

## **Bath & North East Somerset Placemaking Plan**

### **COUNCIL'S RESPONSE TO ID/3: MATTER 5 – BUILDING STRONG AND VIBRANT COMMUNITIES**

**Issue – Whether the relevant proposed policies in the Placemaking Plan are positively prepared, justified, effective and consistent with national policy in the context of the adopted CS**

#### **Q1 Is Policy H1 sufficiently flexible to be effective?**

1. The Council considers that this policy is sufficiently flexible, specifically:
  - The first part of the policy (a) considers the appropriateness of the location for development for those with supported housing and care needs with regards to amenity – it does not specify any detailed requirements but states this is a relevant planning consideration for the B&NES area.
  - The second part of the policy (b) relates to communal and external space, with a view to this being compatible to the needs of the occupants, it does not outline any specific requirements.
  - The second part of the policy also states that national best practice HAPPI 12 standards should be met, these standards are nationally recognised best practice, a number of schemes in B&NES are already addressing these HAPPI standards and offer high quality accommodation because of this (e.g. MOD Ensleigh Extra Care proposal – further information or examples can be provided to the Inspector and other participants if this would be useful).
  - The final element of the policy sets out criteria for considering whether a proposal is C2 or C3 use class, this has been an issue on a number of recent development proposals. The use class has a significant bearing on both CIL and affordable housing contributions for the Council, with C3 uses providing both affordable housing and CIL contributions and C2 providing neither. The draft policy is criteria based, allowing each case to be considered on its own merits, it has already been used informally in the planning process with success in B&NES. The criteria draw on key case law from the Gladman Appeal, Portishead which established factors that should be taken into account when considering whether a use class was C2 Care Home or C3 residential. While the Council is keen for a range of housing provision to be made, it is preferred if either true C2 is to be delivered or for the housing provision to be within a C3 residential use class, which will result in associated provision of affordable housing and infrastructure (via CIL).

2. The representations on the submission plan in relation to policy H1 are generally supportive of the approach with St Monica Trust & Strategic Land Partnerships and McCarthy and Stone Retirement Lifestyles Ltd, having made representations. St Monica Trust & Strategic Land Partnerships would like this policy to go further to allocate specific sites to meet known and predicted needs – however, sites are not suggested and additional evidence is not provided to support this. McCarthy and Stone Retirement Lifestyles Ltd, consider the policy is too focused on the delivery of Extra Care Accommodation, but do not propose any specific amendments to the wording. The focus on extra care in the policy pre-amble reflects the Council evidence of need, in this area, as provided by the Council’s public health team and partners. The policy however, refers to housing and facilities for those with supported housing or care needs more generally, to which the same principles apply.

- a. The Council does not consider there is sufficient evidence to support the specific allocation of sites for extra care, care homes or supported housing based on needs assessment work it has undertaken. Both demand and supply patterns are likely to change within the plan period, e.g. more home based care being provided and there are a range of different models of provision increasingly being introduced by providers. For this reason a criteria based approach is proposed in policy H1 is considered appropriate and more flexible for this housing typology.

***Q2 Is Policy H8 positively prepared and effective?***

3. Policy H8 relates to affordable housing regeneration schemes. While the Council is keen to retain social housing stock within the district given the high level of need as evidenced by the B&NES SHMA underpinning the adopted Core Strategy, this should be balanced with the need to facilitate regeneration of housing stock and changing delivery models for registered social landlords. Policy H8 seeks to set out key factors that the Council will take into account when considering affordable housing regeneration schemes in planning terms, there is not an immediate presumption that social housing can be re-developed with only a 30-40% affordable housing provision, as this could result in significant loss of social housing stock if replicated across the district. Instead, a criterion based approach is suggested, which presents a systematic way to consider such proposals in planning, considering the following key factors: the physical conditions of the properties, site specific regeneration justification, including an assessment of refurbishment or partial re-development options and applying relevant policies to protect against the inappropriate loss of green space.
4. Policy H8 has been prepared collaboratively with Curo who own almost all of the estates which will be directly affected by regeneration throughout the plan period. As the Council’s LSVT landlord, Curo now own all of the former council housing stock and are

developing long term proposals for the regeneration of several poorly performing estates and housing schemes across the District. The biggest and most immediate regeneration project is the proposed redevelopment of up to 500 former council houses on the pre-war Foxhill Estate, which makes up half of the Foxhill Housing Zone but potential other regeneration initiatives are likely to include redevelopment of poorly performing sheltered housing stock and smaller estates throughout B&NES.

5. Policy H8 allows a flexible approach to regeneration, placing the provision of social rented homes at the heart of new delivery but acknowledging that scheme viability and the need to create sustainable and balanced communities by providing a greater tenure mix are valuable priorities for consideration when regeneration options are proposed.
6. It is noted that the Curo Group support the policy approach (subject to a minor amendment), and in drafting the policy the Housing and Planning Teams consulted Curo on the draft wording, which was supported in principle. In their submission comments Curo has requested an amendment to the policy wording as follows:

*“There is a general presumption to support the redevelopment of social housing where the following criteria can be demonstrated to be met:*

*i The physical condition of the housing stock is poor (i.e. the dwellings are substandard, or demonstrably not fit for purpose in the short-medium term or similar); and/or*

*ii There is a site specific socioeconomic justification for redevelopment led regeneration, considered alongside alternative options for re-modelling or refurbishment;*

*iii If there is a loss of amenity space, policy LCR5 should be met.*

*Where the principle of redevelopment is accepted, loss of affordable housing should be minimised whilst ensuring that the development remains viable and able to create a mixed and balanced community ~~there is a presumption against the net loss of affordable housing, subject to viability considerations and other social balance considerations.~~*

7. The Council does not support this amendment to the policy wording as it is seen to make the policy wording ambiguous and lacking in clarity. The current wording is preferred, which clearly seeks the outcome sought – to protect the supply of affordable housing, allowing for viability and social balance considerations to be taken into account. The Council is amenable to discussing this issue further via the examination process.
8. The SW Harp Planning Consortium make a similar points in their representations supporting the overall approach, but stating that the policy should not become more onerous than as drafted. They note that para 389 incorrectly refers to policy H9 rather than H8, this is accepted as a minor typographic change and is listed in the schedule of minor changes to the Plan that will need to be made prior to adoption.

- Q3. Policy LCR3 identifies land safeguarded for Primary School Use – are the sites the most appropriate when considered against the reasonable alternatives, particularly in respect of Site 5: Land at Silver Street, Norton Hill, Midsomer Norton.**
9. Para 407 in the Placemaking Plan (Volume 1, page 159 - CD/PMP/G1/1) sets out the reasons behind safeguarding land for primary school use. These are school reservations where a need for redevelopment or expansion has been identified as listed in Policy LCR3 and safeguarded on behalf of the Council's Children's Services (the Education Authority). These reservations (Land at Silver Street which is further discussed below, see paras 14 – 19) have been reviewed by Children's Services to ensure they remain relevant and they have advised that they wish them to be retained so that the Council is in a position to provide the necessary facilities to accommodate future pupil growth at the locations listed. This is consistent with NPPF, para 72 which advises that Local Authorities should '*give great weight to the need to create, expand and alter schools*', para 7 in which the identification of infrastructure is core to sustainable development.
10. The review has confirmed that, these particular sites continue to be the most appropriate when considered against the reasonable alternatives through the Education Authority's selection process. They are located adjacent to or in close proximity to the respective schools to ensure there is scope to comprehensively review the redevelopment potential for each school in a way that ensures optimum school operational arrangements. In the case of the playing fields reservations the land safeguarded is suitable for that use and suitably located.
11. The Primary and Secondary School Organisation Plan 2015 – 2019 (CD/PMP/DM28) makes an allowance for longer term place planning within the Core Strategy Plan period. Therefore there might be a need for additional education land arising from the School Organisation Plan over and above those sites reserved under Policy LCR3. In many cases, planned expansions can either be successfully accommodated on existing school premises. This is consistent with the Council's Educational Strategy which is that '*Where possible existing schools should be expanded within their existing site or via the addition of an adjoining area of land. If this is not possible, expansion and relocation of an existing school may be considered. If this is not possible, new schools will be required on new sites.*'
12. The School Organisation Plan will be reviewed every two years and any new requirements emerging from the School Organisation Plan review will be considered alongside those arising from longer term housing requirement through Plan review or via the development management policies.

13. The Council considers that it is necessary to retain the primary school reservations as listed under Policy LCR3. These are all well located and will allow sufficient flexibility for potential changes in circumstances such as population growth and new housing proposals during the Plan period as well as providing the necessary scope for potential school amalgamation and becoming Academies.

**LCR3(5) Land at Silver Street (Midsomer Norton)**

14. Regarding LCR3 (5) Land at Silver Street (Midsomer Norton), the land was safeguarded following the successful application for a free school by Norton Hill School. The Education Funding Authority (EFA) approved the application for a new primary school (630 places) to serve Midsomer Norton and surrounding areas and to be managed by Norton Hill School last year. When the CS was adopted, it was expected that two schools (Welton Primary and Westfield Primary) would be expanded to accommodate the growth level set by the Core Strategy. If this new Norton Hill primary school were built, this would obviate the need for the two school expansions. The application was supported by B&NES Council Education Department although there was no specific site was identified at that time.
16. The EFA is discussions with Strategic Land Partnerships to secure land to deliver a new primary school on land located between Fosseyway South and Silver Street (Respondent No 7126). Strategic Land Partnerships (Respondent No 2564) has submitted an application to Mendip District Council for 188 residential units and a three form entry primary school at the land at White Post adjoining Midsomer Norton in Mendip District Council (2016/0980/OTS). (See Annex 1 Location map) The delivery of this new school depends on the acceptability of the proposal as a whole. ie it depends on the acceptability of the housing development.
17. The proposal is located on the northernmost boundary of Mendip District Council adjacent to the border of the B&NES Council boundary. Therefore the Council consider that it is important that new development is considered in the context of the B&NES Development Plan, particularly the Somer Valley policy framework. One of key strategic issues the Core Strategy aims to address is the substantial imbalance between employment and housing resulting from recent incremental housing development and a decline in the manufacturing sector in this area. There are over twice as many resident workers as there are jobs available in the town and with limited prospects for substantial job growth in this area. Most commuters are reliant on the private car and so, any new residential development will worsen this unsustainability. The proposed development would become functionally part of Midsomer Norton and Westfield and would exacerbate the imbalance between employment and housing in the town.

18. Therefore the Council has objected in principle to this proposed housing development because it is considered to be unsustainable development contrary to the NPPF and undermines the planning strategy in the adopted B&NES Core Strategy. Consideration was given to the benefits of the new school but it was concluded that this did not override the harm that would be caused. It is expected that this application will be determined by Mendip Council's Planning Board on 21st September.
19. The Council understands that the land at Silver Street is not currently available for educational purposes, and is being promoted for housing. However the CS does not facilitate further greenfield housing development therefore the Council considers that it is beneficial to safeguard the land for educational purposes to allow some flexibility. This could facilitate North Hill School to make more efficient use of their existing site by relocating playing pitches to the educational allocation at Silver Street. However if the Inspector considers that it is not appropriate to safeguard this land, then the Council agrees to remove the Silver Street from the LCR3 site 5.

Annex 1 Location map

