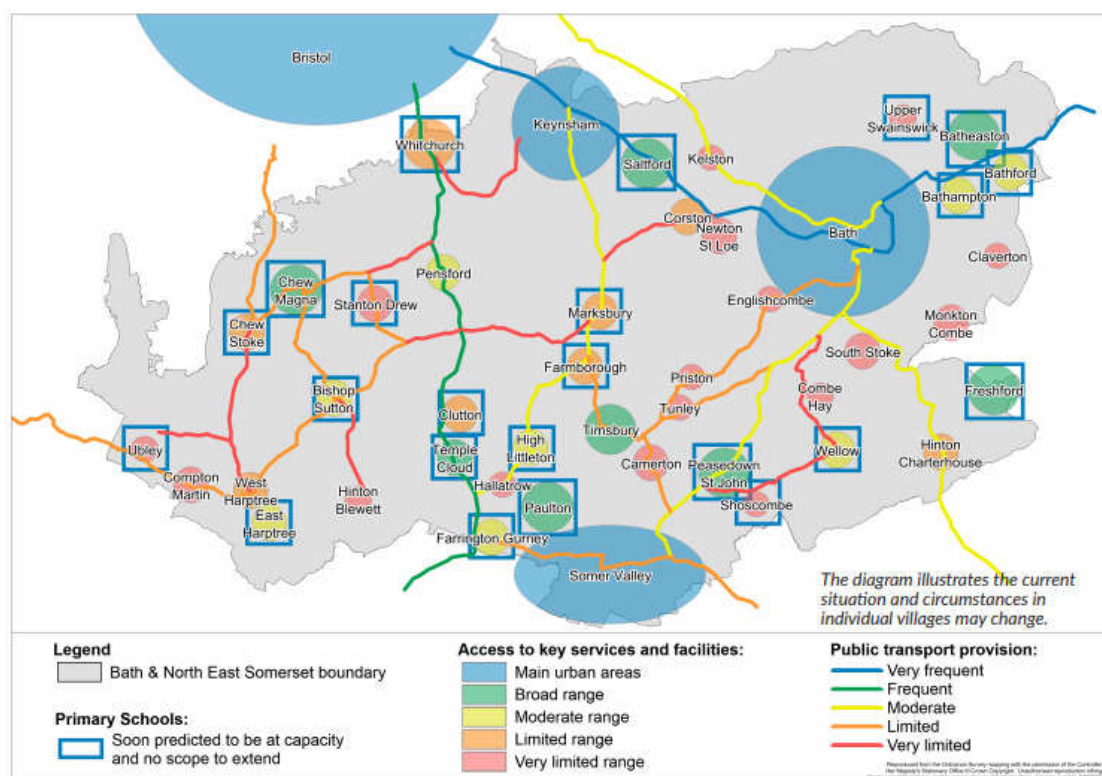


FIGURE 1: DIAGRAM 6 – BANES LOCAL PLAN ISSUES AND OPTION PLAN NOVEMBER 2017

- 2.28 Primary school capacity issues can be addressed at the rural villages, provided a sufficient level of development can come forward to make it viable to do so. This can be achieved through the delivery of new schools, replacement schools and/or capacity boosts at existing schools.
- 2.29 In addition, the Council could adopt a more flexible approach to travel between settlements to access primary school places, where other sustainability benefits are delivered to offset any increase in less sustainable travel patterns. This would also allow a focussed strategy to be adopted whereby development in separate, but closely related rural locations could benefit from the delivery of additional services and facilities.

2.30 In short, **Option 2** strikes a good balance between delivering the majority of development at sustainable locations (e.g. Midsomer Norton and Radstock) whilst also facilitating development that can help ensure the vitality and viability of the rural villages (such as Clutton, High Littleton, Paulton and Bishop Sutton etc).

Option 3

2.31 With regard to **Option 3**, we agree with the Council that this is the less desirable option due to the need to preserve the green belt. However, we consider that in the case of BANES, there may be a requirement to undertake a full green belt review should the non-strategic requirement increase following the JSP hearings; albeit, we consider that there is scope to accommodate the current level of non-strategic growth (i.e. the 700 dwellings target) on sites outside of the green belt.

2.32 Nevertheless, depending on the scale of the anticipated increase to the overall housing target within the JSP, there may be a requirement to identify non-strategic sites within the Green Belt.

7. The Somer Valley

2.33 With regard to housing, the Somer Valley chapter of the IOP largely echoes the strategies set out within chapter 3 of the IOP. These have been discussed above.

2.34 Paragraph 7.9.7 of the IOP sets out the approach to delivering additional housing within the Somer Valley. The strategy to meet this need would entail:

- Maximising the use of brownfield sites not already allocated;
- Intensification of existing urban areas where appropriate e.g. redeveloping surplus garage sites;
- Review and more intense use of existing allocation sites;
- New greenfield sites as a last resort.

2.35 Whilst we acknowledge that urban intensification and regeneration are the most sustainable options to delivering new development, their potential to deliver housing can often be overestimated. The deliverability of sites is a key factor that should be weighed into the assessment of potential sites for development and, therefore, greenfield sites should be considered as part of the identification of a robust set of allocations.

3. PROMOTED SITES

3.1 As stated in the introduction, Edward Ware Homes is promoting land at the following sites within the district:

- Northmead Road, Thicketmead and Boxbury Hill, Midsomer Norton;
- Abbots Farm Close, Paulton;
- Wells Road, High Littleton;
- Cappards Road, Bishop Sutton.

3.2 These sites were promoted during the consultation on the previous Issues and Options Plan between November 2017 and January 2018. The content of those representations is not repeated below but remains very much relevant to this consultation. As such, we have attached copy of those representations at appendix 2.

APPENDIX 2: REPRESENTATIONS TO THE BANES ISSUES AND OPTIONS PLAN (JANUARY 2018)

3.3 A summary of the representations for each site is provided below, alongside some additional commentary following recent changes in the current policy context.

Northmead Road, Thicketmead and Boxbury Hill, Midsomer Norton

3.4 All three of these sites have relatively recent planning history resulting in the refusal of planning permission, and in the case of Boxbury Hill, at appeal. The planning history for each site essentially confirms that each site is fundamentally sustainable in terms of its relationship to services, facilities, employment and transport connections within Midsomer Norton, with each application falling down due to the planning policy context or other minor issues that can be addressed through revisions to the proposals.

3.5 It is considered that the identification of Midsomer Norton and Radstock as being key to delivering part of the non-strategic housing requirement, coupled with revisions to the application layouts enable the reasons for refusal to be overcome, thus justifying the sites being allocated for development in the new Local Plan.

3.6 Our previous representations made the case in a district-wide sense for additional development sites to be allocated in the Somer Valley to meet housing requirements to 2036. We therefore welcome the options presented in Section 3 of the IOP which acknowledge that the Somer Valley and surrounding rural settlements will essentially be responsible for delivering the non-strategic growth requirements as dictated by the JSP.

3.7 Given the sustainability credentials of each site and the need for Midsomer Norton to deliver additional housing to meet the non-strategic growth requirements of the JSP, we consider that all three sites should be allocated in the emerging local plan for the indicative quantities set out in our previous representations.

Abbots Farm Close, Paulton

3.8 This site was subject to a refused planning permission for 47 dwellings due to a lack of primary school capacity within Paulton. Section 2 of these representations consider more generally how the Council can adopt a focussed approach to the rural villages and a more flexible approach to the issue of primary school capacity and accessibility. The reason for this is to ensure that development can come forward at otherwise sustainable villages even though their primary school(s) is/are at capacity.

3.9 The absence of education capacity should not place a moratorium on the delivery of housing at otherwise sustainable locations. Paulton is a service village with a wide range of services and facilities; however, its primary schools are at/soon to be at capacity with no scope to expand. When identifying locations for non-strategic growth, the relative sustainability merits of sites should be considered in the round and not solely based on the primary school capacity of the settlement. Given its range of services and facilities, Paulton can be the focus for some development within the new Local Plan.

3.10 Furthermore, even in locations where new/replacement primary schools can be delivered, it is almost certain that pupils from neighbouring villages will be needed to ensure any investment is maximised. There is, therefore, a clear justification for relaxing the strategy to allow development at sustainable locations even if this means some pupils have to travel to other settlements to go to new and existing primary schools.

-
- 3.11 In the case of Paulton, this could mean identifying a modest amount of growth at Abbots Farm Close and allowing any additional primary school place demand to be absorbed by the surrounding villages (e.g. Hallatrow and/or a new primary school at Clutton and/or High Littleton).
- 3.12 It is therefore considered that the site should be allocated for development in the new Local Plan. The allocation policy should budget for around 45 dwellings as no revisions are needed to the refused application, and include placemaking principles to secure the appropriate design response. Budgeting for 45 dwellings should not mean that this figure is a cap, if at planning application stage it can be demonstrated that a higher figure would not prejudice adherence to the placemaking principles.

Wells Road, High Littleton

- 3.13 As with Edward Ware's land interest in Paulton, the principal constraint for the site is the lack of primary school capacity within the village and there being no realistic prospect of expanding the existing school.
- 3.14 However, the size of Edward Ware's land interest at High Littleton means that it is feasible to deliver a new 1FE primary school on the site alongside a modest level of residential development (c. 50 dwellings). This 1FE school would be retained alongside the existing primary school. There is also scope for a 2FE school to be delivered in the village which would replace the existing primary school.
- 3.15 Indeed, it is understood that the current school is failing to meet the needs of High Littleton with children having to attend primary schools outside of the village. There is, therefore, a clear local need and imperative to look to address this issue. The delivery of a new primary school, facilitated by a modest amount of residential development as proposed at Edward Ware's site presents an excellent opportunity to resolve this issue.
- 3.16 Furthermore, we are of the view that additional primary school capacity at High Littleton, in conjunction with a more flexible approach to travel between villages to attend primary schools, could unlock development potential in other villages where land for housing, but not necessarily education can be identified. For example, it could be the case that children from High Littleton currently attending Cameley

(Temple Cloud) could go to school in the village, thereby enabling children from developments in Clutton, Hallatrow or Paulton to attend Cameley.

- 3.17 It is therefore considered that the site should be allocated for development in the new Local Plan. The allocation policy should budget for up to 50 dwellings, and up to around 1.8ha of land for a 1/2 form entry primary school. Budgeting for 50 dwellings should not mean that this figure is a cap, if at planning application stage it can be demonstrated that a higher figure would not prejudice adherence to the placemaking principles.

Cappards Road, Bishop Sutton

- 3.18 The Council should also be familiar with the proposed site for up to 32 dwellings at Cappards Road, Bishop Sutton, due to the Secretary of State (SoS) decision in September 2016. A site location plan is appended for reference. The only reason the application was refused by the SoS was in defence of a recently adopted Neighbourhood Plan under the guise of development unacceptably prejudicing the implementation of the Core Strategy in respect of the balance between homes and jobs in the south of the District.
- 3.19 However, the policy context has now changed and all three spatial strategy options within the IOP would seek to accommodate some level of development at rural villages, albeit to differing degrees.
- 3.20 Given the identification of Clutton and Temple Cloud specifically as potential options for development under Option 2, it is considered that there remains scope for development at other nearby villages (e.g. Bishop Sutton and High Littleton) as part of a focussed approach to deliver housing and other services and facilities to meet the needs of each community.
- 3.21 Should Bishop Sutton be identified for growth under the Local Plan (as we believe it should be), the residual land at Cappards Road is the clear front runner for allocation. The planning history of the site demonstrates that there are no environmental reasons affecting the sites suitability. Further, the SoS decision noted that "the village has capacity in terms of facilities and services" (para 23). In this context, if growth was to be directed to Bishop Sutton, the adopted Neighbourhood Plan would have to give way to higher order, more recently adopted planning policy.

-
- 3.22 Given the above, it is therefore considered that the site should be allocated for development in the new Local Plan. The allocation policy should budget for up to 32 dwellings. Budgeting for 32 dwellings should not mean that this figure is a cap, if at planning application stage it can be demonstrated that a higher figure would not prejudice adherence to the placemaking principles.

4. CONCLUSION

- 4.1 These representations have been prepared on behalf of Edward Ware Homes in response to the Bath and North East Somerset (BANES) Local Plan Issues and Options Consultation Document (IOP).
- 4.2 Edward Ware Homes have land interests across BANES at the following locations:
- Northmead Road, Thicketmead and Boxbury Hill, Midsomer Norton;
 - Abbots Farm Close, Paulton;
 - Wells Road, High Littleton;
 - Cappards Road, Bishop Sutton.
- 4.3 These representations have set out their response to the relevant parts of the Plan, specifically in relation to the JSP Housing Requirement (Section 3 of the IOP), the proposed Spatial Strategy Options (Section 3 of the IOP) and the strategy for the Somer Valley (Section 7 of the IOP).
- 4.4 In short, we believe that the Council are likely to have to plan for a greater level of non-strategic housing growth due to flaws with the calculation of the JSP's housing requirement. We expect the Inspectors to conclude that a higher housing figure should be adopted, following the examination of the plan in May 2019. As such, we expect the 700-dwelling figure for non-strategic sites to increase significantly in light of this.
- 4.5 In terms of the spatial strategy options, we believe that Option 2, which would allow for a greater level of growth at the rural villages, would be the most appropriate way in which to meet this non-strategic requirement. This is because it strikes a sound balance between development at the most sustainable locations (Radstock and Midsomer Norton) and allowing development at rural villages to maintain their vitality and viability.
- 4.6 Option 1, which would only allow for the development of 50 dwellings across all the rural villages (with the exception of Timsbury), would not allow for a sufficient level of development to come forward to achieve this goal.

-
- 4.7 Meanwhile, we consider that Option 3 would only be viable in the event that a higher quantum of non-strategic growth was required following the examination of the JSP.
- 4.8 The sites promoted in these representations would be able to come forward under Spatial Strategy Option 2 and are deliverable, available and sustainably located. We therefore consider that they should be allocated for development in the new Local Plan.

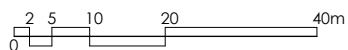
APPENDIX 1

SITE LOCATION/ILLUSTRATIVE CONCEPT PLANS



REV
Amendments

Date



Job No/Drawing No	Job Title		
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Scale	Date	Drawn	Drawing Title
1:1000	05	MNR	Framework Plan
@A4	2013	DA	
All Dimensions to be checked on site			



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 For: Edward Ware Homes

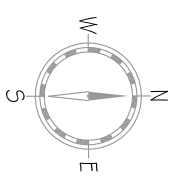
DRAWING
Schematic Layout

SCALE	DATE	AUTHOR	CHK'D
1:1000 @ A2	04/01/18	TW	-
JOB NO.	DRAWING NO.	REV	
EDWA180103	SCL.01	-	

RESIDUAL LAND AT CAPPARDS ROAD, BISHOP SUTTON



Planning Permission
Granted for this Area



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0 1m 2m 3m 4m 5m Sheet Size
A3

Rev	Date	Int



PROJECT:
RESIDUAL LAND AT CAPPARDS
ROAD, BISHOP SUTTON (PHASE 3)

DRG TITLE:
SITE LOCATION PLAN

JOB NO:	DRG NO:	REV:
1159	102	-

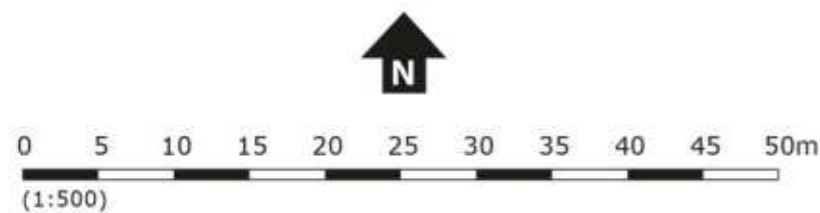
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11/13 TE

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SITE LOCATION LAYOUT



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REV	DESCRIPTION	DATE	AUTHOR	CHK'D
A	Layout revised to accommodate existing sewer	02/01/18	TW	-

23 Units
 30% Affordable
 Gross site area: 1.24Ha
 DPH: 20



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PROJECT
 Northmead Road
 Norton Radstock
 For: Edward Ware Homes

DRAWING
 Schematic Layout

SCALE	DATE	AUTHOR	CHK'D
1:500 @ A2	13/12/17	TW	-


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REV	DESCRIPTION	DATE	AUTHOR	CHK'D

30 Units
 30% Affordable
 Gross site area: 3.06Ha
 DPH: 24





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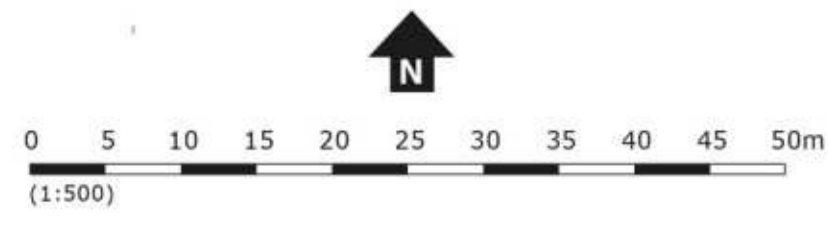
PROJECT
 Thicket Mead, Radstock

For: Edward Ware Homes

DRAWING
 Schematic Layout

SCALE	DATE	AUTHOR	CHK'D
1:500 @ A1	13/12/17	TW	-

JOB NO.	DRAWING NO.	REV
EDWA171117	SCL.01	-



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 Where applicable this drawing is to be read in conjunction with the Consultants' drawings.

REV	DESCRIPTION	DATE	AUTHOR	CHK'D

- 1 / 2 Form entry school
- Existing PRoW diversion
- Structural / transitional tree planting



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PROJECT
Wells Road, High Littleton

For: **Edward Ware Homes**

DRAWING
Schematic Layout

SCALE	DATE	AUTHOR	CHK'D
1:500 @ A1	04/01/18	TW	-
JOB NO.	DRAWING NO.	REV	
EDWA171119	SCL.01	-	

APPENDIX 2

REPRESENTATIONS TO THE BANES ISSUES AND OPTIONS PLAN (JANUARY 2018)

BATH AND NORTH EAST SOMERSET LOCAL PLAN 2016-2036:

ISSUES AND OPTIONS CONSULTATION

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1. INTRODUCTION

- 1.1 These representations are made on behalf of Edward Ware Homes, who have several 'non-strategic' land interests in Bath and North East Somerset.
- 1.2 The BANES Local Plan 2016-36 Issues and Options Document has been published for consultation alongside the Publication Joint Spatial Plan for the West of England 2016-2036 (JSP). Due to the division of labour between the JSP and the BANES Local Plan, the issues and options consultation begins to set out concepts for the precise planning of the strategic development locations that the JSP identifies within BANES (North Keynsham and Whitchurch). It also represents the beginning of the process to determine apportionment of 700 dwellings on non-strategic sites, allocated to BANES.
- 1.3 The examination of the JSP will determine whether the overall housing requirement, and for BANES specifically, remains as proposed. Brownfield supply will be tested, as will the deliverability of the package of strategic development locations, and the balance between strategic and non-strategic growth. We do not repeat representations we have made here but they lead to the conclusion that for a number of reasons a greater degree of non-strategic growth may well be an outcome of the examination of the JSP.
- 1.4 It is understood that after this initial Issues and Options consultation (phase 1a) there will be a further element of Issues and Options consultation (phase 1b) in Spring 2018. This will cover other place-based issues and Development Management policies. Following consideration of comments on both these consultation phases, as well as further assessment work, the Council will publish its Preferred Options for consultation in Summer 2018. This will encompass greater detail on the strategic development locations, as well as smaller site allocations. The Local Plan timetable foresees a Regulation 19 consultation in Autumn 2018, with examination in Spring 2019. This timetable seems to be predicted on the JSP, as it affects BANES, being found sound with little modification, which is unlikely, based on the experience of strategic plans around the country.
- 1.5 Focusing on the period to Summer 2018, we request that the evidence base (not least the revised HEELA) is published for consultation prior to the publication on the Draft Plan.

2. SPATIAL STRATEGY OPTIONS

2.1 The 'Spatial Strategy Options' section of the Issues and Options consultation explains that a key role of the new Local Plan will be to establish how the JSP's emerging 'non-strategic growth' requirement for BANES of around 700 new homes will be delivered. Paragraph 3.06 suggests that the Council proposes site specific allocations to achieve this, as opposed to criteria based policies based on broad locations. Edward Ware Homes supports this more pro-active and certain approach.

2.2 It is the case that after two rounds of Plan-making (the Core Strategy, adopted June 2014, and the Placemaking Plan, adopted July 2017) that the Council failed to identify sufficient housing land to deliver the housing requirement 13,000 homes by 2029. Consequently, Edward Ware Homes encourages the Council to plan in full to 2036 within the new phase of plan-making.

2.3 The Issues and Options consultation demonstrates that the Council is clear that it must maximise sustainable development opportunities outside the Green Belt before seeking to justify exceptional circumstances for the removal of land from the Green Belt. This is uncontroversial. The authority on this is set down, not only in the NPPF but in *Calverton PC v Nottingham City Council High Court & Ors* [2015] EWHC 1078 (Admin) (21 April 2015).

2.4 Mr Justice Jay set out the following five matters for consideration to lead to the planning judgements as to whether there are exceptional circumstances with regard to the release of Green Belt land through the local plan process in a particular case having determined the objectively assessed need (para 51):

- *the acuteness/intensity of the objectively assessed need;*
- *the inherent constraints on supply/availability of land prima facie suitable for sustainable development;*
- *the consequent difficulties in achieving sustainable development without impinging on the Green Belt;*
- *the nature and extent of the harm to the Green Belt (or those parts of it which would be lost if the boundaries were reviewed); and*
- *the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent.*

2.5 Determining what is the maximum level of development that would constitute sustainable development south of the Green Belt in BANES in the present plan-making context is a matter of planning judgement. This should have regard to access to employment opportunities (current and forecast) both in the immediate area and also the connectivity that is available to Bath, Keynsham and Bristol, and indeed Frome, in Mendip. In our assessment, the task at present (700 dwellings on non-strategic sites) strongly suggests that most, if not all, of the need for non-strategic greenfield development could be accommodated in non-Green Belt locations, subject to:

- The availability, suitability and deliverability of sites;
- The level of social infrastructure (notably primary school places) or availability and sustainability of land for accommodating growth.

2.6 It is likely that a very high proportion, if not all, of the non-strategic requirement will be sourced from greenfield sites. The evidence base behind the JSP presents an urban intensification allowance for large sites in Bath, and makes a District-wide allowance for small additional windfall sites¹ post 2029. No urban intensification allowance is presented in the JSP evidence base for large sites elsewhere in BANES, e.g. within the existing urban area of Keynsham or Radstock, and if such sites can be identified these would contribute to the non-strategic requirement of 700 dwellings.

2.7 However, it seems likely that if there was the requisite level of confidence in such supply, it would have been relied upon within the housing trajectory to 2029 during the examination of Placemaking Plan. Whilst occasional brownfield windfall sites (of over 10 dwellings) have been permitted since the adoption of the Placemaking Plan, it is unlikely that circumstances have changed so much so as to reveal new specific sites that can deliver by 2029 or 2036. However, it is acknowledged that circumstances may change during plan preparation during 2018.

2.8 Against this background, Edward Ware Homes notes the three broad options that are presented for the apportionment of 700 dwellings, namely: -

- 1) Continuing the existing hierarchical approach of the Development Plan with development directed to the most sustainable locations outside the Green Belt, where access to employment opportunities, facilities and services, as

¹ 9 dwellings or less

well as to public transport is best. The consultation states that this could include locations within Keynsham, at Midsomer Norton, Radstock and Westfield in the Somer Valley, and at certain larger villages outside the Green Belt with access to key facilities and services (including a primary school with capacity/scope to expand). Beyond that, it is said that other smaller non-Green Belt villages could accommodate a lower proportion of the growth.

- 2) Focussing development at a few key locations, such as on the edge of the towns; or at two or three of the larger villages. These could act as the focal points for future housing development without the need to allocate sites at the smaller less sustainable settlements.
- 3) A more dispersed approach allowing a range of smaller sites across the District at a greater range of settlements, large and small. This could include sites at all settlements outside the main urban areas.

2.9 Given the current scale of the task (700 dwellings), Edward Ware Homes rejects the need to identify sites at the least sustainable rural settlements in BANES.

2.10 Such settlements would receive some development under Option 1 and 3. Therefore the realistic options are a modified Option 1 or Option 2. Clearly, the Council regarded Option 1 as the most appropriate approach during the preparation of the Core Strategy (when the scale of the task was larger). To deviate from Option 1, the Council needs to present reasons explaining why this was no longer a sound approach. The scale of the task can form part of that reasoning, but is very clear from the tone of the issues and options document that the future co-planning of housing development with the availability of primary school places is a key driver of the current plan-making process. Core Strategy growth has pushed primary school capacity to its limit in many villages in the south of the district.

2.11 On this matter, we are concerned that there is no settlement classification policy in the BANES Core Strategy i.e. there is no 'absolute' rural settlement hierarchy based on how settlements currently perform/function. The RA.1 and RA.2 policies are not a direct substitute for this. They define places based on their capacity to receive development (with primary school capacity being a high-profile variable). However, already very sustainable rural villages would be excluded from RA.1 status if the school is full and could not be expanded. Indeed, this would and indeed does deny recognition of a village's current role in the life of the district. We suggest

that the Council combines a 'growth neutral' classification system, with additional polices then governing growth to ensure an objective assessment of the sustainability of locations.

- 2.12 Clearly, Midsomer Norton, Radstock and Westfield represent the core urban area outside the Green Belt and this area can be expected to receive a significant share of the housing requirement. This share might however, be tempered by development effects in respect of Policy NE2A (Landscape setting of settlements). We note that Diagram 6 of the consultation only refers to primary school capacity/expansion options and does not refer to these towns and thus it is assumed that even if they face the same issues as some villages, that primary school places would not be regarded as a barrier to growth i.e. a solution would be found.
- 2.13 It is interesting to note that Option 1 breaks up the concept of a Somer Valley policy area (Core Strategy Policy SV1) and refers only to Midsomer Norton, Radstock and Westfield and not Paulton & Peasedown St John. We question whether this is a signal that the later villages will be separated from a future Somer Valley Area and, if so, whether they would become RA.1 villages or, given their scale, form a new layer in the settlement hierarchy. Again, any deviation for the adopted Core Strategy so soon after its adoption would need to be clearly justified.
- 2.14 The difference between Option 1 and Option 2 is due in large part to a difference in the approach to the role of larger villages. Option 1 seems to enable all larger villages to grow, yet would target one village for primary school investment. This would mean the Council having to relax its RA.1 approach and allow travel between villages to access primary education. This would represent a move away from the current idealised approach of Policy RA.1 but this would not be unsound. By contrast, although Option 2 would also require a new primary school, the host village would be targeted for a greater degree of growth, and surrounding feeder villages to the school would be targeted to a lesser degree. Villages outside the catchment would seemingly receive no growth.
- 2.15 Either way there will need to be some degree of relaxation to Policy RA.1. If a new school is identified in one village, there is a limit to the amount of housing development that the JSP would allow to support it (499 dwellings) and the reality of the BANES Local Plan strategy might result in a lesser figure. Generally, 700 dwellings would be considered to generate 210 pupils (a new 1FE school). We

submit that for that investment to be used efficiently, it will have to receive pupils from at least 201 new homes in other places (other villages or the Somer Valley).

2.16 On this matter NPPF:55 states that:

“where there are groups of smaller settlements, development in one village may support services in a village nearby.”

2.17 This embraces the principle that all needs arising from development in one village need not be met at that village. This is backed up by NPPF:29, which states that:

“The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, (our emphasis), the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.”

2.18 The NPPF offers a greater degree of flexibility for plan-making that the Council have hitherto taken-up.

2.19 Given the scale of the task Edward Ware Homes has no strong view at this stage on a modified Option 1 or an Option 2 approach. However, we believe that the Council should expect a significant uplift (at a least doubling) of the non-strategic growth requirement following the examination of the JSP. Therefore, new rural primary school capacity should be considered in more than one location as part of scenario testing in the preparation of the new Local Plan.

Sustainable Development in the Somer Valley

2.20 In the adopted Core Strategy, the Somer Valley policy area is tasked to deliver 2,400 homes² and 900 jobs between 2011 and 2029. This equates to a rate of 133 homes per year, 50 jobs per year and a ratio of 2.66 new homes per additional job.

2.21 Effectively, with the plan period in BANES being extended by 7 years, a roll forward of that rate/relationship (which has been judged to be sound) would equate to 931 more dwellings if jobs growth prospects were to increase by 350. Given that the JSP already makes a windfall allowance for small sites post 2029, the housing figure

² 1,000 dwellings at Paulton and Peasedown St John (41.6%)

of 931 dwellings effectively comes down to 800 dwellings for 2029/30 – 2036/36 for non-strategic sites of 10 or more dwellings). This is broadly the same as the merging non-strategic requirement of 700.

- 2.22 In justifying the Core Strategy, the Council noted the current imbalance of jobs to homes in the Somer Valley policy area, and its weaker employment growth prospects compared to land in the Green Belt around Bath, Keynsham and Whitchurch. Based thereon, it reasoned that additional housing growth on greenfield sites in the Somer Valley and RA.1 villages should be, to a degree, constrained. Therefore, a significant amount of the Core Strategy's residual housing requirement to 2029 was directed to Green Belt locations. However, additional housing supply was not completely constrained in the Somer Valley and a few hundred additional greenfield dwellings were planned, even though the Council could have determined that existing commitments and likely brownfield development should not have been exceeded.
- 2.23 The Core Strategy could have constrained housing growth in the Somer Valley to 2,000 homes (111 homes per year) and 900 jobs, at a ratio of 2.22:1, but it chose to increase housing supply to reduce the need for land to be removed from Green Belt.
- 2.24 The acceptance of a ratio of at least 2.66 dwellings per additional job in the Somer Valley, when a lower ratio could have been used, is a factor that should weigh in the current strategy making process. This does not lead to a conclusion that no additional jobs would result in no further housing, as the latent need for housing would remain, and the need to avoid removing land from the Green Belt would remain.
- 2.25 There are signs in the issues and options document that Peasedown and Paulton may be separated from a future Somer Valley policy area. Based purely on the Core Strategy housing trajectory Midsomer Norton, Radstock and Westfield are programmed for 1,400 dwellings 2011-2020 (77 per annum). Rolled forward over 7 years this is 539 dwellings, and less a small windfall allowance (assumed at 12 per annum)³ this would equate to 455 dwellings.

³ Roll forward of November 2016 housing trajectory

- 2.26 Thus, identifying Midsomer Norton, Radsotck and Westfield alone for around 450 would be consistent with the rate of delivery set forth in the Core Strategy.
- 2.27 Paulton and Peasdown are a special case because of the one-off redevelopment of the former Polestar printing factory, but as large villages in their own right, and subject to environmental effects and access to primary school places they too should also receive some development (under the focussed approach).

Sustainable Development in the Rural Areas

- 2.28 The adopted Core Strategy sought to direct some of the residual need for housing to rural areas, particularly the larger villages, which were allocated around 50 dwellings between 2011-2029 (2.8 per annum). A simple roll forward of this rate for the period 2029-26 would generate the scope for around 20 more dwellings, based adopted policy. However, in some cases e.g. Bishop Sutton and Temple Cloud this number has already been breached through planning appeals.
- 2.29 The appeals recognised that although the spatial strategy only required each RA.1 village to delivery 50 dwellings, it did not mean that each village was not capable of accommodating a greater level of development in the absence of a 5-year land supply.
- 2.30 In the current plan-making context in our assessment the Council should assess the degree to which there is headroom within each village for additional, proportionate growth to 2036. It should also consider whether some rural settlements might be options for an even greater level of development. In the context of the West of England JSP, a Chatfield 'light' approach might be a suitable option for one or more settlements within BANES.
- 2.31 We set out in the table below the number of dwellings in RA.1 villages in 2011, and what 'around 50 dwellings', or what has actually been permitted on large sites means in terms of growth. There is considerable variety in respect of what 50 dwellings really means for each village. For example, Farrington Gurney would grow by 13.5% whereas High Littleton and Timsbury would grow by just 4.4% and 5.9%, despite them all being within the same layer of the policy hierarchy. This is inconsistent. We do not think that a simple roll forward of the Core Strategy figure of around 50 would be a suitable approach, and it would yield only limits the supply of additional dwellings (even if primary school places were not an issue) in places that can grow to a greater degree.

2.32 For illustrative purposes, we show that if each of the selected village was permitted to grow by at least 20% for the 25-year period 2011-2036 then there is potential for around 550 dwellings.

Effects of 50 dwellings growth and 20% growth on selected non-Green Belt villages

Village	Dwellings 2011	% growth from 50 dwellings or permission on large sites	Total and additional dwellings to those permitted at 20% growth by 2036
Timsbury	1,145	4.4% 50 units enabled by the Core Strategy and allocated in the PMP.	1,374 - total 179 - additional to permissions
High Littleton	852	5.9% 50 units enabled by the Core Strategy but not yet permitted	1,022 -total 170 - additional to permissions
Clutton	637	7.8% 50 dwellings permitted	764– total 77 - additional to permissions
Bishop Sutton	565	13.4% 76 dwellings permitted	678 - total 37 - additional to permissions
Temple Cloud	487	14.3% 70 dwellings permitted	584 – total 27 - additional to permissions
Farrington Gurney	370	13.5% 50 units enabled by the Core Strategy but not yet permitted	444 – total 74 - additional to permissions
Total			564 - additional to permissions

2.33 If the housing requirement for non-strategic growth remains as low as 700 (which it may not), then not all of this ‘in-principle’ potential may be required in this plan period, especially given that there are reasonable site options in the Somer Valley.

There may be also reasons why this level of development cannot be identified at certain villages due to the availability of suitable sites. We also recognise as set out in paragraph 3.14 that the Council may choose to restrict proportionate housing growth in some villages, in favour of a focused/intensified growth in others. Even if Option 2 (the focused approach) is selected, we would caution against an absolute restriction of development in the other large villages. The JSP identifies that BANES perform especially poorly in respect of contingency land supply (just 100 dwellings) compared to 1,500 in South Gloucestershire and North Somerset. There is therefore some justification for enabling a more meaningful plan 'B' supply within the BANES Local Plan, if not the JSP itself.

Conclusions

- 2.34 The current housing trajectory shows that the Core Strategy housing requirement in the Somer Valley is on track to be met well before 2029. Indeed, with any additional housing allocations, this area would develop only via the development of small windfall sites for the 10 years from 2026-2036. The same can be said for the rural areas.
- 2.35 The Keynsham and Whitchurch areas will see growth from the late 2020s to 2036 and beyond based on the SDL's proposed in the JSP. Bath is of course a special case and will reach a natural stop. To maintain a geographically balanced housing development programme so that the supply of new housing does not dry up in sub-markets, the search of new non-strategic housing sites would focus on the south of BANES.

3. NORTHMEAD ROAD, THICKETMEAD & BOXBURY HILL, MIDSOMER NORTON

3.1 Edward Ware Homes is promoting three sites on the western side of Midsomer Norton at:

- Thicket Mead (A362), to the east of Tesco Old Mills;
- Northmead Road (B335), to the east of the MSN Greenway; and
- Boxbury Hill / Phillis Hill (Paulton Ward).

3.2 All three of these sites have recent planning history resulting in the refusal planning permission, and in the case of Boxbury Hill, at appeal. However, it is considered that the changing plan-making context in association with revisions to the application layouts enable the reasons for refusal to be overcome, thus justifying the sites being allocated for development in the new Local Plan.

3.3 We have strategically made the case in a district-wide sense for additional development sites to be allocated in the Somer Valley to meet housing requirements to 2036. At a more localised level, it is considered that there is no doubt that the location of each site in relation to the built-up area of the town is sustainable.

3.4 Midsomer Norton High Street (and more specifically Sainsburys) is 0.8-1.0 miles away, equating to a 20-minute walk or a 7-10 minute cycle ride, with the option of using the Norton Radstock Greenway for part of the journey; Tesco, Old Mills is a 2-5 minute walk from all the sites; and the existing business units at Old Mills, and the new Enterprise Zone at Old Mills are a 6-10 minute walk from all the sites.

3.5 In respect of suitability, all three sites have the advantage of being located outside the area that is designated under Placemaking Plan Policy NE2A.

3.6 It should be noted that the land now promoted at Thicketmead has been reduced to exclude the southern part of the former application area, save for an attenuation basin. Other things being equal, sites not covered by Policy NE2A in the Midsomer Norton and Radstock area should be selected over those that are covered by it. The Council will be aware that policy NE2A has extensive coverage in respect of many of the settlements in the south of the Green Belt.

Thicket Mead (A362) to the east of Tesco Old Mills

- 3.7 An outline planning application for a residential development of up to 72 dwellings and associated infrastructure (14/00685/OUT) was submitted in February 2014 and refused in August 2014. The illustrative site layout for that application is presented below.

14/00685/OUT: Previous Illustrative site layout



- 3.8 The reasons for refusal were as follows, and covered the need for development, landscape effects, ecological effects, and site capacity /layout.

1) *Site located outside of the HDB and constituted the unnecessary development of greenfield land. The form and pattern of proposed development would be unrelated to and isolated from the established pattern of development to the east and would be a clear intrusion into the open countryside. The development would detract unacceptably from the character of the open countryside and the*

setting of the Greenway which passes through the site. (CS SV1 & CP6, LP HG4 & NE.1).

- 2) *Insufficient evidence submitted to demonstrate that there will be no harm to ecology, habitat provision and protected species, in particular harm to the conservation interests of the adjoining Site of Nature Conservation Interest and to bats of the Mells Valley Special Area of Conservation, which are likely to utilise the site and surrounds for commuting and foraging. The proposals additionally fail to demonstrate that the integrity, multi-functionality, quality and connectivity of the Strategic Green Infrastructure Network will be maintained, protected and enhanced.*
- 3) *The proposed development would result in the loss of Grade 1 agricultural land in this case whereby there is no sustainability considerations proposed of sufficient weight to override the protection afforded to the agricultural value of the land. Consequently, the development would be contrary to the guidance set out in the National Planning Policy Framework.*

3.9 In our assessment, reasons for refusal 1 and 2 clearly relate to the southern part of the proposed development where the land slopes down into the Wellow Brook (an SNCI).

3.10 Subsequent to the refusal of planning permission, the Council has adopted Policy NE2A on the landscape setting of settlements. This designation covers only the southern part of the former application area.

3.11 We note that the urban design comments on 14/00685/OUT stated that:

“the northern part of the site may be capable of limited redevelopment, being previously developed land between built form and reasonably connected to local facilities and transport”.

3.12 This comment relates to the farm buildings and bungalow on the site, and in the context of there being a general objection, at the time, to greenfield development beyond the HDB. In the current context, the in-principle greenfield objection falls away such that a larger development is supportable, albeit smaller than the former application.

- 3.13 We note that the landscape officer comments on 14/00685/OUT began by stating that:

“Whilst I could possibly support the development of some land occupied by the existing farm buildings, as they are a visual detractor and this could be seen as a small degree of change as mentioned above, I could not support any possible development further south than the narrow pinch point just south of the Oak tree. The land south of this point is very sensitive and gently sloping farmland with a distinctive character.”

- 3.14 In this passage, the officer sets aside the HDB in his objective assessment of the landscape effects of development and recognises that undeveloped parts of the site also have a high degree of planning merit.
- 3.15 Consequently, in our assessment a reduced scheme pertaining to all the land north of the pinch point is supportable in respect of overcoming reasons for refusal 1 and 2. At Appendix 1, we present a scheme of 30 dwellings on this area, which essentially forms a large infill site between the housing development boundary and Tesco. The only development south of the pinch point would be the creation of an attenuation basin.

APPENDIX 1: THICKETMEAD, REVISED LAYOUT

- 3.16 It is therefore considered that the site should be allocated for development in the new Local Plan. The allocation policy should budget for around 30 dwellings and include placemaking principles to secure the appropriate design response. Budgeting for 30 dwellings should not mean that this figure is a cap if, at the planning application stage, it can be demonstrated that a higher figure would not prejudice adherence to the placemaking principles.

Northmead Road (B335) to the east of the MSN Greenway

- 3.17 An outline planning application (ref: 14/00672/OUT) for a residential development of up to 44 dwellings and associated infrastructure (access to be determined all other matters reserved), was submitted in February 2014 and refused in August 2014. An appeal was begun but withdrawn. The illustrative site layout for that application is presented below.

14/00672/OUT: Previous Illustrative site layout



3.18 The reasons for refusal were as follows, and covered the need for development, ecological effects, and site capacity /layout.

- 1) *Development unnecessary and therefore harm to character and appearance unacceptable.*
- 2) *Insufficient evidence submitted to demonstrate no harm to ecology, habitat provision and protected species, in particular harm to bats of the Mells Valley Special Area of Conservation, which are likely to utilise the site and surrounds for commuting and foraging (Policies NE.10 /CP6).*
- 3) *Fails to demonstrate that the number of dwellings proposed could be accommodated within the site in a satisfactory manner. The indicative layout submitted suggests that the number of dwellings proposed would cause unacceptable harm to the amenity of surrounding residents through loss of privacy and would fail to incorporate sufficient ecological mitigation. (D2, D4, NE1 and CP6).*

- 3.19 Clearly reason for refusal 1 falls away given the new plan-making context and the need to identify additional sites to accommodate 700 dwellings, coupled with the lack of sufficient brownfield supply and the need to maximise sustainable development opportunities outside the green belt. This exercise will require greenfield land and therefore will entail a degree harm to the character and appearance of selected sites. The Northmead Road site is not identified within the Policy NE2A landscape setting designation, meaning that the openness of the site was not assessed by the Council as being important to the setting of the settlement. Consequently, in comparison to many other options, harm to character and appearance would be more acceptable.
- 3.20 In respect of reason for refusal 2, a Bat and Reptile Survey (Michael Woods Associates) was submitted to the Council in January 2015 to the appeal being withdrawn, and this is available on the online planning case file. The survey recovered bat activity and found that the hedgerows on site are important features for bats (both foraging and commuting).
- 3.21 In respect of reason for refusal 2 and 3, Appendix 2 present a revised illustrative layout to illustrate between 25-35 dwellings. The revised layout enables sufficient ecological mitigation to be incorporated, particularly in respect of the southern and central hedgerows. The revised layout also reduces the impact on the amenity of neighbouring dwellings to an acceptable level.

APPENDIX 2: NORTHMEAD ROAD, REVISED LAYOUT

- 3.22 It is therefore considered that the site should be allocated for development in the new Local Plan. The allocation policy should budget for around 23 dwellings and include placemaking principles to secure the appropriate design response. Budgeting for 23 dwellings should not mean that this figure is a cap, if at planning application stage, it can be demonstrated that a higher figure would not prejudice adherence to the placemaking principles.

Boxbury Hill / Phillis Hill (Paulton Ward).

- 3.23 An outline planning application (ref: 13/04880/OUT) for a residential development of up to 124 dwellings and associated infrastructure, was submitted in November 2013 and refused in February 2014. An appeal was submitted and the decision was upheld in May 2015. However, the decision was quashed in January 2017⁴ because

⁴ [2016] EWHC 103 (Admin)

the Inspector raised matters relating to housing supply in his reasoning that were not raised at the appeal hearings. Whilst the decision as a whole is quashed there was no challenge to the inspectors reasoning in respect of site specific matters.

- 3.24 In addition, paragraph 4 of Mr Justice Holgates judgement is important to note. This states that:

"The decisions on both the Paulton and Midsomer North sites also included adverse findings on other aspects of the appeal proposals. But the Secretary of State accepts that the Inspector did not treat any of those findings as a freestanding reason sufficient to justify the dismissal of the appeals, irrespective of the Inspector's treatment of the housing land supply issues."
(our emphasis)

- 3.25 Consequently, where there is an identified need for housing, the heritage issue pertaining to the Boxbury Hill site, as set out below, is not of itself sufficient to render the site unsuitable for sustainable residential development. If the setting of the Batch was not a freestanding reason justifying the refusal of the appeal application in respect of NPPF:14 on decision taking, then logic dictates that it cannot be a freestanding reason in respect of NPPF:14 in relation to plan-making (allocation).

3.26 The illustrative site layout for the refused application is presented below.

13/04880/OUT: Illustrative site layout



3.27 The reasons for refusal were as follows, and covered heritage effects, landscape effects, and the separation of settlements:

- 1) *Development is considered to have significant harmful impact upon the setting of the adjacent Old Colliery Batch which forms part of a non-designated heritage asset (NPPF 135, CS CP6 and D4 of LP);*
- 2) *The proposed residential development and loss of this important open space, which forms an important undeveloped hillside would have a significant and detrimental impact on local character and the landscape setting of the immediate and wider area (NPPF 17 & 109, CS CP6 & CP7, LP D2, D4, NE1, NE3, and BH15);*
- 3) *Site represents an important buffer between Paulton and Midsomer Norton, contributing to the separation of the two independent urban areas. The development prejudices the separateness of these two settlements.*

- 3.28 The quashed appeal decision rejected reasons for refusal 2 and 3. However, the quashing of the decision had nothing to do with the inspector's reasoning in respect these matters.
- 3.29 Paragraphs 40-54 of the appeal decision set out the inspector's reasoning and conclusion in respect of the effect of the proposed development on the character and appearance of the area.
- 3.30 We concur with the statement at paragraph 48 that acknowledges that *"whilst the loss of this open space might be regretted by some, it would be overstating its significance to accept that it is an important open space which makes a contribution to the character of the settlement."*
- 3.31 We consider that the Inspector was right to conclude on paragraph 53 that *"the degree of harm would not be so great as to be unacceptable; development here would, for the most part, be seen as an extension or expansion of the present pattern of development, which has successfully integrated into the hillside setting of the settlement."*
- 3.32 Subsequent to the appeal decision the Council, rightly, did not consider that the site should be covered by the Policy NE2A designation within the Placemaking Plan.
- 3.33 Paragraphs 32-39 of the appeal decision set out the inspectors reasoning and conclusion in respect of the effect of the proposed development on the separate settings of Midsomer Norton and Paulton. He concluded that he did not consider *"that the proposed scheme would, to any practicable or material degree, in either physical or social terms harm or diminish the separate settings of Paulton and Midsomer Norton."*
- 3.34 Reason for refusal 1 was upheld in the quashed appeal decision and therefore the impact of residential development on the setting the undesignated Batch is the only suitability matter to be weighed in the planning balance.
- 3.35 It should be recognised that the Inspector considered harm to the setting of the batch in the context of his quashed reasoning that the Somer Valley area had a 'disaggregated' 5-year land supply at the time of his decision. In his view, this meant that the benefits of the proposal did not sufficiently and demonstrably outweigh the benefits as, in his view, there was no need for the harm.

- 3.36 However, circumstances have changed with the introduction of the JSP and there is a need for additional housing, and moreover a need to maximise sustainable development outside the Green Belt.
- 3.37 In response to the Inspectors reasoning, Edward Ware Homes have revised the scheme for the site and the number of homes proposed has been halved, with a focus on development on the western and eastern parts of the site, with the central area left open and underdeveloped.

APPENDIX 3: BOXBURY HILL, REVISED LAYOUT

- 3.38 Given the refreshed need for housing and the associated need to maximise non-Green Belt options, the site can be allocated with justified 'limited' harm in respect of landscape, visual and settlement separation matters, and not enough harm affect 'suitability'. The impact of development on the setting of the Batch, even at 124 dwellings is not a freestanding reason to render the site unsuitable for development. However, a lower level of development and a heritage-led urban design strategy to reduce the level of harm and make the site very competitive in a comparative assessment of alternatives.
- 3.39 It is therefore considered that the site should be allocated for development in the new Local Plan. The allocation policy should budget for up to 60 dwellings and include placemaking principles to secure the appropriate design response based on a split development concept. Budgeting for 60 dwellings should not mean that this figure is a cap, if at planning application stage it can be demonstrated that a higher figure would not prejudice adherence to the placemaking principles and high quality design.

4. ABBOTS FARM CLOSE, PAULTON

- 4.1 An outline planning application (13/03547/OUT) for a residential development of up to 47 dwellings and associated infrastructure, was submitted in August 2013 and refused in January 2014. An appeal was submitted and the decision was upheld in May 2015. However, the decision was quashed in January 2017 because the Inspector raised matters relating to housing supply in his reasoning that were not raised at the appeal hearings. We refer again to paragraph 3.25 of these representations in respect of the issues pertaining to the site not presenting a freestanding reason for refusal (or in the current context, allocation), where there is an identified need for housing - albeit we acknowledge that primary school children do need somewhere to go to school within a reasonable distance, if not within the village itself.

APPENDIX 4: ABBOTS FARM CLOSE, PROPOSED LAYOUT

- 4.2 The single reason for refusal was as follows:

1) The proposed development of the site, due to the lack of local primary education places, is contrary to the principle of sustainable development and would be likely to result in unsustainable transport movement by private cars. (T1 & CF3 of BANES LP)

- 4.3 The inspector's reasoning and conclusion in respect of the whether development would be 'sustainable' in light of the need for trips to be made beyond Paulton to access primary school places, is found at paragraphs 32-45 of his decision. His conclusion was affected by his quashed reasoning that there being a 5-year land supply in the Somer Valley, rendered development unnecessary and the environmental effects (albeit minor of transporting around 14/15 pupils) avoidable.
- 4.4 In his conclusion, he also stated that *"if there were an overriding need for further housing land in Paulton, these would be factors which would weigh in favour of granting permission."* There is now an overriding need for additional development in the district, and an associated need to optimise the use of non-green belt opportunities in accommodating, at present, 700 dwellings. Paulton forms part of the Somer Valley cluster of settlements outside the Green Belt, this being the most sustainable strategic location/policy area outside the Green Belt. Logically this area should be a focus for accommodating much of the additional housing that is needed.

- 4.5 Although a village, Paulton is not subject to policy RA.1 (rather SV.1), and therefore there is no requirement for primary school capacity to be available in the village. Consequently, it would be sustainable for children from the development site to go to school elsewhere in the Somer Valley or in capacity generated by the development of new primary school places at, for example, Clutton or High Littleton.
- 4.6 Since the appeal decision, the Council has also refused (in June 2017) an application to change part of the outline application for the former Polestar factory from a continuing care retirement community of 210 C2 and C3 units, to 73 dwellings.
- 4.7 The first reason for refusal states that:
- 1) *The proposed development, due to the generation of pupils in excess of the local primary school capacity, would represent an unsustainable form of development which would lack access to the necessary supporting infrastructure, would increase the reliance upon motor vehicles at the expense of walking/cycling and would have detrimental social implications. The proposals are therefore contrary to the development plan, the emerging plan and the NPPF, in particular policy CP13 of the Bath and North East Somerset Core Strategy, policy T.1 of the Bath and North East Somerset Local Plan and policies LCR3A and ST1 of the emerging Bath and North East Somerset Placemaking Plan.*
- 4.8 The decision was made in the context of BANES stating that it had a 5-year land supply and therefore, no housing shortage. The wording would appear to update the reason for refusal relating to Abbots Farm Close, albeit Policy T.1 (Overarching Access Policy) of the BANES Local Plan has since been superseded by ST1 (Promoting Sustainable Development) of the Placemaking Plan.
- 4.9 Again, we repeat that this approach only holds true where there is no identified need for housing. Where such a need returns (either through plan-making or 5-year supply matters) that the absence of primary school places in Paulton is not a standalone reason for non-allocation, if places are available elsewhere. Abbots Farm Close should be comparatively assessed against all other site options and not dismissed outright.

- 4.10 In addition, given that there is brownfield family housing capacity in Paulton (in the absence of demand from retirement housing operators to come forward with proposals on the former Polestar site), equivalent to 73 dwellings, it would appear to be necessary for the Council to find a solution for unlocking that capacity. Once this is achieved the solution will also unlock Abbots Farm Close.
- 4.11 Finally, there was no site-specific reason for refusal on environmental grounds, meaning that the site is suitable for the proposed development. However, since the appeal decision, Policy NE2A has been adopted and the associated proposals map designation covers the site. It is considered that this is erroneous in respect of Abbots Farm Close, given that landscape or landscape setting did not form a reason for refusal. It does not matter that Policy NE2A was not adopted at the time of refusal. The issues were still capable of being raised under existing landscape policies as for Boxbury Hill re the use of NE1.
- 4.12 However, NE2A is not a blanket ban on development. Rather it requires *“any development within designated areas to conserve and enhance the landscape setting of settlements and their character, views and features”*. Only *“development that would result in adverse impact to the landscape setting of settlements that cannot be adequately be mitigated”* will be refused.
- 4.13 Given the wide geographical coverage of policy NE2A, there will be a spectrum of sensitive areas on the edge of settlements that contribute to the settings to various degrees. There will be parcels of land that have less sensitivity and they will be more appropriate to satisfy the policy framework. Abbots Farm Close in one such location. There is sufficient evidence from the determination of the former application to make this judgement and this should be reflected in the HEELA.
- 4.14 Firstly, there was no landscape reason for refusal, let alone any landscape objection, subject to conditions. Secondly, although the landscape officer stated that development would have a landscape impact, it was noted that the site is relatively well contained in landscape terms, with housing development to the east and north, and this harm is not considered to outweigh the benefits of development. Some detailed concerns were raised by the landscape and tree officer; however, the illustrative layout was revised to ensure a buffer between the western boundary and the housing that was proposed.

4.15 It is therefore considered that the site should be allocated for development in the new Local Plan. The allocation policy should budget for around 45 dwellings as no revisions are needed to the refused application, and include placemaking principles to secure the appropriate design response. Budgeting for 45 dwellings should not mean that this figure is a cap, if at planning application stage it can be demonstrated that a higher figure would not prejudice adherence to the placemaking principles.

5. WELLS ROAD, HIGH LITTLETON

- 5.1 Edward Ware Homes control around 4ha of land south of Wells Road, High Littleton as identified in Appendix 5.

APPENDIX 5 - INDICATIVE CONCEPT PLAN

- 5.2 The site has been the subject of two previous outline planning applications (14/00038/OUT & 15/01639/OUT) for residential development of up to 71 dwellings. Both applications were refused for similar reasons in relation to the impact of the development within an edge of settlement location in the open countryside and inadequate provision of local primary school places.
- 5.3 The revised proposals as shown indicatively on the concept layout at Appendix 5, show a reduction in the proposed built form to circa 50 units as well as the on-site provision of a 1FE entry primary school.
- 5.4 High Littleton is an RA.1 village identified for the development of 50 dwellings on large sites from 2011-2029. Only one substantial site has been granted planning permission for 9 dwellings but this has not yet been developed, the Core Strategy requirement for the village amounts to just 7.8% growth over the Core Strategy period 2011-29.
- 5.5 In our assessment, 20-25% growth from a 2011 baseline to 2036 would equate to 170-213 dwellings (161-204 more than permitted). This range is the minimum level of additional development that could be directed to the village.
- 5.6 In our assessment, there is potential for the village to accommodate a level of housing between 170 dwellings and 213 dwellings as part of the focused approach of the Issues and Options consultation. This would be accompanied by a new 1FE primary school for the village (in addition to the current school) or a replacement 2FE primary school.
- 5.7 The land around the village is designated under Policy NE2A (Landscape setting of settlements) exception of very small parcels of land around the settlement edge. The Edward Ware Homes site sits wholly within this designation.
- 5.8 The Issues and Options document identifies that the primary school in High Littleton is at capacity and cannot be expanded due to the constrained nature of the site. There is scope within the land controlled by Edward Ware Homes to deliver at least a 1FE entry primary school which would increase the capacity.

- 5.9 Planning at the upper end of the range 170-213 would make the most efficient use of a further 1FE of primary school capacity in the village. This level of development would generate around 150 primary aged children. To make the most efficient use of the new space the Council would need to relax policy RA.1 to enable around 60 children from surrounding villages to also be accommodated. As presented, RA.1 is 'idealised' in respect of the insistence that children living in a village must be able to attend a primary school in the same village. Ultimately this policy will stop any development in the RA.1 villages unless demographic shifts enable places to become available.
- 5.10 The presentation of a focused approach to development in the Issues and Options consultation goes hand in hand with a recognition that clusters of villages are able to share services and facilities.
- 5.11 Although 499 dwellings is possible under the definition of non-strategic growth in the JSP, Edward Ware Homes currently assess that a development of 50 units on the land identified in Appendix 5, together with additional primary school capacity, represents a deliverable package, and to enable the sustainable growth of the village westward.
- 5.12 Ultimately, we are of the view that if development is to take place in this area that a confident medium and long-term approach should be taken.
- 5.13 We would like to work with the Council to explore some of the development options for the site including the school's organisation manager to discuss primary school options, alongside the Midsomer Norton Schools Partnership and the Headteacher of High Littleton.
- 5.14 Edward Ware Homes believe that on-site provision in this location will work well but will be guided by the Council, the school and the Trust.
- 5.15 Additional primary school capacity in this part of BANES, in conjunction with a relaxation of policy RA.1 could unlock development potential in other villages where land for housing, but not land for education can be identified. We do not have sufficient data to test potential outcomes, but it could be the case that children from High Littleton currently attending Cameley (Temple Cloud) could go to school in the village, thereby enabling children from developments in Clutton, Hallatrow or Paulton to attend Cameley. We expect the Council to test some of the potential implications when formulating the draft Plan.

- 5.16 Most new residents will either wish to travel north along the A39 to Bath for work or alternatively connecting to the A37 and onwards to Bristol, or south to Norton Radstock, including, in time, new jobs in the Enterprise Zone at Old Mills. The Whitchurch urban extension will become a source of employment and will host a park and ride for travel further into the Bristol. Midsomer Norton is within cycling distance of High Littleton.
- 5.17 Diagram 6 of the Issues and Option Document identifies that the A39 benefits from a moderate public transport facility which connects into the A37 which itself benefits from a frequent service which serves Bristol.
- 5.18 Edward Ware Homes intend to meet with High Littleton and Hallatrow Parish Council to discuss the options for the site and believe a without prejudice meeting with the planning policy team would be constructive to discuss this new opportunity.
- 5.19 It is therefore considered that the site should be allocated for development in the new Local Plan. The allocation policy should budget for up to 50 dwellings, and up to around 1.8ha of land for a 1/2 form entry primary school. Budgeting for 50 dwellings should not mean that this figure is a cap, if at planning application stage it can be demonstrated that a higher figure would not prejudice adherence to the placemaking principles.

6. CAPPARDS ROAD, BISHOP SUTTON

- 6.1 The Council should also be familiar with the proposed site for up to 32 dwellings at Cappards Road, Bishop Sutton, due to the Secretary of State (SoS) decision in September 2016
- 6.2 As indicated in our overview appraisal of the headroom for development at the larger villages, around 20% growth from large sites at Bishop Sutton for the 25-year period 2011-2035 would equate to 113 dwellings. To date 76 dwellings have been completed, leaving some headroom for another 37 dwellings
- 6.3 The residual land at Cappards Road is the clear front runner for that development at Bishop Sutton. The planning history of the site demonstrates that there are no environmental reasons affecting the sites suitability. Further, the SoS decision noted that “the village has capacity in terms of facilities and services” (para 23). The only reason the application was refused by the SoS was in defence of a recently adopted Neighbourhood Plan under the guise of development unacceptably prejudicing the implementation of the CS in respect of the balance between homes and jobs in the south of the District.
- 6.4 However, due to the changing planning policy context and the need to identify an additional 700 units over an extended plan period to 2036, the issue of ‘balance’ can again be re-evaluated. In this context, the JSP directs around 2,900 dwellings to Whitchurch and Keynsham to 2036 and assumes a further 300 dwellings within Bath. There is therefore good reason in respect of achieving a geographically balanced strategy, for additional non-strategic growth to be delivered through sustainable development opportunities outside the Green Belt, otherwise the operation of the housing sub-market in the south of the district will be harmed with little new build from around the mid-2020s.
- 6.5 In this context, if growth was to be directed to Bishop Sutton, the adopted Neighbourhood Plan would have to give way to higher order, more recently adopted planning policy.
- 6.6 The residual land at Cappards Road presents a clear-cut opportunity. It is recognised that a comparative assessment will need to take place in respect of other potential non-green belt sites in the Somer Valley and at other villages. In this regard, a key strength of the Cappards Road site is that it is not designated under Policy NE2A as contributing to the landscape setting of Bishop Sutton. The

development of another 30 dwellings would also be 'proportionate' over the extended plan period.

6.7 We note that Diagram 6 of the Issues and Options document identifies that the primary school in Bishop Sutton is either full, projected to be full and cannot be expanded within its site.

6.8 This is at odds with the recent SoS appeal decision, which stated at para 11.50 that:

"The local school can accommodate any additional pupils, subject to an appropriate contribution from the developer [7.234] through a payment in accordance with the Council's CIL. There would not, therefore, appear to be any significant problems in terms of overloading the existing community infrastructure of the village."

6.9 The Council should therefore explain why circumstances have changed and provide more detailed evidence of current and projected pupil numbers and explain the technical reasons why the school could not be expanded if needed.

6.10 Even if the Council's assessment is shown to be valid, we assess that development at Cappards Road, in association with that as proposed at Clutton could form part of a focused approach to rural development. If the development concept for Clutton to the west of the A37 is embraced it would result in new primary school capacity that would not be entirely filled by even a maximum level non-strategic development at the village. To make efficient use of the additional capacity would require pupils to enrol from additional development in neighbouring villages. There is therefore scope for a focused /clustered strategy centred on Clutton, but in association with development at Bishop Sutton and other villages in reasonable proximity. It is but a 2.6 mile, 5-minute drive from Bishop Sutton to the proposed site at Clutton, and although driving instead of walking is not ideal, it would result in a very short trip.

7. OTHER MATTERS AND CONCLUSIONS

- 7.1 Whilst we do not repeat the bulk of our representation on the West of England JSP, there are a couple of matter of particular relevance to BANES, that if not dealt with through the examination of the JSP, could be raised in the examination of the BANES Local Plan.

Existing Commitments

- 7.2 Having regard to the housing trajectory for the Core Strategy period to 2029 there are risks in respect of the full delivery of Bath Western Riverside and Sydenham Park. It is considered that Western Riverside will ultimately come forward by 2036, but Sydenham Park, which is allocated for 500 dwellings (200 affordable dwellings) is a considerable risk and represents an aspirational allocation as opposed to a site where there is any evidence of realistic long term developability.
- 7.3 'Bunnings' are making a long-term investment in the former Homebase estate and much of the site is owned by Sainsbury's, which requires it for car parking for its Green Park store. The mixture of existing use values, long leases and limits on height render reliance on this site extremely high risk, even to 2036.

Contingency

- 7.4 The West of England JSP embraces the concept of contingency strategic locations and other supply of 3,100 dwellings, to be released at plan review to achieve the housing requirement to 2036 if it appears that this is at risk. This is addition to flexibility; this being the 3,300 dwellings that are to be planned for immediately, over and above the actual housing requirement of 102,200.
- 7.5 Because of a calculation error in the SHMA (in respect if not allowing for vacancy and second homes) the actual housing requirement does in fact claim the flexibility component too. This has the knock-on effect of making the contingency supply the flexibility component, thus leaving no actual contingency. To correct this, on this terms of the JSP, another 3,100 dwellings need to be sourced, albeit the scale of the matter is rather superseded by more profound issues identified with the SHMA and the baseline housing requirement.

- 7.6 Nevertheless, in the JSP as written North Somerset as a contingency of 1,500 dwellings (6% of its housing requirement of 25,000). South Gloucestershire also as a contingency of 1,500 dwelling (4.6% of its housing requirement of 32,500). Broadly speaking this is around 5% and equivalent to one year's supply for a 20-year plan period. For understandable reasons, Bristol has no contingency as it is maximising what can be achieved within its housing of 33,500.
- 7.7 BANES have a rather underwhelming contingency of 100 dwellings (0.6% of its housing requirement of 14,500). A more reasonable contingency of at least 5% would equate to around 710 dwellings.

Affordable Housing Delivery

- 7.8 The adopted Core Strategy contains a policy target for 3,290 affordable dwellings for the period 2011-2029, of which 410 relate to backlog in respect of underperformance against the Local Plan 1996-2011, and 2,880 (160 per annum) relate to newly arising need post 2011. This squares with the latest Bath SHMA for the JSP (155 per annum).
- 7.9 Therefore, the ambition to 2029 in the adopted Core Strategy remains valid. From 2011/12 - 2016/17, 1,281 affordable homes have been built in BANES (JSP Topic Paper 1, Diagram 2). This leaves 2,009 more homes to secure over the next 12 years. One needs to check if the JSP and the BANES Local Plan will enable this.
- 7.10 BANES have not published a housing trajectory since November 2016. This included data showing a projected supply of 3,205 affordable dwellings for the plan period 2011/12-2028/29 (a deficit of 85 against the target). Since this time the regeneration of the Foxhill estate has been permitted and this will result in net loss of 204 affordable dwellings, increasing the shortfall to 2028/29 of 290 dwellings.
- 7.11 In addition, for the 7 years post 2029, BANES should really be delivering another 1,085 affordable dwellings to maintain the rate of delivery required by the Core Strategy in respect of newly arising need. Anything less would equate to reduction in ambition. To its credit, it is evident from BANES Local Plan Issues and Options consultation that it is planning for 3,100 affordable homes to 2036 (100% of the SHMA need). However, it is still necessary to meet the adopted 2029 target en-route to 2036.

7.12 Added together, the underlined figures generate a need for 1,375 affordable dwellings. Having regard to the JSP:

- Whitchurch, if it delivers 1,600 total dwellings to 2036 will yield 480 affordable homes, at 30%;
- North Keynsham, if it delivers 1,400 total dwellings to 2036 will yield 420 affordable homes, at 30%;
- Non-strategic growth, if this delivers 700 dwellings to 2036 will yield 210 dwellings, at 30%;
- This totals 1,100 affordable dwellings;
- Based on Topic Paper 1, 15% of small windfalls in BANES of 672 (TP2, Annex 1), will yield 100 units and lifting supply to 1,200;
- Therefore, over the whole JSP period the shortfall will be 175 affordable dwellings, which at 30% provision would require another 583 total dwellings to correct;
- Moreover, having regard to the housing trajectory of the JSP, the SDLs will deliver 45 affordable dwellings by 2028/29 (the Core Strategy end date), non-strategic growth could all come forward, yielding 110 dwellings by 2028/29 and the small windfalls nothing (as they are all post 2028/29). This is 155 affordable dwellings;
- Therefore, the new supply proposed in the JSP will not be sufficient to correct the shortfall of 290 affordable homes for the Core Strategy period to 2028/29. A residual deficit of 135 will remain, requiring 450 total dwellings to correct, at 30% provision;
- As part of this analysis we have not discounted 200 affordable dwellings from the 500 total units proposed for Sydenham park in the Placemaking Plan. The prospect of this site delivering anything by 2028/2029 and subsequently to 2036, is minimal.

7.13 Our conclusion is that, simply on the basis of meeting adopted affordable housing requirements to 2028/29, the non-strategic growth figure for BANES should be uplifted by 450 dwellings, from 700 dwellings to 1,150 dwellings. If Sydenham Park is not developable, then a further land supply adjustment will be needed within the JSP for BANES.

APPENDIX 1


THICKETMEAD, MIDSOMER NORTON, REVISED LAYOUT

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REV	DESCRIPTION	DATE	AUTHOR	CHK'D

30 Units
 30% Affordable
 Gross site area: 3.06Ha
 DPH: 24





thrive.
architects

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PROJECT
 Thicket Mead, Radstock

For: Edward Ware Homes

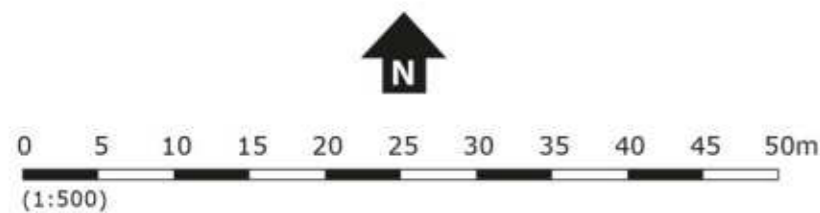
DRAWING
 Schematic Layout

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JOB NO.	DRAWING NO.	REV
EDWA171117	SCL.01	-

APPENDIX 2

NORTHMEAD ROAD, MIDSOMER NORTON, REVISED LAYOUT



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REV	DESCRIPTION	DATE	AUTHOR	CHK'D
A	Layout revised to accommodate existing sewer	02/01/18	TW	-

23 Units
 30% Affordable
 Gross site area: 1.24Ha
 DPH: 20



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 Northmead Road
 Norton Radstock
 For: Edward Ware Homes

DRAWING
 Schematic Layout

SCALE	DATE	AUTHOR	CHK'D
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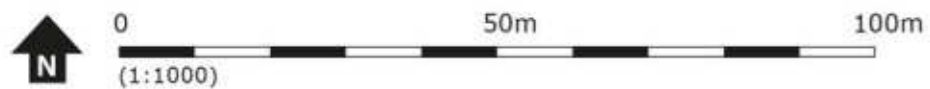
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APPENDIX 3

BOXBURY HILL, MIDSOMER NORTON, REVISED LAYOUT

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PROJECT
Boxbury Hill
 Midsomer Norton
 For: Edward Ware Homes

DRAWING
Schematic Layout

SCALE	DATE	AUTHOR	CHK'D
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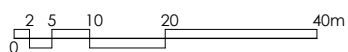
APPENDIX 4

ABBOTS FARM CLOSE, PAULTON, LAYOUT



REV
Amendments

Date



Job No/Drawing No	Job Title
13000/3200 C	Land Off Abbotts Close, Paulton

Scale	Date	Drawn	Drawing Title
1:1000	05	MNR	Framework Plan
@A4	2013	DA	

All Dimensions to be checked on site

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APPENDIX 5

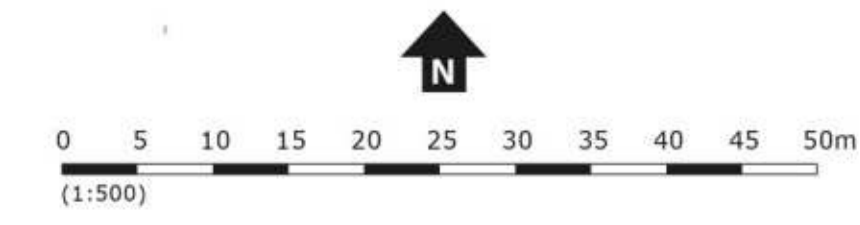
WELLS ROAD, HIGH LITTLETON, LAYOUT




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 Contractors, Sub-contractors and suppliers are to check all relevant dimensions and levels of the site and building before commencing any shop drawings or building work. Any discrepancies should be recorded to the Architect.
 Where applicable this drawing is to be read in conjunction with the Consultants' drawings.

REV	DESCRIPTION	DATE	AUTHOR	CHK'D

- 1 / 2 Form entry school
- Existing PRoW diversion
- Structural / transitional tree planting





thrive.
architects

Portishead Office
 Unit 5, Middle Bridge Business Park, Bristol Road, Portishead, BS20 6PN
 T:01275 407000 F:01794 367276 www.thrivearchitects.co.uk

PROJECT
 Wells Road, High Littleton

For: Edward Ware Homes

DRAWING
 Schematic Layout

SCALE	DATE	AUTHOR	CHK'D
1:500 @ A1	04/01/18	TW	-
JOB NO.	DRAWING NO.	REV	
EDWA171119	SCL.01	-	

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[REDACTED]

From: Edwards [REDACTED]
Sent: 06 January 2019 12:54
To: Transport Planning; Local Plan
Cc: [REDACTED]
Subject: South Bristol Wring Road

Categories: Green Category

To whom it may concern,

I would like to lodge my objection to the proposed South Bristol ring road, in particular, the areas planned to cut through fields in Whitchurch and onto Whitchurch Lane and/or Washing Pound Lane.

I live in Staunbury Cottages, Church Lane.

I believe the road would completely negatively affect the character of Whitchurch village and surrounding area, especially the green areas which are enjoyed by everyone I know who lives locally. I'm sure the road will bring significant housing development to the area, which already struggles for facilities such as obtaining doctor's appointments - in fact, many people I know now use surgeries in Knowle, such as my elderly parents. This is hardly convenient when a Whitchurch doctor's surgery is within walking distance.

Whitchurch Lane is already severely congested at many times of the day. In particular, Half Acre Lane is almost impassable during school opening/closing times with cars parked both sides of the roads on pavements, blocking both vehicle and pedestrian access. As the school has expanded, so too has the traffic chaos which will only be exacerbated by the new road proposals.

Little thought has been given to joining up with Bristol's proposals in the area - for example, changing the bus timetables and routes. The whole plan seems to be very chaotic. As a resident, there does not seem to be a definitive answer about what is actually being proposed, instead of the two options, neither of which seem sensible. Being told "it might be this" or "it might be that" resonates with the "three ring circus" tactics used to confuse and bewilder people - my family and I feel very confused indeed.

The effect of junctions and capacity of Whitchurch Lane have not been effectively considered and the transport studies have errors and are missing key information. Since the area is prone to flooding, I would like more information on how water drainage will be dealt with to ensure that my home is not liable to flooding (think back recently to the flooding that occurred when the ring road was built through Bishopsworth/Withywood areas). [bishopsworth-residents-narrowly-avoid-cars-1004759](#). Indeed, I believe that the junction between Church Lane and Half Acre Lane flooded many years ago before measures were put in place, and is well remembered by my neighbours who recall the water reaching their cottage doorstep.

Linking to the new ring road is questionable anyway - I've lived in the area for 43 years and found the new road's impact on traffic in the area to be negligible. I still travel through Barrow Gurney daily as the traffic backs up on the ring road as there isn't sufficient space to turn left along the Ashton Bypass as traffic travelling into Bristol are blocking the way. In fact, the new road just makes travelling around South Bristol more awkward as you can no longer turn into roads that you previously could.

I believe a more sustainable solution should be considered, and that an holistic approach should be taken to consider how the road crosses council boundaries, how provisions for schools, doctors and other public services are met, and how the character of the local area is maintained so that Dundry remains a green area at the South of the city in the same way that Durham Downs is protected as an open space in a much more affluent area.

With kind regards,

Kirsty Edwards and Jason Edwards

From: Mark Edworthy [REDACTED]
Sent: 06 January 2019 15:26
To: Local Plan
Subject: Whitchurch and orbital highway plans
Categories: Green Category

I STRONGLY OBJECT TO THE PLANS. Please register my objections.

I write to you as a resident who lives within Bristol City Council but will be affected by the BANES/Bristol City Council decisions..

I understand that BANES have proposed a new link road that will link up with the Bath Road with an existing residential road in Whitchurch, to form part of the Orbital highway. The proposed road ends on the boundary between the two councils at Ridgeway Lane and Whitchurch Lane.

If this goes ahead, the increased traffic will spew into Whitchurch Lane.

Whitchurch Lane has a primary school right next to it, the pollution will be horrendous! It has a 20 mile an hour speed restriction, a 7.5 ton weight restriction and traffic calming measures (speed humps). The road is not suitable to receive all this additional traffic from the new road that BANES would like to install. The reasons that all, of the above mentioned, were put in has NOT gone away, therefore are still very much needed. Whitchurch Lane is a residential area with houses on both sides.

In addition, BANES want to build 2500 houses in Whitchurch village. There appears to be plans for houses without any consideration to the impact on the existing infrastructure or facilities of the area, in which I live.

- There is very little employment, people will have to travel out of the area for work, that means using cars as the public transport is limited.
- There are NO shops in the village. Again more car use.
- There is no senior school within walking distance • No additional doctors surgeries planned. BANES residents are already using Stockwood and Whitchurch Health Centres. These GP's are not coping with the patients that they have already, getting an appointment is already quite difficult!
- The area suggested for housing (and the road that leads to a residential area, is prone to flooding and has an abundance of wildlife on it.

I accept that Bristol needs a true ring road to take it to 2036 and indeed beyond. BUT that road has to be fit for purpose. I accept that people need homes to live in. BUT those homes need to be built primarily on brown field sites and have the roads, jobs, and support systems for the areas to flourish. The new road and houses, as proposed, will NOT be of benefit to the majority residents in the area and will have a considerable negative impact on them, in very many ways.

Please keep me updated with situation.

[REDACTED]

From: Tim Kent [REDACTED]
Sent: 07 January 2019 10:43
To: comment@jointplanningwofe.org.uk; Local Plan; Transport Planning
Subject: Fwd: The wrong roads

Categories: Green Category

Please find below a submission to your consultations by a resident.

Cllr Tim Kent
Bristol City Council

----- Forwarded message -----

From: Carol Elliott [REDACTED]
Date: Thu, 3 Jan 2019 at 12:55
Subject: The wrong roads
To: [REDACTED]

Hi Tim

I would like to voice my opinion on the development of the proposed roads in Whitchurch Bristol. I STRONGLY OBJECT to the proposal.

Has a feasible study been carried out lately on Whitchurch Lane. You try to cross Whitchurch Lane at seven o'clock in the morning from Charnwood Road to the Bus stop, the traffic is continually come from Washing Pound Lane very difficult to cross the road, the smell of the petrol of these vehicles going 40+ in a 30 zone. There a lot of wild life around that area too.

Half Acre Road

Do they relies there is a entrance to Bridge Farm School on this road more pollution for our children to in hell. The congestion cause when parents drop and pick up their children even now the bus has difficulty getting through with their cars park both sides of the road, also car will be using Charnwood Road as a short cut to Whitchurch Lane.

The inconvenience that is caused with utilities digging up the road temporary traffic lights and the heavy site lorries churning up the roads.

Have they taken in account there are 2500 houses being built at Hengrove leisure centre and opposite in Parkview are you telling me those people are not going to use Whitchurch Lane.

The Bristol City Council need to stick to original plan because at the end of the day this bypass will have too be built in the end and it will be more cheap now than in years to come.

Regards

Mrs Carol Elliott

Sent from my iPad



Subject: FW: Bath & North East Somerset Council Local Plan 2016-2036

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Green Category

I assume that we treat this a comment on the LP options doc & the OARs

Simon de Beer
Head of Planning
Bath & North East Somerset Council
01225 477616

As part of the planning process we collect and publish personal information, please see our corporate privacy notice: www.bathnes.gov.uk/council-privacy-notice.

From: Paul May (Cllr)
Sent: 14 December 2018 12:08
To: Brian And Bev
Cc: Simon De Beer
Subject: Re: Bath & North East Somerset Council Local Plan 2016-2036

Dear Brian and Bev,

I fully agree.

Thanks for your thoughtful email I will pass it on as a formal objection to the planners.

Best wishes

Paul

Sent from my iPad

On 14 Dec 2018, at 07:51, Brian And Bev  wrote:

Following on from the recent 'consultation' meeting at Whitchurch Community Centre on the 19th November, I am writing to register my concerns and strong disapproval of the planned developments south of Whitchurch, the South Orbital Highway Link and the proposed Park and Ride on the A37 as outlined in your Local Plan 2016-2036.

I believe that this proposal will have a serious and long-lasting negative effect on the Green Belt south of Bristol and will lead to Urban Sprawl. This is clearly indicated in your own document entitled "*Local Plan: Part 1 Green Belt Assessment: Whitchurch Strategic Development Location*".

The Local Plan will have a devastating impact on cells 52D, E, F & G as shown in the Green Belt Assessment. Each of which makes a major contribution to checking the sprawl of Bristol.

Furthermore, the housing development will mean the Village of Whitchurch will become sandwiched between the City of Bristol and the New Garden Community and will, over time, lose all identity.

It's clear to all that 2,500 homes will bring with it well over 9,000 new residents and a large increase in the number of cars and commercial vehicles, all adding to already high air pollution figures and an unwelcome increase in traffic.

Local services are already at a stretch in the area and recent developments on the old Horse World site and the construction of White Church Court near Queen Charlton have added to this. Further development, without adding additional facilities such as Doctors, Dentists and local shops will push the existing amenities to breaking point and have a major impact on those already living in the area.

In addition to the above, the land under consideration is home to a diverse range of wildlife whose habitats are forever under threat and whose disappearance could have a long term and devastating impact on the local ecology and eco systems.

In relation to the proposed South Orbital Highway Link, I can only conclude that the planners are not familiar with the local area and have no understanding of the issues already faced by local residents and road users.

Adding even more traffic to any already busy Whitchurch Lane, makes absolutely no sense and only goes to prove how out of touch the planners truly are. In fact, the councils own "*South East Bristol and Whitchurch Transport Package Options Assessment Report*" states that travel times heading west along Whitchurch Lane will increase.

I am also extremely concerned about the increase in noise and air pollution along the suggested route and fear for the health and safety of the 630 pupils of Bridge Farm Primary School whose life will undoubtedly be disrupted by this road development.

At present, the adjacent roads have a 20mph restriction in place along with weight limits and traffic calming measures to ensure the safety of the children, staff and parents. The roads are also used before and after school for dropping off and picking up pupils as well as on weekends for those using the school's facilities for sports and recreational activities.

In fact, a recent survey carried out by "20mph Bristol" in conjunction with Bristol City Council has shown that the vast majority of those asked think all schools should be protected by 20mph speed limits. Increasing the speed limit to even 30pmh as suggested, introducing more and varied traffic and restricting the amount of on-street parking in this area will have a major impact on road safety and the lives of the school's pupils.

The school has two busy road crossing points on Whitchurch Lane as well as an entrance on Half Acre Lane. Traffic in the area is already at a standstill at the start and end of the school day as these crossings are in constant use.

Funnelling more traffic along this route, especially in the rush hour periods, will only add to the situation and turn adjacent roads into "Rat Runs" as frustrated car, van and lorry drivers try to find alternate routes around the hold ups.

There are nine side roads that intersect with Whitchurch Lane along the residential section between Washing Pound Lane and The Community College. Getting in and out of many of these intersections (for example Fortfield Road, East Dundry Road and Bamfield) can be extremely difficult at busy times, causing long traffic queues to build up.

The proposed increase in traffic volumes will only add to this and it's therefore inevitable that restrictions will be put in place to stop right turns across the flow of traffic. This in itself will only add to an increase in the amount of traffic entering the residential side streets and put the health and safety of local residents at risk.

Finally, I must say that encouraging large Heavy Good Vehicles, which weigh in excess of 40 tons, to use this route is an insanity and the existing roads, which have limited room for expansion, just won't be able to cope. The impact on local residents will be insufferable and the additional noise and air pollution will degrade the quality of life as well as the physical and mental wellbeing of a great many in this community.

Turning to the proposed new Park and Ride on the A37. I am unclear who this is meant to serve and no full explanation could be given to me at the consultation.

The “*South East Bristol and Whitchurch Transport Package Options Assessment Report*” concludes that it will not improve journey times into the centre of Bristol by any significant amount. However, it will encourage more traffic from the Wells, Radstock, Midsomer Norton and Shepton Mallet areas to use the A37 and add to the issues already experienced by the residents of the smaller villages along the A37 such as Pensford and Temple Cloud where the width of the roads already cause traffic to build up at busy times.

The OAR also states that the Park and Ride would not be profitable for some time and would require subsidy. It also goes on to say that it’s unlikely that a bus operator would take on the required number of buses per hour and users would have to rely on the existing 376 from Wells which runs every 30mins plus two other buses per hour if the local bus operator chooses to extend its services.

Given the above, plus the fact that no additional Bus Lanes will be provided along the A37, I must question if this is truly ‘Value for Money’ and if local tax payers should be asked to foot the bill!

In conclusion, I feel that within these proposals there is no indication of how the scheme will actually improve the day to day lives of those already living in the area. It does however go to show how the proposals will have a major negative impact on the green belt, the existing local residents, wildlife (and habitat), ecology, eco system, local services, traffic volumes and pollution.

As an aside, I would like to state that the way both Councils have gone about this consultation is a disgrace. I can’t understand why given that they, along with Bristol City Council, have access to the names and addresses of all residents in the area, have not undertaken a direct mail campaign to make people aware of the proposals.

The lack of information and the way it’s been disseminated is underhand and suggests the Councils want to keep this process as quiet as possible. The only way most residents have found out about the proposal and consultation meetings is through Social Media, something that many elderly residents do not have access to. The cynical might go so far as to say that the fact that it’s being carried out over the Festive period suggests that the Councils hope that people’s focus is elsewhere and will therefore get fewer disagreements.

I sincerely hope that the views of Local Residents along with our MPs and recently formed Pressure Groups, who have already expressed their objections to this proposal are truly listened to and acted upon.

Kindest Regards

Brian Ely

Resident of Whitchurch

Ms Kaoru Jacques
Bath & North East Somerset Council
Lewis House
Manvers Street
Bath
BA1 1JG

Our ref: WX/2018/131516/CS-01/IS1-
L01
Your ref:
Date: 08 January 2019

Dear Ms Jacques

Thank you for consulting the Environment Agency on the above. I refer to our recent telephone conversation agreeing an extension to the deadline for submission of our comments until 08 January 2019.

The Agency offers the following comments:

5.15 North Keynsham Strategic Planning Framework

We advise that any development must take a sequential approach and avoid the Keynsham Hams and Broadmead functional floodplains. Any development within other designated fluvial floodplain will be required to provide floodplain compensation.

The National Planning Policy Framework requires Local Plans to “apply a sequential, risk-based approach to the location of development to, avoid, where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by applying the Sequential Test, and, if necessary, applying the Exception Test”.

Reference is made to using the river as part of the “movement strategy”. We need further information on how this will be implemented as it is likely to affect many of our assets.

Any new bridges must be clear span in construction with soffit levels set above the 1 in 100yr climate change flood level. This is to ensure development does not increase flood risk elsewhere by causing blockages or impeding flood flows. Any re-alignment of the Broadmead Brook will need to be flood modelled and also may require a Water Framework Directive (WFD) assessment.

The proposed marina development must exclude ground raising operations, embankments etc, without the provision of suitable flood compensation.

Please note any new buildings will be required to incorporate raised floor levels at least 300mm above the 1% AEP, with an approved allowance for the predicted impact of climate change. Additionally, there must be no ground floor sleeping accommodation for buildings

adjacent to the floodplain, unless on significantly higher land, with a means of safe access and egress.

We advise prospective developers will be required to undertake approved hydraulic modelling to demonstrate the impact of any proposed development on flood levels and compensation schemes. The impact of any alteration to watercourse routes will also require detailed assessment.

- There must be no net loss of floodplain.
- Areas of functional floodplain must be maintained.
- Environment Agency Flood Risk Activities Permits will be required in respect of any works in, over, under or within 8m of a statutory main river.
- The Agency will be seeking developer funding to improve the following sites:
 - o Keynsham flow gauge upstream of Keynsham weir – this would be impacted in a similar manner to Bath Ultrasonic. There may be changes in the velocity profile due to a variation in the cross section upstream and also realignment of the Brook, immediately upstream of the Agency's gauge. Additionally, there are potential security issues - currently it is located within the DS Smith waste recycling premises, which is a reasonably secure site.
 - o Keynsham FW rain gauge – this is located within Wessex Water's Sewage Treatment Works.
 - o The Agency also has a level site immediately outside this area, downstream of the weir in the Somerdale Development area, which could be adversely affected.
 - o There are sections of sheet piling downstream of Keynsham weir, which could be improved with the benefit of developer funding.
 - o Developer funding would additionally be sought in respect of improvements to the weir and the incorporation of improvements for fish passage.
- Any new park and ride facility would be required to avoid areas of designated fluvial floodplain. Any contention that the avoidance of fluvial floodplain is impracticable, must be supported by suitable floodplain compensation arrangements, together with appropriate safety measures.

In addition, the Environment Agency also have the following additional comments for the Keynsham site:

- The proposed marina is unlikely to be a suitable location for new permanent house boat moorings to grow the house boat community, as it appear that the marina will rise and fall in response to rainfall. However, it may be a safer location for the existing houseboat community than where they are currently situated. Are there any plans to encourage this community to move into the marina?

- We require more details on the proposal of “floating homes” in diagram 31. Is this referring to the houseboats or a different proposal?
- There is reference to using the river as part of a “movement strategy”. We need more information on how this could work, as it is likely to affect many of our assets.
- Any changes made to the course or dimensions of the Broadmead Brook may change the current flood map outlines. The modelling for the final plans for the Broadmead Brook must be completed before any development proposals are advanced in that area.

We are aware that a Strategic Flood Risk Assessment (SFRA) Level 2 will be produced for this site. This SFRA Level 2 should consider the H plus plus climate change scenario at both the existing and proposed course of the Broadmead Brook.

8.17 WoE Green Infrastructure Plan and Local Plans

We welcome your Council’s recognition of the critical role Green Infrastructure (GI) plays in supporting a healthy environment and sustainable growth. We advise the Plan must be in accordance with the emerging WoE and BaNES GI Plans. Reference should also be made to the WaterSpace study.

GI should inform part of all developments, as well planned multi-functional green infrastructure can provide multiple benefits. This includes amenity, surface water attenuation and purification, improvements to air quality and localized shading to reduce heat stress.

Reference should be made in the plan to how the UK Government’s 25 Year Environment Plan will be delivered. The plan sets out potential interventions to help the natural world regain and retain good health. It aims to deliver cleaner air and water in our cities and rural landscapes, protect threatened species and provide richer wildlife habitats.

It is important the concept of “environmental net gain” is embedded in the emerging local plan and that new development results in the delivery of environmental net gain. Whilst Natural Capital and the 25 year plan are referenced in the issues and options document, there is no indication as to how this will translate into planning policy.

8.19 Review of existing Development Management Policies

CP6 – Environmental Quality. It is expected that the requirement for development to enhance and prevent any further deterioration of groundwater will be managed via consultations as part of the development management process, when more detailed information will be made available for review.

As part of planning process, the Environment Agency expects any prospective developer to undertake a suitable assessment of the risks posed to groundwater and that this information is submitted in support of any application. Where such information is not provided, the Environment Agency will utilise planning conditions and objections to ensure our requirements for groundwater protection are met in accordance with national planning policy.

In areas of high groundwater sensitivity (i.e. SPZ, Principal Aquifers) and where historic land uses have included highly contaminative uses or where schemes are complex in nature or larger scale, the Environment Agency recommends that developers seek early engagement with the Agency.

Further details on the how the Environment Agency protects groundwater can be found in “The Environment Agency’s Approach to Groundwater protection, February 2018, Version 1.2”

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/692989/Environment-Agency-approach-to-groundwater-protection.pdf).

Any development near a watercourse should seek to maximise opportunities to improve the water environment and work towards Good Ecological Status under the Water Framework Directive. The waterbodies in the areas earmarked for development are failing for fish, phosphate and macrophytes and phytobenthos. The reasons for the failures are attributed to waste water treatment inputs, agricultural inputs and physical modification of the channel.

Additionally, proposals for waste management activities or that include discharges that could result in an input of hazardous substances or non-hazardous pollutants, will require an Environmental Permit. Further information about Environmental Permitting requirements and the application process can be found here:

<https://www.gov.uk/topic/environmental-management/environmental-permits>

The permitting process operates separately to the planning process. Accordingly it is recommended that advice regarding permit requirements and the feasibility of such schemes is sought at an early stage.

With specific reference to the proposed development within Bath, consideration must be given to Section 33 of the County of Avon 1982-Protection of Hot Springs in Bath. This gives Bath and North East Somerset Council powers to protect the natural thermal springs that arise under artesian pressure in the centre of Bath, from damage that could result from excavations, piling operations or bore holes in the Bath area. Further information is available here:

<http://www.bathnes.gov.uk/services/environment/bath-hot-springs/county-avon-act-1982-section-33>

We advise an appropriate policy should be included to ensure development sites do not impact nearby watercourses by containing dirty water on site and using settlement methods if water is being discharged off site. Also, keeping roads clear of mud to prevent sediment entering surface water drains would be required as part of an agreed construction environment management plan.

New developments must have adequate sewage disposal provisions if they are not connected to the mains sewer, to ensure discharges from private systems do not impact the environment. Reference should also be made to general pollution prevention principles, to reduce pollution risk from fuels and building materials at construction sites.

CP5 – Flood Risk Management. There is no reference to natural flood management and working with natural processes. This can be part of the solution to minimising flood risk in a catchment and providing other environmental benefits such as reducing agricultural run-off to rivers and increase biodiversity and its abundance. All of these contribute to taking a natural capital approach.

SU1- Sustainable Drainage. Whilst the Environment Agency is generally supportive of the use of SuDs, they must be designed and managed in such a way so as to prevent deterioration in groundwater quality.

LCR4- Allocation of land for cemeteries-While it is noted that this policy is considered fit for purpose and that no change is required, we would wish to highlight Haycombe cemetery is located upon a Principal Aquifer. Proposed cemetery developments, including extensions, must be supported by an adequate risk assessment in respect of risks to controlled waters.

We trust the above comments are useful and welcome the opportunity for further engagement as development of the emerging local plan progresses. Please do not hesitate to contact the undersigned direct should you have any queries.

Yours sincerely

Mark Willitts
Sustainable Places - Planning Advisor

Direct dial 02030 250253
e-mail nwx.sp@environment-agency.gov.uk

Environment Agency
Rivers House, East Quay, Bridgwater, Somerset, TA6 4YS



23rd December 2018

Dear Sir / Madam

I am writing to **oppose the proposed South Bristol Link Road.**

I have lived in Whitchurch for over 20 years and have seen, the traffic volumes increase significantly on Whitchurch Lane and surrounding side roads.

Firstly, I think it is disgraceful, that affected parties / properties were not directly contacted to make them aware of the proposal. It is almost as if the Council was trying to hide something.

I have tried to look at the plans impartially, looking for the benefits that it could bring to Whitchurch, but I can see nothing. On the contrary:

- 1. Air Quality:** The air quality will deteriorate. You will be bringing a major road, into a built-up area, and taking it past, an 'Outstanding' Primary School.
- 2. Use of Side Roads:** What will stop traffic, instead of joining Whitchurch Lane, using the side streets of Whitchurch to avoid the inevitable traffic jams? The side streets of Whitchurch are already used as 'rat runs'. Sadly, it is human nature to use quieter roads to avoid traffic jams, and yes I am guilty of it!
- 3. Further grid lock of Half Acre Lane:** Where are the parents dropping of their children going to park to drop of their children off? It is already reaching along neighbouring roads and grid locking roads at school run time. A pick up times it is already dangerous entering / exiting Half Acre Lane, and they want to add 1000's of more vehicles, to what it essentially a side road.
- 4. Child Safety:** Children will be expected to cross an even busier road, to get to school. Surely the Council should be encouraging children to walk to school in a safe environment and not put them at greater risk of being hit by a vehicle. Why have the Council deemed Whitchurch Lane in places to be a 20mph zone (and roads leading from it), but then want to bring, I assume a 30mph+ road onto it? It just doesn't make sense!
- 5. Grid lock of Whitchurch Lane:** I overheard a member of staff from BANES stating that a lot of the gridlock on Whitchurch Lane was as a result of traffic joining from side roads and turning off from Whitchurch Lane. I suspect that these are people who actually live in Whitchurch, so how do they suggest the residents of Whitchurch, use the road, which is in our community, if they restrict access to / from certain roads?
- 6. Benefit to Whitchurch?:** There is absolutely no benefit to Whitchurch by bringing the proposed link road into Whitchurch Lane. No extra jobs, significantly more traffic, deterioration of air quality and an increase in noise pollution.

I suspect that neither Marvin Rees, Tim Bowles or Tim Warren (supporters of the link road) use Whitchurch Lane on a regular basis, nor live in Whitchurch. They are sadly, it would appear, just looking at the proposals on a piece of paper and thinking 'that will work' and not considering the impact that it will have on the already congested residential roads, the environment and the residents of our community. Clearly, they are out of touch with the reality of the people living in Whitchurch.

Yours faithfully

Nicola Evans



23rd December 2018

Dear Tim

I am writing to **oppose the proposed South Bristol Link Road.**

I have lived in Whitchurch for over 20 years and have seen, the traffic volumes increase significantly on Whitchurch Lane and surrounding side roads.

Firstly, I think it is disgraceful, that affected parties / properties were not directly contacted to make them aware of the proposal. It is almost as if the Council was trying to hide something.

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- 4. Child Safety:** Children will be expected to cross an even busier road, to get to school. Surely the Council should be encouraging children to walk to school in a safe environment and not put them at greater risk of being hit by a vehicle. Why have the Council deemed Whitchurch Lane in places to be a 20mph zone (and roads leading from it), but then want to bring, I assume a 30mph+ road onto it? It just doesn't make sense!
- 5. Grid lock of Whitchurch Lane:** I overheard a member of staff from BANES stating that a lot of the gridlock on Whitchurch Lane was as a result of traffic joining from side roads and turning off from Whitchurch Lane. I suspect that these are people who actually live in Whitchurch, so how do they suggest the residents of Whitchurch, use the road, which is in our community, if they restrict access to / from certain roads?
- 6. Benefit to Whitchurch?:** There is absolutely no benefit to Whitchurch by bringing the proposed link road into Whitchurch Lane. No extra jobs, significantly more traffic, deterioration of air quality and an increase in noise pollution.

I suspect that neither Marvin Rees, Tim Bowles or Tim Warren (supporters of the link road) use Whitchurch Lane on a regular basis, nor live in Whitchurch. They are sadly, it would appear, just looking at the proposals on a piece of paper and thinking 'that will work' and not considering the impact that it will have on the already congested residential roads, the environment and the residents of our community. Clearly, they are out of touch with the reality of the people living in Whitchurch.

Yours sincerely

Nicola Evans