



TOWN AND COUNTRY PLANNING ACT 1990

**EXAMINATION OF THE BATH AND NORTH EAST SOMERSET LOCAL PLAN
(CORE STRATEGY AND PLACE MAKING PLAN) PARTIAL UPDATE
MATTER 4: AREA POLICIES AND ALLOCATIONS**

**HEARING STATEMENT
IN ASSOCIATION WITH LAND ADJOINING ODD DOWN, BATH
KNOWN AS SULIS DOWN**

**ON BEHALF OF
THE HIGNETT FAMILY TRUST**

JUNE 2022

REF: PF/10160

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Appendix 1 Comprehensive Masterplan Land adjoining odd Down, Bath

1.0 BACKGROUND

1.1 This Hearing Statement is submitted on behalf of The Hignett Family Trust (HFT) in respect of Land adjoining Odd Down, Bath, known as Sulis Down. The land is identified in the B&NES District's Core Strategy as a strategic Site allocation to meet part of the District's housing need. The strategic Site is allocated for a residential development under Planning Policy B3a.

1.2 The land at Odd Down is one of four strategic housing Sites removed from the Green Belt in the Core Strategy. In respect of the land at Odd Down, the Planning Inspector (PI) concluded in his report (paragraph 164) following the Examination of the Core Strategy, that if the Council's placemaking principle (included in the proposed policy wording) were met:

'Overall, there would be a loss of Green Belt, localised harm to the AONB (nonetheless great weight should be attached to protecting this landscape); only slight harm to the Wansdyke SM, with a small benefit from planned positive management measures; and limited and localised harm to the setting of WHS (paragraph 164)'

1.3 The PI noted at paragraph 164 that there were no acceptable alternative Sites within Bath which could replace the contribution to housing that the Odd Down Site could make. The PI confirmed that the Council's decision to allocate the Site represented positive planning and was justified.

1.4 The PI further concluded that there were exceptional circumstances to justify the removal of the land from the Green Belt, and for major development within the AONB (paragraph 165 of the PI Report).

'I consider that there are exceptional circumstances to justify removing land from the Green Belt and for major development within the AONB. The need for housing and the benefits of additional housing in this location at Bath outweigh the harm that would arise, taking into account the great weight that must be given to protecting the AONB and heritage assets (paragraph 165).'

1.5 The PI at paragraph 163 stated that the text in the planning policy should make clear that, if all the placemaking principles could be met, the housing number (300) is not a cap on capacity.

'PP1 refers to development of around 300 dwellings. This capacity reflects the Council's view that substantial parts of the allocated area are not suitable for built development and my assessment above largely endorses that approach. The text should make clear, however, that this figure is not a cap on capacity if all the place-making principles can be met (paragraph 163).'

Planning Progress of the Site Allocation B3a – Land adjoining Odd Down, Bath

1.6 Since the adoption of the Core Strategy and Placemaking Plan, a Comprehensive Masterplan of the strategic allocation (**Appendix 1**) was submitted to the Council in 2018. The Masterplan subdivides the allocation into 4 Phases: Phase 1 consists of land to the west of Sulis Manor, Phase 2 consists of Sulis Manor, and Phases 3 and 4, land to the east of Sulis Manor. In 2019 a detailed planning permission was granted for Phase 1 for 171

dwellings (Planning Ref: 17/02588/EFUL) with access off Combe Hay Lane. Phase 1 is currently being built out.

- 1.7 A hybrid planning application was submitted to the Council in May 2022 for the residential Phases 3 and 4 and an extension to spine road approved for Phase 1. The application is under consideration by the Council. The application description is set out below:

'Hybrid planning application on land adjacent to Odd Down, Bath, known as Sulis Down, comprising:

- (i) Outline application for Phases 3 and 4 for up to 300 dwellings; landscaping; drainage; open space; footpaths and emergency access; all matters reserved, except access from Combe Hay Lane via the approved Phase 1 spine road (details of internal roads and footpaths reserved);*
- (ii) Detailed application for the continuation of the spine road (from Phase 1), to and through Sulis Manor and associated works comprising: the demolition of existing dilapidated buildings and tree removal; drainage; landscaping; lighting; and boundary treatment; to enable construction of the spine road; and;*
- (iii) Detailed application for landscaping; mitigation works; allotments; including access; on the field known as Derrymans.'*

- 1.8 The site allocation Policy B3a includes a series of placemaking principles that provide a set of robust expectations related to the development to be delivered through the policy. The hybrid planning application has demonstrated that Phases 3 and 4 and the proposed access arrangement can be delivered in accordance with the placemaking principles, both in terms of the specific impacts and cumulatively across the entire allocation.

- 1.9 It is anticipated that Phases 1, 3 and 4 will deliver 471 dwellings across the allocation. At the time of writing there is no certainty of the timescale or number of dwellings for Phase 2. The number of dwellings for Phase 2 could be 'up to 50 dwellings'. Phase 2 will not be delivered within the Plan period and have therefore not been considered in this Hearing Statement.

- 1.10 The HFT submitted representation to both the Regulation 18 and 19 consultations of the Local Plan Partial Update (LPPU). This Hearing Statement should be read in conjunction with these submissions. The rest of this Hearing Statement addresses the specific matters relating to Matter 4: Area Policies and Allocations.

2.0 MATTER 4: AREA POLICIES AND ALLOCATIONS

Issue: Are the proposed policies and allocations justified, effective and consistent with national policy

Policy KE3b: East of Keynsham Safeguarded Land

Q.63 Is criterion 1 which states that development proposals will deliver residential development of around 70 dwellings in the plan period justified?

Policy KE3d: East of Keynsham Safeguarded Land

Q.63 Is criterion 1 which states that development proposals will deliver residential development of around 70 dwellings in the plan period justified?

- 2.1 The parcels of land east of Keynsham allocated in the LPPU include greenfield land on the edge of Keynsham that has been previously released from the Green Belt and safeguarded for development in the Core Strategy. These sites are in less sustainable locations

compared to land on the edge of Bath. Paragraph 49 of the Core Strategy emphasises Bath to be the primary focus for new development.

- 2.2 With the new requirement in the NPPF (paragraph 11) to make effective use of land in order to mitigate climate change, the capacity of allocated sites in more sustainable urban locations should be assessed, first, before consideration is given to allocating Green Belt land.
- 2.3 The HFT maintain, that in allocating land on the edge of Keynsham, the LPPU has not fully considered all reasonable alternatives where the additional housing need could be met. A reasonable alternative would include increasing the capacity of the strategic site B3a, Land adjoining Odd Down, Bath. In this regard, Policies KE3b and KE3d of the LPPU cannot be considered justified, rendering the LPPU unsound.
- 2.4 Paragraph 143 of the NPPF state at bullet point (c) '*where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period*'. This national policy requirement does not absolve the Council's responsibility to demonstrate the soundness of the plan, and the appropriateness of the strategy in the allocating of sites.
- 2.5 As policy KE3b and KE3d now includes the allocation of safeguarded Green Belt land for housing, the HFT maintains its objection to PolicyDW1. HFT request that, in accordance with the NPPF, the capacity of existing strategic sites should be re-assessed in order to; make effective use of land in urban areas; to ensure that the most sustainable sites are developed; and to mitigate the Council's Climate Change emergency.
- 2.6 The Sulis Down (Planning Policy B3a Land adjoining Odd Down, Bath) is already delivering new homes for the District, with Phase 1 (171 dwellings) under construction. As mentioned in the introduction to this Statement, a planning application for Phases 3 and 4 has been submitted to the Council and is under consideration. The density of homes across the Site (average 40dph) to deliver 300 dwellings meets all the place making principles. It is anticipated, following a grant of planning permission, development will commence in 2023 with the construction of the extension of the approved spine road for Phase1.
- 2.7 In the consideration of identifying land to meet its housing need, the Council has failed to consider that the number of dwellings included in the policy wording, '*around 300 dwellings is not a cap on development (my emphasis) as long as all the placemaking principles are met*'.
- 2.8 The Council has already agreed, through the approval of Phase 1 (with a Site area of 10.93ha) that 171 dwellings can be delivered, whilst meeting the Placemaking Principles in Policy B3a. Phases 3 and 4, (with a Site area of 17.75ha) has been demonstrated through a planning application to be able to deliver up to 300 dwellings, whilst meeting the Placemaking principles.
- 2.9 It is appreciated that the planning application for Phase 3 and 4 is yet to be granted planning permission. Pre-application enquires with the Council indicated that Phases 3 and 4 could accommodate up to 300 dwellings (subject to meeting the Placemaking Principles). On the evidence, it is clear that Strategic Site B3a can deliver well in excess of the '*around 300 dwellings*' included in the present policy wording. Strategic Site B3a is able to deliver around 471 dwellings.

2.10 The HFT maintain its position that Policy DW1 is not justified. To make the LPPU sound, HFT request the following amendment: (i) Planning Policy DW1 is amended to remove the additional sites, KE3b and KE3d safeguarded land; and (ii) Planning Policy B3a (1) is amended as follows:

'Residential led mixed-use development (to include 40% affordable housing) of around 450 dwellings, in the plan period. The site should be developed at an average density of 35-40dph. The figure of 450 dwellings is not a cap on development if all the placemaking principles can be met.

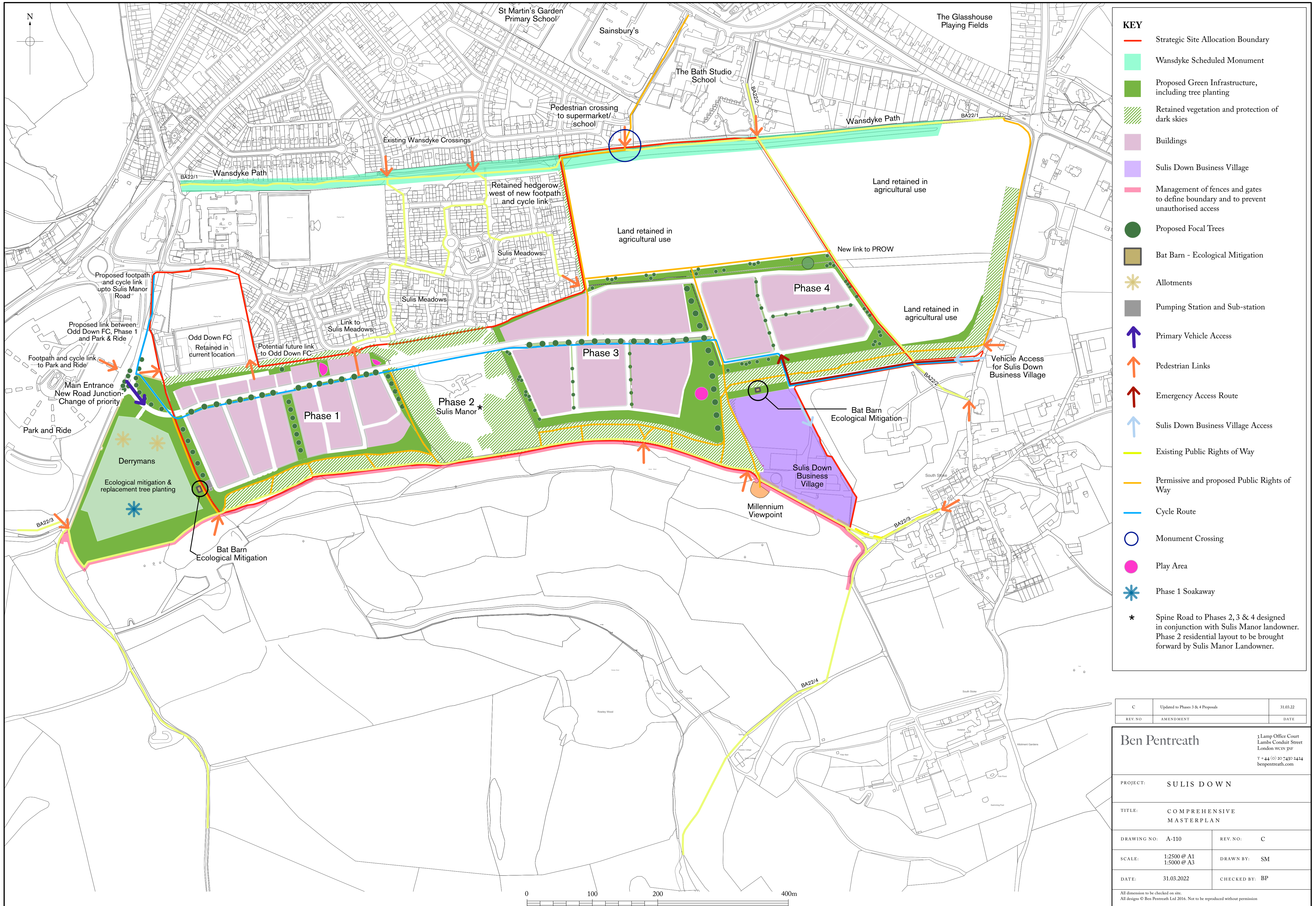
2.11 The anticipated housing delivery of the Strategic Site B3a is set down below.

Strategic Site B3a Land adjoining Odd Down, Bath							
	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
Included in the Housing Trajectory	45	57	44	25	50	50	29
Anticipated delivery (landowner)	52	70	49	60	80	100	60

2.12 On the basis that the strategic site at Odd Down (Planning Policy B3a) is able to deliver 471 dwellings, it is not justified for the LPPU to allocate safeguarded Green Belt land at Keynsham to meet its housing shortfall need.

2.13 To make the LPPU sound, planning policies DW1 and B3a should be amended as set out in paragraph 3.10 of this statement. Planning Policies KE3b and KE3d should be deleted.

Appendix 1
Comprehensive Masterplan



- KEY**
- Strategic Site Allocation Boundary
 - Wansdyke Scheduled Monument
 - Proposed Green Infrastructure, including tree planting
 - Retained vegetation and protection of dark skies
 - Buildings
 - Sulis Down Business Village
 - Management of fences and gates to define boundary and to prevent unauthorised access
 - Proposed Focal Trees
 - Bat Barn - Ecological Mitigation
 - ✳ Allotments
 - Pumping Station and Sub-station
 - ↑ Primary Vehicle Access
 - ↑ Pedestrian Links
 - ↑ Emergency Access Route
 - ↑ Sulis Down Business Village Access
 - Existing Public Rights of Way
 - Permissive and proposed Public Rights of Way
 - Cycle Route
 - Monument Crossing
 - Play Area
 - ✳ Phase 1 Soakaway
 - ★ Spine Road to Phases 2, 3 & 4 designed in conjunction with Sulis Manor landowner. Phase 2 residential layout to be brought forward by Sulis Manor Landowner.

C	Updated to Phases 3 & 4 Proposals	31.03.22
REV. NO.	AMENDMENT	DATE

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PROJECT: **SULIS DOWN**

TITLE: **COMPREHENSIVE MASTERPLAN**

DRAWING NO: **A-110** REV. NO.: **C**

SCALE: **1:2500 @ A1** DRAWN BY: **SM**
1:5000 @ A3

DATE: **31.03.2022** CHECKED BY: **BP**

All dimension to be checked on site.
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