

**Bath and North East Somerset Council Response to
Inspector's Initial Matters, Issues and Questions
(EXAM 4)**

Matter 4: Area Policies and allocations

06 June 2022

Keynsham (Questions 56 – 66)

**Bath & North East
Somerset Council**

Improving People's Lives

Response to Inspector's Initial Matters, Issues and Questions (EXAM 4)

Please note: Where the Council is proposing modifications to policies or reasoned justifications in the submitted plan these are detailed in the responses as follows:

- **Additional and new text** proposed in **Bold**, **Red** and underlined
- ~~Deleted text~~ proposed in **Red** and ~~strike through~~

(Submitted LPPU changes are shown in **Bold**, underlined and ~~strike through~~ all in **black** text)

Keynsham

Policy KE2B: Riverside and Fire Station site

Q.56 Criterion 1 refers to the provision of B1 office floorspace. Given the amendments to the Use Classes Order in September 2020, would this be effective?

B&NES Response:

56.1 Evidence work "*Bath & North East Somerset Employment Growth and Employment Land Review*" has been undertaken by Hardisty Jones Associates March 2020 [[CD-EDV002](#)] into employment land requirements. Key points in the Conclusions and Recommendations relating to both office and industrial / warehousing space state:

Paragraph 9.0.10 "Existing employment sites across B&NES were reviewed. All sites reviewed were performing well. On the basis of both the assessments and the challenges in delivering new employment floorspace in B&NES it is clearly evident that there is a need to retain and protect all existing employment areas wherever possible."

56.2 It recognised the importance of safeguarding land for employment purposes, including office.

56.3 It would be effective to change B1 to Class E g(i) to reflect the amendments to the Use Classes Order and to respond to the Hardisty Jones evidence base in relation to office floorspace. Provision of new office space in Keynsham is part of the spatial strategy set out in the Core Strategy to diversity Keynsham's employment space and jobs base, partly in order to help address out-commuting. The LPPU does not propose to change this spatial strategy.

56.4 The LPPU updated Policy KE2B to reflect the Council priorities in relation to the climate and nature emergencies, and to reflect the conversion of Riverside to residential uses. The requirement to provide 2,500 sqm of office floorspace originally related to the Riverside buildings and sought to ensure that this was partly retained in B1 use. Since its change of use and conversion to residential use under a prior approval, the opportunity to secure office space at this scale is, given the limited land available, unlikely to be delivered. However, the provision

of a significant amount of Class E g(i) space on the remaining parts of the site allocation will help to contribute to the vitality and viability of the town centre and to provide an active frontage to Temple Street as required by the policy.

56.5 Proposed changes to the clause 1 of Policy KE2B:

Policy KE2B

Clause 1. Provide residential development (C3 use class) and ~~around 2,500sqm of B1 significant office Class Eg(i)~~ floorspace to provide a mix of uses that contribute to the vitality and viability of the town centre.

Deletion of Policy KE3B: Safeguarded Land at East Keynsham

Q.57 The explanatory text to the adopted Core Strategy and Placemaking Plan states that Policy KE3B safeguards land at East of Keynsham for development beyond the end of the plan period. What is the justification for the proposed allocation of this land now, and is the allocation of the land consistent with national policy as expressed in paragraph 143 of the NPPF?

B&NES Response:

- 57.1 Through the Core Strategy land was removed from the Green Belt and allocated for development on the east and south west sides of the town and further land was safeguarded for development pending a review of the Local Plan.
- 57.2 Land was safeguarded (rather than allocated) at that time due to evidence showing that development over & above that on the allocated sites was likely to have a severe impact on the highway network.
- 57.3 The LPPU has reviewed the current Local Plan and some policies and site allocations are proposed to be updated.
- 57.4 Evidence now shows that with the delivery of transport infrastructure measures and improvements which focus on sustainable transport, there will be sufficient headroom capacity on the highway network such that the two areas of safeguarded land can be allocated for development now (and not cause severe impact). (See Transport Technical Note, [CD-TRN002](#)).
- 57.5 In addition, in order to address the overall housing supply shortfall, ensure ongoing 5YHLS and that the Housing Delivery Test can be met, there is a need to allocate additional sites and as per the spatial strategy set out in the Core Strategy, Keynsham is a highly sustainable location. Therefore, allocation of both sites in the LPPU is justified.
- 57.7 Whilst the explanatory text does state that 'Policy KE3B safeguards land at East of Keynsham for development beyond the end of the plan period', the policy itself states that 'planning permission for development of the safeguarded land will be granted only when it is proposed for development following a review of the Local

Plan.’ Where any inconsistency arises within different parts of the plan, the policy wording should take precedence over any explanatory text. In addition, the previously safeguarded land has now been allocated for development.

57.8 Given this situation it is proposed to amend the support text to the following:

Paragraph 96.

National planning policy makes it clear that when altering Green Belt boundaries consideration should be given as to whether land needs to be safeguarded to meet longer term development needs. At south west Keynsham it is not considered there is any scope to identify safeguarded land. Policy KE3B safeguarded land at East of Keynsham for development beyond the end of the plan period or following a review of the Local Plan. This review has taken place and through this partial update of the Local Plan the previously safeguarded land is allocated for development under Policies KE3C and KE3D.

Policy KE3C: East of Keynsham

Q.58 Is criterion 1 which states that development proposals will deliver residential development of around 210 dwellings in the plan period justified?

B&NES Response:

58.1 The proposed allocation of the safeguarded land through the LPPU is justified as set out above and the capacity of around 210 dwellings based on assessment of the site is realistic. The response to Q.59 below refers to the recent resolution to permit outline planning permission for the delivery of 213 homes. The allocation is necessary to ensure an appropriate level of housing land supply.

Q.59 What is the evidence that 210 dwellings would be delivered by 2029?

B&NES Response:

59.1 An outline planning application (20/02673/OUT) for the development 213 homes on this site was determined on 25th April 2022 with a resolution to permit subject to a section 106 agreement.

59.2 This is an important decision which provides a reasonable prospect that around 210 dwellings will be delivered on this site within plan period. It should also be noted that the adjoining Hygge Park development started delivering on site around 18 months after the granting of outline permission. Based on this timeline it is reasonable to assume 213 dwellings will be delivered by 2029, with 113 of these being delivered within the first five years.

Q.60 What is the evidence that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree as per NPPF paragraph 110?

B&NES Response:

- 60.1 This evidence is presented in the Sustainable Transport Strategy for Safeguarded Land at Keynsham Technical Note ([CD-TRN002](#)). This identifies six measures which are required to mitigate Policies KE3C and KE3D development. These measures achieve this through enabling mode shift from existing traffic trips on the network to create sufficient headroom for new trips from the proposed development, as well as supporting sustainable travel from the developments themselves.
- 60.2 The measures are required in combination to mitigate both development sites, with their delivery/contribution to be apportioned proportionately between both sites. B&NES Planning Committee has resolved (May 2022) to grant planning permission to KE3C, with a mitigation strategy in line with the LPPU allocation, which includes proportionate delivery of the transport requirements. This has been agreed with the applicant.

Q.61 What effects would the transport mitigation package have on the viability and the deliverability of the proposed allocation?

B&NES Response:

- 61.1 The Viability Assessment (VA) ([CDVIA-001](#)) paragraph 6.31, page 65 states that Keynsham safeguarded land is located in an area where values are at price point D (£4,100 per square metre). It is a greenfield site and therefore its residual land value would need to be compared to the two greenfield benchmark land values. As noted in Table 6.24.6, this scheme is viable with the adopted and emerging policies applied. The benchmark land value (assuming higher greenfield land value of £0.25 million per hectare) is £3.39 million, and the residual land value equates to £12.53 million after the adopted and emerging policies are applied.
- 61.2 It is important to note for the purposes of the LPPU VA, the VA tested the combined safeguarded land development of 280 dwellings (i.e. allocations KE3C and KE3D). In addition, while the VA takes into account the standard development costs, LPPU policy costs and current standard CIL charges, in the case of residual Section 106 costs, other than greenspace and transport infrastructure costs which are integral to the development, a standard allowance of £1,000 per unit is applied for all typologies and allocations tested. This therefore indicates residual value in a consistent manner for all typologies and allocations and is appropriate and proportionate for a Local Plan Viability Assessment.
- 61.3 The actual amounts for S106 will be subject to site-specific negotiations when schemes are brought forward through the development management

process. Each development is bespoke and there may be economies of scale for instance if the developer delivers the infrastructure directly.

61.4 In addition, the VA notes at paragraph 3.4:

“Assumptions about development phasing, phasing of Section 106 contributions and infrastructure required to facilitate each phase of the development will affect residual values. Where the delivery of a planning obligation is deferred, the lower the real cost to the applicant (and the greater the scope for increased affordable housing and other planning obligations). This is because the interest cost is reduced if the costs are incurred later in the development cashflow;”

61.5 Having regard to the significant surplus, as set out above, it is highly unlikely that the transport mitigation measures would render the proposed allocation unviable.

61.6 It is also important to note that this scheme has now been granted a resolution to permit, and that this includes the transport mitigation package. It is reasonable to ascertain that in agreeing to such a package the developers do not consider that it has an unacceptable impact on viability and on the deliverability of the proposed scheme.

Q.62 Are the Policy requirements for the provision of infrastructure and other facilities justified and would they be effective?

B&NES Response:

62.1 The policy requirements for the provision of infrastructure and other facilities are justified by an appropriate evidence base including assessment by and input from transport/highways and ecology and green infrastructure officers within the Council.

62.2 They are proportionate to the scale of development proposed and in relation to the transport components will be shared by the developers of the KE3D site. They have been tested through the viability assessments and would be deliverable over the plan period.

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?

B&NES Response:

63.1 The proposed allocation of this safeguarded site through the LPPU is justified and the capacity of around 70 dwellings based on assessment of the site is realistic. The response to Q.64 below refers to the recent submission of an application for outline planning permission for 70 homes, which supports the anticipated capacity of the site. The allocation is necessary to ensure an appropriate level of housing land supply.

Q.64 What is the evidence that 70 dwellings would be delivered by 2029?

B&NES Response:

- 64.1 An outline planning application for 70 homes on this site (21/05471/OUT) was submitted on 9th December 2021 and is in the process of being determined. This follows a previous outline application (18/02899/OUT) for 80 dwellings that was submitted on 29th June 2018 and then subsequently withdrawn. The site is owned or in the control of a housing developer and without pre-judging the outcome of the current planning applications, this activity does demonstrate that there is a reasonable prospect that around 70 dwellings will be delivered on this site within plan period.

Q.65 What is the evidence that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree as per NPPF paragraph 110?

B&NES Response:

- 65.1 Please see response to Q.60.

Q.66 What effects would the transport mitigation package have on the viability and the deliverability of the proposed allocation?

B&NES Response:

- 66.1 Please see response to Q61 above.
- 66.2 The transport mitigation package for both sites (KE3C and KE3D) has been set out and justified by the Council in the Sustainable Transport Strategy for Safeguarded Land at Keynsham Technical Note August 2021 ([CD TRN002](#)). As set out in the answer to Question 61 above, it has been agreed to apportion the transport mitigation measures between the sites KE3C and KE3D. A current planning application (21/05471/OUT) is pending determination for this site allocation (KE3D) and the Council is seeking agreement that the applicant will deliver two of the six transport mitigation measures, or provide a financial contribution for the council to deliver as appropriate. The measures are:
- 2) Town Centre bus service improvements.
 - 6) Liveable Neighbourhoods (LN) measures in the Chandag Estate.
- 66.3 Having regard to the conclusions of the Viability Assessment in relation to the residual value of the development (refer to Question 61 above), it is considered that these transport mitigation measures, which will be subject to further detailed negotiation regarding their delivery, as part of the development management process, are highly unlikely to render the development unviable, or undeliverable.