

**TOWN AND COUNTRY PLANNING ACT 1990**

**BATH AND NORTH EAST SOMERSET  
PLACEMAKING PLAN**

**MATTER 4 – ENVIRONMENTAL QUALITY**

**AND**

**MATTER 19 HOUSING IN SOMER VALLEY**

**REPRESENTATIONS  
ON BEHALF OF**

**THE SILVERWOOD PARTNERSHIP**

D2 Planning Ref: 096/13

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**D2**

## **1. MATTER 4 – ENVIRONMENTAL QUALITY**

**Issue: Whether the Environmental Quality policies in the Placemaking Plan are positively prepared, justified, effective and consistent with national policy, in the context of the adopted CS**

**Question 1: Is the identification of areas that make a significant contribution to the landscape setting of settlements and the requirements of Policy NE2 positively prepared, justified and consistent with national policy?**

- 1.1. The objectors see no benefit in the additional designation and believe it has not been justified nor is consistent with national policy.
- 1.2. Policy NE2 states that any development that would result in harm to the landscape setting of settlements will not be permitted. However, this is far more restrictive than the NPPF, which identifies that even within National Parks and AONBs (with the highest level of protection), development is acceptable providing the need for development is demonstrated and that any harm is minimised.
- 1.3. In a non-designated or locally designated area such as the Landscape Settings identified on the policies maps it would be inconsistent with the NPPF to apply even more restrictive landscape policies. It effectively places a moratorium on future development that would otherwise be sustainable, necessary to respond to identified needs, including those identified through the West of England Joint Spatial Plan. It sets out a policy test that exceeds those set out in the NPPF and it applies a blanket restriction on development that is not justified and is at odds with the clear emphasis in the National Planning Practice Guidance, which states that such blanket restrictions should be avoided. As a result Policy NE2 is not justified nor is it consistent with the NPPF.
- 1.4. Furthermore, paragraph 252 of the Local Plan (under Policy NE2A) recognises that there is an on-going need for further development. This is particularly relevant in terms of maintaining an adequate supply of deliverable housing sites to meet short-term 5 year housing land supply requirements. It is also relevant in the context of the West of England Joint Spatial Plan which, upon adoption, will set out the strategic policy context for the distribution of future development to meet

the needs of Wider Bristol Housing Market Area and it should also respond to up-to-date housing needs for the B&NES. This will necessitate the release of appropriate sites across B&NES so it is therefore important that Policy NE2A recognises the longer-term development pressures across the Plan area and does not place unduly restrictive policies around settlements.

- 1.5. It is noted that the area designated landscape setting affecting the objectors' was not included in the 1<sup>st</sup> draft of the Placemaking Plan (The Options Consultations) – it was only introduced in the Pre-Submission draft without any justification. It is not clear what the justification is for such an approach as set out in Policy NE2A apart from to place an embargo on any development outside the settlement which is a more onerous approach than for Green Belt or the AONB. Therefore, objections are lodged to the designation of the land north of Kilmersdon Road, Manor Farm, Haydon as part of the landscape setting of Radstock.
- 1.6. The Council's SHLAA (2013) assessed both RAD 31c (3.8ha) (the site) as well as the larger site RAD 31b (12ha). RAD 31b was discounted as it was concluded :

**Building on the entire 12ha field would likely to have a more significant impact on the contribution of this area to the setting of Radstock.**

- 1.7. The SHLAA identifies the site (RAD 31c) as having potential to deliver a yield of about 100 dwellings. It states:

**In respect of the smaller area only (RAD 31c), development would have a low to moderate impact on landscape character. Whilst it would be seen from a distance, it would relate well to the rest of Haydon village on the ridge top.**

- 1.8. The SHLAA continues to state:

**Development would have moderate impact on the houses opposite which are set back from the road and their front garden hedge restrict rural views; moderate impact from the road – the rural view is limited so loss will not be great; low to moderate impact on the view**

**from the Clandown plateau as development would relate well to the adjacent housing and existing vegetation partly conceals the area.**

1.9. Regarding design, the SHLAA states:

**A design which is sensitive to the adjacent SSSI would ensure it was not harmed, neither directly nor indirectly. A design reflecting the layout and modest character of stone cottage opposite would effectively mitigate development by securing a scheme that would maintain local character and distinctiveness. Planting and an appropriate layout of houses at the new rural boundaries would effectively integrate the development into the surrounding landscape. The design should not make the new rural boundary the boundary of back gardens to take the control of planting away from residents.’**

1.10. The SHLAA clearly assessed the landscape impact of developing the site and concluded that the development of the smaller site north of Kilmersdon Road would have a low to moderate impact on landscape character.

1.11. Furthermore, as part of the assessment of a recent outline planning application for up to 100 dwellings (15/01075/OUT), the Council’s Landscape Architect commented that they would not have any ‘in principle’ objections. Their comments were update in September 2015 to state:

**This brief additional response is intended to clarify my ‘no objection subject to conditions’ position. There will obviously be a change in character from an open field to a residential development and some loss of view. This will cause, in my opinion, only a limited amount of landscape harm.**

1.12. Therefore, it appears at odds with the views of the Council’s Landscape Architect that the site is now allocated as part of the ‘landscape setting’ Radstock. In view of the above, strong objections are made to the Policy and the proposed landscape setting designation on the objectors’ site is not justified.

## **2. MATTER 19 – HOUSING IN SOMER VALLEY**

**Issue 1: Whether the policies contained in the Placemaking Plan would meet the housing requirement for Somer Valley of 2470 new homes to be built at Midsomer Norton, Radstock, Westfield, Paulton and Peasedown St John?**

**Question 1: Is CS Policy SV1, as amended to restrict development within the housing development boundary (unless identified in a neighbourhood plan), positively prepared and justified?**

2.1. In respect of the Somer Valley Spatial Strategy we note that amendments have been made to the wording of Policy SV1, strategy 4: ‘Housing’, as below:

**“Enable around 2,470 new homes to be built at Midsomer Norton, Radstock, Westfield, Paulton and Peasedown St John within the housing development boundary. Residential development on sites outside the Housing Development Boundary will be acceptable only if identified in an adopted Neighbourhood Plan.”**

2.2. We consider that the review of the Housing Development Boundaries (HDB) and the amendments to the spatial strategy within the Plan have not been undertaken in a positive or proactive manner. In our view, the soundness of the Plan is significantly compromised by its lack of flexibility to respond and adapt to change, and this includes the inward looking and restrictive policies in respect of future housing growth.

2.3. Although the Housing Development Boundary has been amended in order to accommodate existing housing commitments, it makes no additional provision to allocate or safeguard land for further residential development in the Plan period. We consider the complete lack of flexibility in housing to be a fundamental flaw of the Plan undermining its soundness.

2.4. Whilst the Plan provides an opportunity for housing to come forward as part of a Neighbourhood Plan, this does not provide adequate reassurance that future growth will be supported including within the short term. For example, it would appear that the Midsomer Norton Neighbourhood Plan has already been

significantly delayed beyond its projected timescale with no recent update available to date.

- 2.5. In order to continue as a thriving and sustainable community, the Plan must provide sufficient flexibility to provide future growth, not only in terms of economic development but also in terms of housing supply. It must be recognised that there is a close relationship between promoting economic growth alongside supporting housing supply. To ignore this principle would undermine the purpose of the Placemaking Plan, which is intended to:

**“help to deliver better places by facilitating the delivery of high quality, sustainable and well located development supported by the timely provision of necessary infrastructure.” (para. 9)**

- 2.6. So in summary, in view of the above, The Silverwood Partnership considers that Policy SV1 as amended to restrict development within the housing development boundary (unless identified in a neighbourhood plan) has not been positively prepared and is not justified.

**Question 2: Are sufficient housing allocations made to achieve the housing requirement?**

- 2.7. According to the BANES Housing Trajectory 2011 to 2029 (dated April 2016) the Somer Valley is anticipated to deliver 2,488 dwellings in the Plan period. The figure that is forecasted is therefore only 18 dwellings over the ‘around’ about figure required in the Somer Valley by the Core Strategy. There is not, however, any scope within the revised HDB or the wording of Policy SV1 to react to any shortfall that may occur on any one of the existing commitments, or indeed any future short or medium term housing need.
- 2.8. We consider that the policy wording should allow sufficient flexibility within the town to positively react to change. As presented, the Plan does not provide such flexibility and instead unacceptably and negatively restricts development outside of the drawn housing development boundary. This is not in the essence of the NPPF or the Government’s objective to significantly boost housing supply.

- 2.9. We consider that the Placemaking Plan provides an opportunity for the Council to respond positively and proactively to the delivery of housing in the district. Further consideration to the inclusion of sites such as our client's land at Kilmersdon Road, Haydon, which would represent an entirely logical extension to the town, would provide an opportunity for the Plan to adapt to change, which would be consistent with paragraph 14 of the NPPF, and would reflect the important role of BANES in the greater West of England area. The need to remain flexible to future change is especially pertinent given the Council's history in terms of housing delivery as confirmed by its status as a 20% authority.

**Issue 2: Whether the site allocations are the most appropriate when considered against the reasonable alternatives, having regard to the evidence to support the selection of allocated sites?**

**Question 1: Does the evidence support the selection of the allocated sites, when considered against any reasonable alternatives and having regard to deliverability considerations?**

- 2.10. We believe that the objector's land off Kilmersdon Road, Haydon represents an appropriate site for housing particularly when considered against the allocated sites. Indeed we are of the view that the site could be allocated in addition to the allocated sites and we do not believe that the site has been fairly considered in respect of all reasonable alternatives sites. It appears that the site was only discounted due to the previous refusal on the site. However, the refusal was only on the grounds that the site was situated outside the development boundary of Haydon (there were no technical refusal reasons) and this is clearly an issue which can be rectified through an allocation in the Placemaking Plan.
- 2.11. The site is located adjacent to the development boundary relating to Haydon, as shown on the proposals map which accompanies the adopted Bath and North East Somerset Local Plan (2007). The Council's SHLAA (2013) identifies the site (RAD 31c) as having potential to deliver a yield of about 100 dwellings. The site was rated as being 'moderate/high' suitability for development. It states:

**“In respect of the smaller area only (RAD 31c), development would have a low to moderate impact on landscape character. Whilst it would be seen from a distance, it would relate well to the rest of Haydon village on the ridge top.”**

- 2.12. The site is suitable for development and can be delivered immediately after planning permission is granted. The objectors have carried out all the necessary technical and environmental surveys. There are no access constraints and the site can be adequately drained. There are no issues on the grounds of archaeology and the SSSI can be adequately protected. Furthermore, there are no issues of ecological importance on the site. In all there are no constraints to residential development coming forward on the site. It is a sustainable, suitable and deliverable site.
- 2.13. A Planning Application for the development of the site for up to 100 dwellings has already been considered by the Local Planning Authority. The reasons for refusal can be overcome through an allocation in the Placemaking Plan and there are no technical objections to the development of the site for residential development. The site could deliver up to 100 dwellings and all of these would be delivered within 5 years following the granting of planning permission.
- 2.14. Furthermore, as part of the assessment of a recent outline planning application for up to 100 dwellings (15/01075/OUT), the Council’s Landscape Architect commented that they would not have any ‘in principle’ objections. Their comments were updated in September 2015 to state:
- “This brief additional response is intended to clarify my ‘no objection subject to conditions’ position. There will obviously be a change in character from an open field to a residential development and some loss of view. This will cause, in my opinion, only a limited amount of landscape harm.**
- 2.15. In view of the above the site is not only suitable but also available and deliverable within the Plan period and should be allocated for residential development.