
**B&NES Placemaking Plan Examination:
Hearing Statement Matter 19:
Housing in Somer Valley**

By Barton Willmore
On behalf of Taylor Wimpey

Representor no. 234 - Land at Chilcompton Road, Midsomer Norton

August 2016

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Hearing Statement Matter 19: HOUSING IN SOMER VALLEY**

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On behalf of Taylor Wimpey
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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?

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?

1.0 INTRODUCTION

1.1 This Examination Statement has been prepared by Barton Willmore on behalf of Taylor Wimpey in respect of land at Chilcompton Road, Midsomer Norton. A site plan is included in Appendix 1.

2.0 POLICY CONTEXT

- 2.1 National planning policy on five year housing land supply is contained in PPG and the NPPF (2012). Paragraph 29 of PPG states that in order to assess a sites suitability, availability and achievability will provide the information as to whether a site can be considered deliverable.
- 2.2 'Deliverability' is defined in footnote 11 of the NPPF as being available now, offering a suitable location for development now and be achievable with a realistic prospect that housing will be delivered within five years, and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is evidence that the site cannot be implemented in the next 5 years, for example if they are not viable, have long term phasing plans or there is a lack of demand for the type of units.
- 2.3 According to PPG, deliverable sites for housing could include those that are allocated for housing in the development plan and sites with planning permission (outline or full that have not been implemented) unless there is clear evidence that schemes will not be implemented within five years. Local planning authorities will need to provide robust, up to date evidence to support the deliverability of sites, ensuring that their judgements on deliverability are clearly and transparently set out.
- 2.4 B&NES is required to apply a 20% buffer to its five year housing land supply, due to a history of under supply. PPG states that local planning authorities should aim to deal with any undersupply within the first 5 years of the plan period where possible. Where this cannot be met in the first 5 years, local planning authorities will need to work with neighbouring authorities under the Duty to Cooperate.

3.0 FIVE YEAR HOUSING LAND SUPPLY POSITION

- 3.1 In order to fully understand whether B&NES is planning for the appropriate number of homes and allocating a sufficient number of sites, it is important to understand the five year housing land position.
- 3.2 B&NES considers it has a supply of 5,438 homes (2016/17 – 2020/21) resulting in 5.4 years supply. The 'Sedgefield' approach is applied to the five year land supply calculation to that any shortfall in delivery that is evident at the start of the five year period is made good by the end of that period, rather than over the remainder of the entire plan period. A 20% buffer is applied on account of past persistent under delivery.
- 3.3 We do not, however, consider that the authority's position on its five-year housing land supply is correct.

4.0 BARTON WILLMORE FIVE YEAR HOUSING LAND REVIEW

4.1 We have carried out a review on B&NES Housing Land Supply Findings Report and Trajectory (April 2016), and investigated a sample of 18 sites, 11 of which are disputed. The methodology and findings are included at Appendix 2 and 3.

4.2 The full assessment of the 11 disputed sites in the Housing Land Supply Findings Report and trajectory 2016 sites is appended (Appendix 2 and 3) and we provide a summary of some key points below:

- There are sites included which have an allocation but no planning permission. These need to be approached with caution, and as discussed above it is unrealistic that any homes will be delivered on these sites within the next three years;
- Several of the sites included have outline planning permission, and will therefore still need approval of reserved matters and conditions, which can take several months or years;
- Some of the sites do not have a formal planning permission, only a resolution to grant permission, and a Section 106 agreement still needs to be signed. This process can take a long time, which will then need to be followed by the approval of conditions and reserved matters if an outline application before work commence on site, and this process can be lengthy; and
- There are inconsistencies between the Housing Land Supply Findings Report (April 2016) and the Housing Trajectory which is appended to said report. For example the Fire Station is included in the trajectory as having the potential to deliver 90 homes over the next five years, but the Housing Land Supply Findings Report states that a prior approval application (LPA ref: 15/04723/ODCOU), was submitted in August 2015 for change of use from B1a (office) to 110 residential units but was subsequently withdrawn due to highways objection. It is therefore unclear why this site is still included in B&NES housing trajectory as a deliverable site.

4.3 Of further note is that a number of the sites assessed in the Edward Ware appeal have now been removed from B&NES Housing Land Supply Trajectory (April 2016), as they are now being pursued for student accommodation. As acknowledged in the 'Submission of the Bath & North East Somerset Placemaking Plan for public examination' report to Council on 23rd March 2016, a key issue in relation to housing delivery in the

authority relates to student accommodation being provided in place of open market housing. B&NES needs to fully consider what impact the amount of student accommodation has had on their housing delivery and plan for this appropriately in their housing numbers.

4.4 Through our assessment of the 11 disputed sites, our total figure for these sites is 1,090 homes less than B&NES' five year projection for these sites. As such, we have deducted this figure from B&NES total five year supply figure of 5,438 homes, and our assessment therefore finds that B&NES has at most a five year housing land supply of 4,348 homes, equating to no more than 4.3 years. It should be noted that the 11 sites only present a sample, and if we looked at all of the sites the figure may be even lower. Our calculations and outputs are summarised below:

a) B&NES Housing land supply assessment is:

- The council says it has a deliverable supply of land for **5,438 homes** (2016/17 – 2020/21)
- This equates to **5.4 years** of supply (5,438 homes supply / 1,007 homes needed a year = 5.4 years)

b) Barton Willmore Housing land supply assessment:

- We say the council has a deliverable supply of land for no more than **4,348 homes** (2016/17 – 2020/21)
- This equates to no more than **4.3 years** of supply (4,348 homes supply / 1,007 homes needed a year = 4.3 years)

4.5 Due to the five year housing land supply shortfall and historic under provision of housing in B&NES, it is unlikely that the Core Strategy housing requirement will be met if further allocations are not made.

5.0 ALLOCATING LAND AT CHILCOMPTON ROAD

- 5.1 Due to the absence of five year housing land supply in B&NES and the historic under supply of housing, the Placemaking Plan must make additional housing allocations if the 13,000 housing requirement set out in Policy DW1 of the Core Strategy is to be met.
- 5.2 Midsomer Norton is a location of significant economic growth and investment. Significant investment in the area, including through the Somer Valley Enterprise Zone, must be supported by adequate housing.
- 5.3 According to the B&NES Housing Trajectory April 2016 the Somer Valley is anticipated to deliver 1,166 homes over the five year period 2016 – 2021. This figure is ambitious and includes sites with outline planning application, where reserved matters are yet to be approved and as such it is unlikely that there will be any development at these sites over the next three years. There is no scope within Placemaking Policy SV1 Somer Valley Spatial Strategy to react to any shortfall that may occur on any of the existing commitments, or any future short or medium term housing need. As such, the Placemaking Plan does not contain sufficient flexibility to respond to changing circumstances and we therefore consider that it has not been positively prepared, is not justified or effective, is inconsistent with national policy, and is therefore unsound.
- 5.4 Given that B&NES has a housing land supply shortfall and historic under provision of housing, it should be looking to allocate sites such as land at Chilcompton Road, Midsomer Norton, which has the capacity to deliver 100-120 homes. The site benefits from being in Flood Zone 1 (low probability of flooding), is well contained on both sides of Chilcompton Road and is well related to the existing urban area to the north. Development of the site would be of a sufficient size to make a meaningful contribution to the future housing needs of Midsomer Norton, and the authority as a whole.
- 5.5 We consider that the Placemaking Plan provides an opportunity for the Council to respond positively and proactively to delivering housing requirement in the authority. Further consideration should be given to sites such as land at Chilcompton Road which would represent a logical extension to the town of Midsomer Norton.

6.0 CONCLUSION

- 6.1 Midsomer Norton is, as identified above, a location which has undergone significant economic growth, and this needs to be supported by the provision of adequate housing. As such B&NES should be looking to allocate sites such as land at Chilcompton Road, in order to deliver the significant local and regional housing needs.
- 6.2 As currently draft there is no scope within Placemaking Plan to react to any housing land shortfall that may occur on any of the existing commitments, or any future short or medium term housing need. As such, the Placemaking Plan does not contain sufficient flexibility to respond to changing circumstances and we therefore consider that it has not been positively prepared, is not justified or effective, is inconsistent with national policy, and is therefore unsound

APPENDIX 1
SITE LOCATION PLAN

APPENDIX 2
BARTON WILLMORE ASSESSMENT OF
B&NES 5 YEAR HOUSING LAND SUPPLY

BARTON WILLMORE ASSESSMENT OF B&NES 5 YEAR HOUSING LAND SUPPLY

The five year requirement for a Council is calculated by first multiplying the annual average housing requirement as set out in the local plan. We set out below our methodology and calculation of B&NES five year housing land supply requirement step by step below:

- The B&NES Core Strategy housing requirement for the plan period is 13,000 homes and the plan period runs for 18 years. Therefore, on average the council needs to deliver 722 homes per year ($13,000 / 18 = 722$ homes).
- The "basic" five-year housing requirement is 3,610 homes ($722 \text{ homes} \times 5 \text{ years} = 3,610$ homes). However, the council failed to deliver the average annualised requirement (722 homes) over the first 5 years of the plan period (2011/12 – 2015-16), only constructing 3,026 homes.
- The shortfall over last 5 year is therefore 584 homes ($3610 - 3026$).
- Add in the 584 homes shortfall to the next five-year supply means a five-year requirement of 4,194 homes (shortfall of 584 + basic requirement of 3,610 = 4,194 homes).
- Apply the NPPF 20% buffer results in a final five-year requirement of **5,033 homes** ($4,194 \times 1.2 = 5,033$ homes), or **1,007 homes** a year over the next 5 years ($5,033 / 5 = 1,007$ homes)

On this basis the five year housing land supply requirement is 5,033 homes.

In addition to the assessment of the total five year housing land supply requirement set out above, we have carried a further review of the sites included in B&NES five year housing land supply trajectory to identify the five year housing land supply position.

As part of this review we have examined the sites included in the December 2014 and April 2016 Housing Land Supply Findings Report and housing trajectories appended to these reports as well as the evidence submitted with the Edward Ware Homes Appeals (APP/FO114/A/14/2217216; APP/FO114/A/14/2215930 and APP/FO11114/A/2214596).

The Edward Ware appeals identified 18 disputed sites contained in B&NES five year housing land supply, based on an analysis of the sites contained in the December 2014 Five Year Housing Land Supply Trajectory dated December 2014. Since that time B&NES has published an updated Housing Land Supply Findings Report and accompanying trajectory dated April 2016. We have therefore carried out an analysis of the 18 disputed sites, based on the more recent figures from the April 2016 evidence. Our assessment identifies 11 sites where the projected completion rates are called into question.

The table includes the five year housing land supply figure for the period 2016 – 2021 included in the April 2016 trajectory as well as that included in the 2014 trajectory. The table then includes our assumption of what we consider each site will deliver over the next five years and commentary to justify this in the final column. Our assumption is based on our experience of site delivery, and the following key principles:

- a) Historic under delivery in B&NES;
- b) If the site does not already benefit from planning permission it is very unlikely that any homes will be built over the next five years;

In identifying the likely delivery rate for each of the 11 sites, we have applied the timeline of events involved in the preparation of residential planning applications for large sites, based on our experience as planning consultants, as set out below.

Task	Approximate timescale
Prepare and submit a planning application and undertake technical, ecological and transport surveys	6 – 12 months
Determination of the application. The EIA determination period is 16 weeks. This determination period is often extended to allow for resourcing at local authorities; and the logistics of applications being heard at subsequent planning committees.	6 months
Signing of the Section 106 Agreement and issue of planning permission. It can be a long and complex process for the applicant and the authority to negotiate and agree the Section 106 package.	6 months
Preparation of reserved matters details if an outline application. Preparation of pre-commencement conditions. Many strategic sites are subject to pre reserved matters planning conditions and other strategies requiring separate approval by the LPA prior to the submission of reserved matters. This process can often take longer than expected particularly if more detailed site investigations identify further site specific issues which require amendments to the plans, such as site levels, engineering, or protected species.	6 - 12 months
Approval of reserved matters details and approval of conditions details. As explained above, this can take longer than expected, as the information submitted can be very detailed and comprehensive, such as phasing plans and design codes.	2 – 8 months
Implementation of pre-commencement conditions, such as the implementation of access points into the site or landscape management plans	2 – 4 months
Ground clearance	2 months
Total	3 - 4 years

As set out in the table above, it can take between three and four years for a strategic site to come forward for residential development. As such, in our assessment of the 12 sites in Appendix 3, if a site does not have planning permission we have assumed that no development will come forward in the first three years.

The full assessment of the 11 disputed sites in the Housing Land Supply Findings Report and trajectory 2016 sites is appended and we provide a summary of some key points below:

- There are sites included which have an allocation but no planning permission. These need to be approached with caution, and as discussed above it is unrealistic that any homes will be delivered on these sites within the next three years;
- Several of the sites included have outline planning permission, and will therefore still need approval of reserved matters and conditions, which can take several months or years;

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a) B&NES Housing land supply assessment is:

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b) Barton Willmore Housing land supply assessment:

- We say the council has a deliverable supply of land for 4,348 homes (2016/17 – 2020/21)
- This equates to 4.3 years of supply (4,348 homes supply / 1,007 homes needed a year = 4.3 years)

Due to the five year housing land supply shortfall and historic under provision of housing in B&NES, it is unlikely that the Core Strategy housing requirement will be met if further allocations are not made.

APPENDIX 3
BARTON WILLMORE FIVE YEAR
HOUSING LAND SUPPLY REVIEW TABLE

B&NES 5YHLS REVIEW

Site	2014 5yhls for 2016 – 2021 (B&NES Housing Trajectory 2011-2029, dated Dec 2014)	5yhls figure for 2016 – 2021 (B&NES Housing Trajectory 2011-2029, dated April 2016)	Our figure	Comments
Bath				
MOD Warminster Road	175	175	75	Full permission (14/02272/EFUL) granted 03/03/2015 for 204 homes. No evidence that conditions are being discharged, although B&NES state that the owners, Firestone, have commenced site clearance. Unlikely that any homes will be built in the next two years, but maybe 25 per year could be achieved 2018/2019 and 2020/2021
Rear of 89-123 Englishcombe Lane	20	40	0	The land has been allocated for the development of 40 dwellings since the adoption of the B&NES Local Plan (2007). Council owned land which has not come forward due to the recession and a ransom strip. Council is currently agreeing terms to sell the site to Redcliffe. Given that a planning application hasn't even be prepared, very unlikely that any houses will be built in the next 5 years.
Roseberry Place	150	175	25	Outline application submitted 28/04/15 for 200 flats (15/01932/EOUT) received positive recommendation at committee in November 2015. Section 106 yet to be signed, after which reserved matters and conditions will need to be approved. Unlikely 175 homes will be built in next 5 years when Section 106 yet to be signed and conditions discharged.
Bath Press	200	244	50	Application submitted (15/02162/EFUL) for 244 homes, which has received a recommendation for approval by

				<p>officers and at committee but awaiting signed Section 106 with Meyer Homes.</p> <p>Unlikely 244 homes will be built in next 5 years when Section 106 yet to be signed and conditions discharged.</p>
Land at Odd Down	240	100	0	Allocated for 300 dwellings in the Core Strategy. Bloor Homes expected to submit an application in mid/late 2016
Keynsham				
Fire Station and Riverside, Keynsham	90	48	0	Housing Land Supply Report (April 2016) states that prior approval application submitted in August 2015 for change of use from B1a to 110 residential units (15/04723/ODCOU), but withdrawn due to highways objection – so why is this site still in the trajectory?
East of Keynsham (M&M)	225	100	25	<p>Allocated for 250 dwellings in the Core Strategy.</p> <p>Planning application submitted 23/02/16 (LPA ref: 16/00850/OUT) for 250 dwellings.</p> <p>Application not yet determined.</p> <p>It is unrealistic to expect that 100 homes will be built in the next 5 years, as the outline application needs to be approved and Section 106, followed by reserved matters and then conditions.</p>
South West Keynsham	579	381	173	<p>2007 Local Plan allocation.</p> <p>Western section granted planning permission for 285 dwellings (09/03351/FUL) and is being developed by Taylor Wimpey. 36 completions 2013/2014 and 62 in 2014/2015.</p> <p>Eastern section (Bilbie Green) has planning permission for 267 dwellings (14/00049/FUL) and is being built out by</p>

				<p>Barratt and David Wilson Homes. 6 homes were built 2015/2016.</p> <p>Current completion rate equates to 34 dwellings a year, multiplied by 5 years this is 173 homes.</p>
Somer Valley				
Old Pit Yard, Clandown	53	44	25	<p>Outline planning permission for 44 dwellings granted in October 2015 (14/02889/OUT)</p> <p>No evidence that reserved matters have been submitted or conditions are being discharged</p>
Welton, Bibby and Baron	150	100	0	<p>Draft Placemaking Plan proposes to allocate the site for 100 dwellings.</p> <p>No application submitted, but pre-application discussions undertaken.</p>
St Peters Factory	70	81	25	<p>2007 Local Plan allocation. Oval Estates submitted an application in October 2014 for 91 dwellings (14/04003/OUT) which was subsequently reduced to 81 dwellings and planning permission was granted 02/03/2016.</p> <p>No evidence that reserved matters have been submitted or any conditions have been discharged.</p> <p>Unlikely that any dwellings will be built in the next 3 years, but potential for some completions in the last 2 years.</p>
tal		1,488 homes	394 homes	