

**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

Somer Valley (Questions 67 – 75)

**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)

Somer Valley

Policies SV2 Midsomer Norton Town Centre Strategic Policy, Policy SSV2 – South Road Car Park and Policy SSV4: Former Welton Manufacturing site

Q.67 What is the justification for the deletion of the proposal for the redevelopment of South Road Car Park with a retail led mixed use development?

B&NES Response:

- 67.1 South Road car park was allocated in the Placemaking Plan (Policy SSV2) as being suitable for a retail development while continuing to offer sufficient public car parking for the town centre. This allocation has not come forward since the Placemaking Plan was adopted and no planning application has been submitted. Current information also suggests that the site allocation is not deliverable and that it should be retained as a car park serving the town centre.
- 67.2 Parking surveys have been done of South Road Car Park, with analysis reported in the South Road Car Park Technical Note ([CD-TRN001](#)). These surveys showed that there is currently limited scope to reduce the parking capacity at the car park, and that the parking is well used to support the viability of the town centre, rather than as long stay commuter parking. There are two other car parks in the area with an unrestricted duration of stay (Sports centre and Pows Orchard) but these have a much lower number of spaces available amounting to 75 spaces in total. Any redevelopment of the South Road Car Park would need to re-provide existing parking levels to serve the town centre, and meet the parking requirements of the development. This presents significant and potentially insurmountable challenges to the development of the site, and therefore the deliverability of the policy. This conclusion is also supported by informal and confidential discussions with potential retail operators. Accordingly, there has been no progressed interest in redeveloping the site for retail uses and no planning applications, despite its allocation in the Placemaking Plan.
- 67.3 At the time of the adoption of policy SSV2 and based on the 2015 parking survey it was considered that part of the car park was occupied by commuters rather than short-stay visitors to the High Street. The 2019 survey, by also looking in greater detail at duration of stay, has demonstrated that the car park is being used by

short-stay visitors to the High Street. Therefore, South Road car park is considered to be important to support the vitality and viability of the High Street. In addition, at the time of allocation in the Placemaking Plan discussions with retailers were also focussing on the potential for a retail (food) store with undercroft parking. However, since that time the investment behaviour of retailers has changed and the types of store and their financial viability has also altered. As referenced above retail operators are now of the view that the site is too challenging to viably develop for the types of store currently delivered, whilst also retaining the necessary levels of parking. These conclusions are also supported by the update to the retail study ([CD-EDV003](#)), see paragraphs 4.2 to 4.8.

Q.68 What is the justification for the proposed allocation of a retail store of approximately 1,300 square metres at the Former Welton Manufacturing site outside of the town centre?

B&NES Response:

- 68.1 The Former Welton Manufacturing site has been allocated for mixed use redevelopment of housing and economic uses since the adoption of the B&NES Local Plan in 2007 with the site being vacated in 2013. The site allocation was confirmed in the Placemaking Plan, adopted in 2017, under Policy SSV4. The Placemaking Plan allocation also incorporated small scale retail. Outline consent was gained in 2018 for a scheme that broadly conformed with the Placemaking Plan allocation, but the reserved matters application was not submitted and the outline consent expired. Through the LPPU consultation process the landowner has promoted the site for a mixed use redevelopment of primarily housing and economic uses, with a change allowing additional or larger scale retail use.
- 68.2 In reviewing the Core Strategy and Placemaking Plan and preparing the LPPU the council commissioned, as part of the evidence base, an update to the retail study ([CD-EDV003](#)). The retail study confirms that there is still qualitative capacity for an additional medium scale retail use (food store) within the town centre. Further provision in Midsomer Norton town centre is justified on the basis that it can reinforce the health of the town centre. It has remained the case since the previous study that the Tesco store at Old Mills has the highest share of the market locally and therefore further provision in the High Street should help 'claw back' expenditure currently lost to out of town shopping.
- 68.3 Following the deletion of South Road car park as a site for a retail use, the council has identified and assessed alternative sites for a retail (food store) use taking a sequential approach as set out in the NPPF.
- 68.4 As detailed in the retail study the alternative sites within the town centre are not available or suitable for retail use. Of the options assessed the Sainsburys car park could not easily accommodate a food store and the former Argos unit is only 870sqm which is not of sufficient size to accommodate a medium scale food store. Then looking at edge of centre sites the next available site is at the former Welton

manufacturing site (SSV4) which is located close to the northern end of the High Street and town centre.

- 68.5 The former Welton Manufacturing site is considered to be suitable for a retail use and has the potential to be well linked to the town centre, provided that the retail use is located at the southern end of the site close to the High Street and pedestrian links to the High Street are improved. This will help to facilitate linked trips between the High Street and the retail store on the allocated site.

Q.69 Is the proposed allocation of a food store consistent with national policy as set out in paragraph 86e of the NPPF, and would Policy SSV4 be effective in ensuring that the proposed store would be well connected to the town centre?

B&NES Response:

- 69.1 Paragraph 86e states that:

where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre. If sufficient edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre;

- 69.2 As outlined above, South Road car park is no longer considered suitable for a retail allocation. The retail study ([CD-EDV003](#)) has taken a sequential approach to look at alternative sites that are within the town centre and then looked at an edge of centre site. This is therefore consistent with paragraph 86e of the NPPF.
- 69.3 The retail study (document ref [CD-EDV003](#)) assessed alternative potential sites within the town centre. Taking a sequential approach the Sainsburys car park and the former Argos site were assessed. These sites were not considered to be suitable or available, so the next best available site on a sequential basis is the Former Welton Manufacturing site.
- 69.4 Policy SSV4 has been amended to require that new pedestrian crossing points are installed at North Road and the High Street. This will allow for pedestrians to walk between the allocation and the High Street, linking the new retail use to the High Street. The policy also requires the retail use to be located at the southern end of the allocation which is the area of land closest to the High Street. This will ensure that the proposed retail allocation will be well connected to the town centre.

Q.70 Would the Policy be effective in ensuring that existing businesses and facilities would not have unreasonable restrictions placed on them as a result of development permitted after they were established consistent with the agent of change principle set out in paragraph 187 of the NPPF?

B&NES Response:

- 70.1 Paragraph 187 states that decisions on new developments should ensure new development can be integrated with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Paragraph 187 requires mitigation where there could be a significant adverse effect.
- 70.2 As discussed in the retail study (document ref [CD-EDV003](#)) there is capacity for an additional medium scale retail use (food store) within the town centre which will not undermine the vitality and viability of the town centre and should help to reinforce town centre health.
- 70.3 Policy SSV4 has been amended to require pedestrian links from the former Welton Manufacturing site to the High Street. The provision of the new store and pedestrian links will encourage additional footfall throughout the High Street.
- 70.4 Adjacent to the south of the site is Midsomer Norton Social Club, which sits at the junction of North Road and Station Road. The proposed change to the allocation will require the business uses to sit adjacent to the social club with the proposed housing to sit to the north of the site. Therefore, the allocation would not be impacted by the activities of the social club and as such unreasonable restrictions will not be placed on its operation.
- 70.5 The Adopted Placemaking Plan also includes policies which protect the amenities of surrounding residents and businesses. Policy D4 ensures that proposed developments will not harm the amenity of residents. Policy D8 controls the provision of lighting within development sites and policy PSC2 controls the levels of noise within development sites. In determining applications, including on allocated sites, the plan should be read as a whole. Applying these policies will ensure existing businesses and residents will not be unduly impacted by the redevelopment.
- 70.6 In addition Policy ST7 relates to transport provision and ensures that new developments include on-site parking. For example, the provision of a new retail use could result in increased traffic and deliveries. The provisions of policy ST7 ensures such impacts are properly considered and allows for their mitigation.

Policy SSV9 – Old Mills Industrial Estate

Q.71 What is intended by ‘the development of some retail, food and drink units (use classes E(a), (b) and hotel (use class C1), and is the Policy clearly written and unambiguous so it is evident how a decision maker should react to development proposals as per NPPF paragraph 16?’

B&NES Response:

- 71.1 The spatial strategy seeks to achieve the vision for the Somer Valley as follows: *‘the southern part of the District will become more self-reliant, facilitated by economic-led revitalisation alongside local energy generation, building on its industrial expertise and improving skill levels.’*
- 71.2 The site was allocated in the B&NES Local Plan (2007) and reallocated in the Placemaking Plan to help deliver this vision and spatial strategy by facilitating the delivery of more employment uses to help address the historic imbalance between jobs and homes following economic re-structuring in the Somer Valley and closures of key employment sites. However, despite the sites being allocated, development proposals have not come forward. This is due to a number of factors including multiple land ownerships and viability of industrial/office uses in this location.
- 71.3 Therefore, the Council is taking a proactive approach by designating the northern area of the allocation as an Enterprise Zone in 2018 and by preparing a Local Development Order (LDO) in order to help facilitate investment in the Somer Valley. Viability assessments have shown that the delivery solely of office, industrial and warehousing & distribution uses is not financially viable. Therefore, in order to support financial viability and the delivery of office, industrial and warehousing uses in the Somer Valley Enterprise Zone (SVEZ), as well to help benefit the attractiveness (to businesses) and operation of the SVEZ, it is proposed to include higher value uses such as retail, food and drink units (use classes E(a), (b) and hotel (use class C1) as part of the development mix and as set out in the submitted LPPU site allocation. In total it is anticipated that development of the SVEZ will provide around 1,300 local jobs.
- 71.4 In preparing the Regulation 19 Draft LPPU Avison Young (AY) were commissioned to undertake an assessment of the health of the nearby town centres (in particular Midsomer Norton Town Centre), the existing retail and food and drink offer in the town centres and wider area, whether additional retail and food and drink uses should be accommodated on the SVEZ given the context of the sequential approach to such uses and the need to ensure that the vitality and viability of town centre is not adversely affected, and if so the policy controls required. Their reports are included in the Core Documents List as [CD-EV003](#) and [CD-EDV004](#).
- 71.5 The AY Report concludes that in the context of limited quantitative or qualitative need or capacity for additional retail floorspace in the Somer Valley and the out of centre location of the SVEZ there is not a particularly strong case for including retail

as part of the SVEZ allocation. However, the AY report does identify that there are some types of retail use that are not available in the wider Somer Valley area and would not compete with the town centres. This included some types of large format comparison retail (the report concluded that further convenience retail should not be allowed on the SVEZ). In addition, AY conclude that food and drink uses on the SVEZ would not compete with or harm the town centre and that such uses could also benefit the operation of the SVEZ.

- 71.6 In the context of these conclusions, it is important that the types of retail space to be provided are controlled in order to ensure it complements and does not harm the nearby town centres. The policy wording at clause (7c) seeks to ensure this control and outcome. In preparing and submitting a planning application for retail uses a more detailed assessment of retail impact (as required by the NPPF, paragraph 90) and in accordance with the threshold and approach set out in the adopted Placemaking Plan Policy CR2 would be required in order to demonstrate the proposed retail space meets this policy requirement and it does not harm the vitality and viability of the town centres. This approach is also consistent with the recommendation in the AY report: *Midsomer Norton & Somer Valley Enterprise Zone Advice on Retail and Leisure 'Impact' Planning Policy Issues* ([CD-EDV004](#)).
- 71.7 Alongside the LPPU a LDO is being prepared for the SVEZ to set out parameters for development that would be acceptable (i.e. will be granted permission) and to provide greater certainty for developers and investors. Work on LDO and stakeholder engagement is re-affirming that the retail and food and drink offer is primarily aimed at benefitting the attractiveness and operation of the SVEZ as a key employment site. It is not intended that the SVEZ becomes an alternative retail or food and drink destination in its own right.
- 71.8 In this context and to give greater clarity to the decision-maker in respect of the type and scale of retail uses that would be acceptable it is proposed that the reference to 'some' retail is amended to 'ancillary' retail. Ancillary would need to be defined in the pre-amble or supporting text of the LPPU i.e. ancillary or subservient to the main business use of a unit/building e.g. trade counter retail associated with a warehouse and distribution (B8) unit. The caveat or requirement that the retail use must complement and not harm the town centre would also be retained.
- 71.9 The Council therefore propose a modification to Clause 7c of the revised Policy SSV9 as below:

Policy SSV9

Clause 7c. Development of ~~some-ancillary~~ retail, food & drink units (use classes E(a), (b) and a hotel (use class C1) will be supported if of a scale, type and format that does not harm, but complements, nearby town centres and that benefits the attractiveness and operation of the Enterprise Zone.

Q.72 Is Policy SSV9 consistent with national policy as expressed in paragraph 86e of the NPPF? What is the evidence as to the potential effects on the vitality and viability of nearby town centres?

B&NES Response:

72.1 NPPF, paragraph 86 states that: *Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:*

e) where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre. If sufficient edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre

72.2 Midsomer Norton & Somer Valley Enterprise Zone Advice on Retail and Leisure Impact Planning Policy Issues by AY ([CD-EDV004](#)) considers the impact on Midsomer Norton Town Centre of potential retail uses on the SVEZ and sets out a number of conclusions and recommendations which have been reflected in the proposed policy approach (see also response to Q71 above).

72.3 In the wider context, the allocation of employment uses through Policy SSV9 is based on a positive approach to facilitating the provision of more jobs, thereby addressing the current imbalance between jobs and homes in the Somer Valley which results in significant out-commuting. Allocating land for employment uses and increasing number of jobs will benefit the wider economy in the Somer Valley and should also support the role of town centres. As stated in response to Q.71 above, the Policy only allows development of a scale, type and format that does not harm, but complements, nearby town centres and that benefits the attractiveness and operation of the Enterprise Zone. In addition, the proposed change to the policy to reference the provision of 'ancillary' retail not only aids clarity, but will also help to ensure the retail use does not harm the vitality and viability of nearby town centres and, given it is 'ancillary' to the main use of a unit, addresses concerns regarding the sequential approach as set out in NPPF, paragraph 86e.

Q.73 Is the location of the proposed retail uses consistent with Policy ST1: promoting sustainable travel and healthy streets?

B&NES Response:

73.1 Policy SSV9 facilitate the retail uses of a scale, type and format that benefits the attractiveness and operation of the Enterprise Zone. The proposed 'ancillary' nature of retail helps to improve amenity to the people working at this location and provide opportunities to walk to services rather than driving to town centres.

73.2 Policy SSV9 requires improvements to the A362 and other local roads in order to satisfactorily serve and mitigate the impacts of development, and the provision of

suitable vehicular and walking and cycling access to the development. It also requires provision of new and enhanced walking and cycling routes linking the Enterprise Zone to Midsomer Norton and Paulton. As such sustainable modes of travel are supported and facilitated.

73.3 Any applications for retail uses will be subject to other Development Management policy, including Policies ST1 and ST7 (Transport requirement for managing development) requiring transport assessments/statements and Travel Plans.

73.4 Therefore, the Council is satisfied that the revised Policy SSV9 especially with the modification proposed in Question 71 is consistent with Policy ST1 Promoting sustainable travel and healthy streets.

Policy SSV22 Former Paulton Printworks

Q.74 What is the justification for the provision of an early years facility on land parcel 3, how would it be delivered/funded and what if any effect would this requirement have on the viability of the proposed allocation?

B&NES Response:

74.1 Paulton is an area of early years childcare insufficiency, where any further residential development would exacerbate the existing shortfall. Childcare sufficiency information is publicly available and published 6 monthly on the Council's website. The latest report (September 2021) is included at **CD-INF002**, and evidence of insufficiency in Paulton is set out in the table at paragraph 5.1.

74.2 Correspondence with the Council's Education Team has highlighted that no existing facility in the settlement could be expanded through funding via S106 contributions from new development. As such, provision of a new facility is required prior to the occupation of any proposed dwellings.

74.3 Discussions with various parties during the preparation of the LPPU presented an opportunity to develop the remaining parcels of land across the Former Printing Works (Polestar) site, to include provision of an early years facility at land parcel 3, funded by an element of market housing at land parcel 2. The element of market housing proposed on land parcel 2 will ensure the viability of provision of an early years facility on land parcel 3. A planning application (reference 22/01348/FUL) has now been submitted to the Council for a new 48-place early years facility on land parcel 3, plus seven houses on land parcel 2. The application was submitted on 28th March 2022, and is pending consideration.

Q.75 What is the justification for the detailed landscaping requirements on land parcels 1 and 2?

B&NES Response:

75.1 The justification for the detailed landscaping requirements required on land parcels 1 and 2 are set out in turn below:

- 75.2 **Requirement 5:** 'Retain and enhance existing green infrastructure and habitats along the northern boundary of land parcel 1 and the southern boundary of land parcel 3, including all trees, hedgerows and planting. A 10m buffer to all boundary hedgerows is required, creating an area of grassland within the buffer.'
- 75.3 Retention and enhancement of existing Green Infrastructure, including hedgerows and trees, along the northern boundary of land parcel 1 is required for both biodiversity and visual purposes.
- 75.4 The northern boundary of land parcel 1 is a key area with regards to the sensitive transition between the edge of the settlement and the countryside to the north. Saved Policy V3 in the Local Plan 2007 ([CD-SD021](#), page 6), refers specifically to this boundary edge, stating that development should require '*6. provision of major landscaping along the northern, eastern and western boundaries of the site in order to reduce the impact on the Cam Valley.*' Retention and enhancement of green infrastructure along this boundary is vital in ensuring that, visually, any proposed development has a sensitive relationship to the countryside directly to the north.
- 75.5 With regards to the 10m buffer required to all boundary hedgerows, to retain their full ecological functions and benefits, and to benefit from environmental stewardship funding, hedgerows in agricultural settings require natural margins of 8m. The introduction of urbanising development to an existing rural setting is likely to impact more significantly on existing habitats, therefore it is critical to provide an extended buffer to protect them from damaging activities on adjacent land, and also to increase the permeability of the landscape to aid species dispersal. A buffer of 10m is therefore considered to be appropriate. This 10m buffer is also necessary to help achieve on-site 10% Biodiversity Net Gain, as required by requirement 3.
- 75.6 The area is located within a Grassland Nature Recovery Network, therefore the requirement for grassland creation and enhancement within the buffer is considered justified.
- 75.7 **Requirement 6:** 'Provide rows of large growing trees fronting Oxleaze Way on land parcels 1 and 2, with houses sufficiently set back to allow for future tree growth.'
- 75.8 The NPPF states at paragraph 131 that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, and that appropriate measures are in place to secure the long-term maintenance of newly planted trees.
- 75.9 Paulton has the lowest level of tree canopy cover in B&NES, at 8.62%, compared to an average of 16.5% across the District as a whole. (See [CD-ENV003](#) B&NES Tree and Woodland Delivery Plan, page 11).

- 75.10 The developments in the area surrounding the allocation land parcels have little tree infrastructure. During a site visit to the area, it was notable that the small amount of tree planting that existed had largely failed and not been replaced.
- 75.11 Land parcels 1 and 2 are key areas of land requiring design that sensitively transitions between the edge of the settlement and the countryside to the north, and provision of good quality tree planting across the sites is an integral requirement to achieve this.
- 75.12 Oxleaze Way is an important vehicular access route linking the site with the B3355, and to residential sites in the surrounding area. In line with requirements of the NPPF, Oxleaze Way should be tree-lined, to improve the quality of the urban area, which currently lacks in tree coverage. The requirement that houses are set back to allow for future tree growth is an important measure to secure the long-term maintenance of the trees, in line with paragraph 131 of the NPPF, to ensure that they do not fail to grow.
- 75.13 **Requirement 8:** Provide a central north to south green infrastructure link within land parcel 1, with a minimum width of 20m. This should also provide a pedestrian link through the site.
- 75.14 The Council’s approach to green infrastructure provision is set out at Policies CP7 and NE1 in the Placemaking Plan ([CD-SD016](#), pages 119 – 124), focusing on the protection, enhancement, management and connectivity of the strategic GI network, and the importance of planning for, delivering and managing new GI as an integral part of creating sustainable communities.
- 75.15 An existing strategic Green Infrastructure (GI) network runs 200m north of the site’s northern boundary.
- 75.16 A green space assessment for 80 new dwellings, based on B&NES’ Green Space Strategy Standards, as set out in the adopted Planning Obligations SPD (see pages 38 and 39 of [CD-INF004](#)), was carried out for the allocation. This showed a need for the following green space typologies and areas across the allocation:
- No. of dwellings – 80
 - No. of occupants – 184

Typology	Ha per 1000 population	Sqm per person	Demand generated (sqm)	Access standards
Allotments	0.3	3	552	20min/960m
Amenity Green Space	0.3	3	552	12-13min/600m
Parks and Recreation Grounds	1.3	13	2,392	12-13min/600m

Play Space (Children)	0.05	0.5	92	10min/480m
Play Space (Youth)	0.03	0.3	55.2	12-13min/600m
Natural Green Space	1.3	13	2,392	Use ANGst and Woodland Trust standard
			Total 6,035.2	

75.17 Provision of a 20m wide GI link across Land Parcel 1 would provide approximately 1,600 sqm of green space. The type of Green Space that the corridor would provide would depend on design, but could provide a range of uses including Amenity Green Space, Parks and Recreation, and Play Space (Children and Youth) (total of 3,565 sqm required).

75.18 The justification for provision of a 20m wide north to south GI link at land parcel 1 is to enable a sufficient quantity of green space on-site, whilst also providing a connecting GI corridor between the existing development to the south, and the countryside and existing strategic GI network to the north, in line with adopted policies CP7 and NE1.