

LAND TO THE SOUTH OF ODD DOWN, BATH

PLANNING APPLICATION REF: 17/02588/EFUL

COMMENTS ON BEHALF OF SOUTH STOKE PARISH COUNCIL

South Stoke Parish Council considered this application to build 173 dwellings on Phase 1 of the land allocated for housing by the Adopted B&NES Core Strategy, at Sulis Down [Adjoining Odd Down] at its meeting on Monday 24th July 2017 and having taken planning advice from Nash Partnership, respected local Planning Consultants, voted unanimously to **OBJECT** to the planning application as it stands, on the grounds that it is contrary to Core Strategy Policy B3a in that it:

- i. Fails to adopt a fully evidenced comprehensive approach to placemaking, integration with the established urban area and mitigation of impacts on heritage and landscape assets through a comprehensive masterplan which can be 'agreed' in an appropriate manner through the planning process as part of the planning application.
- ii. Unnecessarily proposes development outside the allocated development area, within the Green Belt, contrary to national and local policy.
- iii. Does not provide sufficient clarity on the critical matter of impact of the proposed development on landscape views and potential consequential effects on the setting of the World Heritage Site.
- iv. Does not assess the transport impact of the potential new school on the site and fails to address the serious traffic issues that the application would inevitably create, if all the allocated land is developed in a similar way.
- v. Inappropriately locates recreation, play and allotment facilities at the periphery of the proposed residential environment, where they will not be subject of natural surveillance and where their role in creating opportunities for members of the community to meet and interact will be greatly diminished.
- vi. Is inconsistent and lacking in clarity in respect of meeting the Core Strategy Policy B3a requirement for enhancement of the tree belt on the southern boundary of the site.
- vii. Fails to address the important Local and National requirements for such developments to be truly 'Sustainable'. Whilst apparently attractive visually the 'Arts & Crafts' style of the proposed properties, with their prominent steep pitched roofs, together with the over-provision of larger properties and excessive allowance for car parking spaces means that these proposals fall short of that demand.
- viii. Provides inadequate pedestrian and cycle links to the existing urban area and local services and facilities within it. Instead it creates an isolated community almost entirely dependent on the motor vehicle, which will be without a clearly defined Community Hub and without 'Family Sized' affordable housing.
- ix. Does not include a construction management plan to demonstrate how future phases can be delivered. This should be included in the Comprehensive Masterplan.

The detailed assessment by South Stoke Parish Council of this Application follows:

The Site and The Application

- 1.1 The majority of the site is allocated via Bath and North East Somerset Core Strategy Policy B3a for mixed-use residential led development of around 300 dwellings.
- 1.2 The whole of the site is within the Cotswold Area of Outstanding Natural Beauty and part of it, known as Derrymans, is outside the allocated development area and lies within the Green Belt. The application site adjoins the City of Bath World Heritage Site.
- 1.3 The application is for 173 dwellings, open space, allotments, green infrastructure, landscaping and associated works including access from Combe Hay Lane.

2. Development Quantum and Density

- 2.1 The proposal for 173 dwellings is well within the total allocation for the entire Sulis Down site of around 300 dwellings and the density of 33 dph on the net developable area is broadly in line with the Core Strategy placemaking principle of an average density of 35-40dph.
- 2.2 An Illustrative Comprehensive Masterplan (ICM) submitted with the application indicates potential for development of more than 300 dwellings and refers to a figure of 450 dwellings. In relation to this the Core Strategy provision for around 300 dwellings is not a cap and the policy allows for a higher number of dwellings across the full allocation site, if all placemaking principles set out in the policy are met.
- 2.3 National policy, as set out in the National Planning Policy Framework, provides (para 186) that the relationship between decision taking and plan making should be seamless, translating plans into high quality development on the ground. It also confirms (para 196) that the planning system is plan-led and that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 2.4 It is necessary therefore, to consider the current application in relation to the provisions of the Bath and North East Somerset Core Strategy and Placemaking Plan, adopted on 10 July 2014 and 13 July 2017 respectively.
- 2.5 The land at Odd Down was removed from the Green Belt through the Core Strategy and this allocation is incorporated within the Placemaking Plan. Removal of the land from the Green Belt and its allocation for development raised a range of significant planning considerations and Core Strategy Policy B3a makes provisions, as a set of Placemaking Principles, to ensure these are properly and adequately addressed.

3. Comprehensive Masterplan

- 3.1 Placemaking Principle 1 of Core Strategy Policy B3a requires a residential-led mixed use development and Placemaking Principle 2 requires a comprehensive masterplan to be prepared through public consultation and agreed with the Council. In this respect, an Illustrative Comprehensive Masterplan (ICM) has been submitted with the application but this does not form part of the application and it is not intended to be 'agreed' through the process of determining the application.
- 3.2 The Planning Statement submitted with the application sets out the reasons for this approach as being because part of the site is in third party ownership (Sulis Manor) and legal advice from Martin Kingdon QC, of No. 5 Chambers, that 'agreement' of a comprehensive masterplan would risk pre-determination of future planning applications and there is not the evidence base to support such a masterplan.
- 3.3 This legal opinion advised that any 'agreement' of a comprehensive masterplan by the Council's Development Management Committee outside consideration of a planning application would not be supported by the suite of technical information that would be needed to support an application. Any discussion or decision would consequently lack the necessary information to come to a sound, rational and balanced planning judgement. This legal opinion went on to advise of the risk of potential pre-determination of future planning applications, should such a masterplan be considered by the Development Management Committee in advance of a planning application. The legal opinion concluded that that the policy requirement for a comprehensive masterplan should be discharged through submission '*....of the required Masterplan as part of an appropriately supported planning application.*' The content of this opinion and its conclusion is agreed with.
- 3.4 The Planning Statement accompanying the application also refers to the R v Rochdale Metropolitan Borough Council judgement that development proposals need to accord with the development plan as a whole and do not have to '*...accord with each and every policy therein*'. However, it is important to note that this does not equate to a conclusion that any element of development plan policy can be disregarded if others are complied with. It states that '*.... The local planning authority should have regard to all the provisions of the development plan as a whole, that is to say, all provisions which are relevant to the application under consideration for the purpose of deciding whether a permission or refusal would be in "accordance with the development plan".*' Consideration therefore needs to be given to the significance of particular policy provisions in relation to the proposal under consideration.

- 3.5 It is consequently necessary to consider what the 'required Masterplan' referred to in the legal opinion should comprise and whether the requirement for a masterplan is of fundamental importance for a development proposal for this site to be in accordance with the development plan.
- 3.6 With regard to the first of these questions, Policy B3a is clear that the masterplan should be comprehensive. This means a masterplan that **embraces the whole of the site allocation**. However, comprehensiveness is not solely an expression of geographic coverage. The policy indicates that the requirement is also that it is comprehensive in terms of its content, reflecting best practice as embodied in 'By Design' or successor guidance.
- 3.7 In respect of the second question, the allocated site is one of great sensitivity in terms of landscape, heritage and habitat. The policy also requires a residential led mixed-use development that is well integrated with the established built-up area in terms of pedestrian and cycle movement and highway capacity. The masterplan requirement set out in Core Strategy Policy B3a is clearly a mechanism to ensure that these matters are addressed in a comprehensive manner and that a good quality and sustainable living environment is created in accordance with the provisions of national policy and the policies of the Bath and North East Somerset Core Strategy and Placemaking Plan.
- 3.8 The submitted ICM does show that further phases of development could follow Phase 1, and a broad assessment of the areas indicated and the density requirements of Policy B3a would suggest that all four phases would deliver considerably in excess of 300 dwellings. However, the ICM is very simple and diagrammatic. Whilst it covers the full site allocation, it is **not comprehensive** in its content. The guidance set out in 'By Design,' for example, refers to matters such as diversity, mix of uses, density and scale and these are considerations that are not fully addressed in the submitted ICM. The ICM is not to be read as part of this Planning Application and fails to include important details of proposals for the adjoining 'Sulis Down Business Village'. This, together with the absence of an evidence base, means that it is not possible to arrive at a conclusion on whether the proposed Phase 1 and subsequent phases can be achieved in an acceptable manner, in accordance with the placemaking principles of the adopted policy.
- 3.9 The importance of a fully comprehensive masterplan that is secured as a framework for development via the process of determining a planning application for the site is highlighted by aspects of planning harm that would result from the current proposal for part of the site only. These aspects are considered below.

4. The Green Belt, Recreation and Play Space and Allotments

- 4.1 A children's play area, recreational space, allotments and a pumping station building are proposed to the West of the allocated site, separated from it by a retained hedge. This is contrary to Policy B3a which specifically removes the land to the south of Odd Down from the Green Belt and allocates the site for residential-led, mixed use development and associated infrastructure. It is clear therefore that the Core Strategy, as an important element of the adopted Local Plan, requires all elements of development on the land at Odd Down to be accommodated within the area allocated for removal from the Green Belt through the development plan process.
- 4.2 No proper justification has been put forward for departing from the requirement to contain development within the allocated site and proposing development within adjoining Green Belt. The Planning Statement cites very special circumstances as a reason for allowing development within the Green Belt. However, such circumstances cannot exist if there are appropriate alternatives which avoid development in the Green Belt and the absence of such alternatives is not evidenced by the ICM. On the basis of the information available, it would appear to be clear that a comprehensive residential-led mixed use development of around 300 dwellings with all necessary supporting infrastructure can be accommodated within the allocated development area.
- 4.3 Aside from the spill-over of the development onto Green Belt land, the recreation space and children's play area are inappropriately located on the periphery of the new residential area with access requiring Children and Parents to cross an estate road and where there is little potential for natural surveillance. As a result its role in providing opportunities for interaction between members of the community in accordance with the National Planning Policy Framework (para. 69) will be compromised.
- 4.4 These aspects of planning harm are considered to be a consequence of the failure to set development proposals for this Phase 1 part of the site within a fully comprehensive masterplan for the whole site as part of the planning application.

5. Landscape and Heritage

- 5.1 Core Strategy policy B3a, Placemaking Principle 6, requires the southern boundary of the site to remain undeveloped, with an acceptable southerly boundary and appropriate building heights to be established through the required masterplan. This is a fundamental requirement, with the Inspector for the Core Strategy Examination in Public finding that a set back from the edge of the plateau and additional tree planting along this boundary would be necessary to avoid substantial harm to the World Heritage Site. To ensure this, Policy B3a is accompanied by Concept Diagram 22 and this indicates a broad southerly extent of development and required additional green infrastructure.
- 5.2 The submitted proposed site plan (drawing A-100) shows a very modest set-back from the southern boundary but no additional tree planting. A woodland belt is however shown in Appendix 3 of the Landscape and Ecological Mitigation Strategy and Management Plan and the Illustrative Landscape Strategy Plan. Because of the critical importance of avoiding urbanisation of the plateau edge in the interests of safeguarding the Setting of the World Heritage Site and the AONB, a substantial tree belt needs to be ensured along the southern boundary and the set back increased.
- 5.3 The Environmental Statement includes a range of existing views and the same views with the proposed development. Of these, only viewpoint 10 is assessed as being subject to a significant (moderate) adverse visual effect after 15 years. However, the skylines in the viewpoint photos and photo-montages lack clarity and do not appear to fully reflect the cross sections. The cross section for viewpoints 10 and 20 show clear visibility of the uppers parts of proposed dwellings for example but this is not apparent in the viewpoint photo-montage.
- 5.4 The chosen views are also all at some distance from the site and when the trees are in full summer foliage. Given the sensitivity of the location the assessment of visual impact should also include views from closer public vantage points and Winter views when the largely deciduous trees will offer far less of a visual barrier.
- 5.5 Because the effects of the development on landscape views are such a critical issue, greater clarity is needed on the impact on long distance and closer views across the rural landscape towards the City of Bath World Heritage Site.

6. Mix of Uses

- 6.1 Policy B3a requires a residential-led mixed use development. In this respect, reference is made in the Planning Statement to local employment facilities continuing to be brought forward at Sulis Down Business Village.

- 6.2 In addition, both the Planning Statement and the ICM Statement explain that whilst it is considered likely that primary school demand can be accommodated through expansion on the existing St Martin's Garden Primary School site, this has not been confirmed. Land is therefore identified to accommodate a new school in the event that this is required. There is however, no information on the scale or form of this potential school and whether it would incorporate the existing capacity of St Martin's Garden School or be in addition to this. At the Core Strategy EiP it was clearly affirmed that there was adequate space at St Martin's Garden School to accommodate the anticipated 300 (or so) new dwellings. It is only this determined attempt to exceed that number by a significant margin that makes a new school necessary.
- 6.3 Notwithstanding the reference to Sulis Down Business Village and the potential for a new school, the application does not fully consider the mixed-use dimension of creating a good quality and sustainable residential environment, a matter that is best addressed through a Comprehensive Masterplan, that should also include the employment area, and its underlying evidence and principle.

7. Movement

- 7.1 The proposed pedestrian links are very limited and highly likely to promote the need for car journeys to all local services such as the supermarket, schools and work. There are a number of opportunities for additional links and these should be capitalised upon to maximise connection and integration with the established urban area. This lack of adequate integration will create a community that is totally 'car dependent' and 'isolated', which is contrary to the principles of Policy B3a of the Core Strategy.
- 7.2 As noted above, the submitted ICM includes provision for a potential new school. The possibility of a school does not however, appear to have been taken into account in the Transport Assessment.
- 7.3 If further development on the Sulis Down Plateau plans to increase housing numbers well in excess of the '300 or so' intended, then a detailed scientific assessment must to be commissioned to establish the effect of such a dramatic increase in the volume of traffic on the entire highway infrastructure in this part of the South of Bath. The EiP Inspector commented that several junctions were already at or above, their design capacity. Further development would be likely to create a critical situation. This assessment should be completed as part of the essential Comprehensive Masterplan.

8. Phasing

- 8.1 As shown in the submitted ICM, future phases of development would require access via the completed Phase 1. This would entail construction traffic travelling through an occupied residential area for several years and this may give rise to pressure for access to future phases along South Stoke Lane. This is a narrow rural lane that is unlikely to be considered suitable for regular lorry movements without significant widening. Any such works would require the destruction of established hedgerows and would be extremely harmful to its rural character and to the South Stoke Conservation area and its setting. For this reason, any such Eastern access was specifically ruled out by the EiP Inspector and the Adopted Core Strategy.
- 8.2 The application should therefore be accompanied by Comprehensive Masterplan containing a construction traffic management plan in order to clarify and address this issue prior to determination.

9. Conclusions

- 9.1 The principle of development to provide a new residential environment with supporting infrastructure and facilities is established and the stated objective of the current planning application to create a high quality development appropriate to its setting is welcomed. However, the site is a highly sensitive one in terms of the potential impact of development on the World Heritage Site, landscape views and ecology. The provisions of Core Strategy policy B3a are in place to ensure these sensitivities are appropriately responded to and that a good quality, sustainable living environment, well integrated with the existing urban area, is created within the extent of the area removed from the Green Belt. Central to this is the need for a comprehensive masterplan and this needs to be underpinned by evidence and place-making principles.
- 9.2 The conclusion of the legal opinion commissioned by the applicant is supported. That is to say, submission of '*...the required Masterplan as part of an appropriately supported planning application.*' It is considered that the required masterplan is one that is comprehensive both in terms of full site coverage of the land allocated for this development by the adopted Core Strategy and in its coverage of the key masterplanning considerations, including for example diversity and use-mix, density, scale and legibility.

- 9.3 The Rochdale case cited by the applicant makes it clear that whilst not every element of policy in the development plan need be complied with in all situations, regard is to be had to all provisions within the development plan that are relevant to the application. In this respect, it is considered that the requirement for a comprehensive masterplan is fundamental to proper planning of the site in accordance with adopted policy.
- 9.4 It is noted that Sulis Manor is in separate ownership. However, this is not a reason for departing from the comprehensive approach that is clearly required and which was implicit in the removal of this land from the Green Belt. Currently there is an application for demolition of Sulis Manor (ref 17/03304/DEM), which though temporarily withdrawn may be indicative of landowner intentions for redevelopment. A fully Comprehensive Masterplan, which includes an indicative scheme for Sulis Manor and its grounds, as part of an outline or hybrid planning application is the appropriate means of fulfilling the requirement of Policy B3a, Placemaking Principle 2.
- 9.5 As stated in the legal opinion obtained by the applicant, the requirement to produce a comprehensive masterplan should be discharged through the submission of the required masterplan as part of an appropriately supported planning application. This needs to be comprehensive both in its geographical coverage of the full extent of the allocated development area and in its content to cover all elements that would normally be considered part of such a masterplan, having reference to 'By Design' and any other relevant or successor guidance. Discharge of the requirement requires that the masterplan is agreed by the Council and the appropriate way to do this is through approval as an integral element in determination of a planning application.
- 9.6 The submitted application is for part of the site only and raises significant concerns in respect of the location of recreation space, a children's play area, allotments and a pumping station outside the allocated development area, on Green Belt land. A credible justification for this is not advanced and it again highlights the fundamental importance of a masterplan to plan development in a comprehensive and integrated manner, within the allocated development area.
- 9.7 The application also raises significant concerns, both in itself and in relation to the absence of an adequate comprehensive masterplan, in respect of landscape visual impacts and potential consequential impacts on the setting of the World Heritage site, connection to and integration with adjoining settlements, the effects of traffic at the junction with Combe Hay Lane and in the adjoining road network and the phasing of the works.

9.8 In these circumstances, South Stoke Parish Council **OBJECTS** to the planning application as it stands, on the grounds that it is contrary to Core Strategy Policy B3a in that it:

- i. Fails to adopt a fully evidenced comprehensive approach to placemaking, integration with the established urban area and mitigation of impacts on heritage and landscape assets through a Comprehensive Masterplan which can be 'agreed' in an appropriate manner through the planning process as part of the planning application.
- ii. Unnecessarily proposes development outside the allocated development area, within the Green Belt, contrary to national and local policy.
- iii. Does not provide sufficient clarity on the critical matter of impact of the proposed development on landscape views and potential consequential effects on the setting of the World Heritage Site.
- iv. Does not assess the transport impact of the potential new school on the site and fails to address the serious traffic issues that the application would inevitably create, if all the allocated land is developed in a similar way.
- v. Inappropriately locates recreation, play and allotment facilities at the periphery of the proposed residential environment, where they will not be subject of natural surveillance and where their role in creating opportunities for members of the community to meet and interact will be greatly diminished.
- vi. Is inconsistent and lacking in clarity in respect of meeting the Core Strategy Policy B3a requirement for enhancement of the tree belt on the southern boundary of the site.
- vii. Fails to address the important Local and National requirements for such developments to be truly 'Sustainable'. Whilst apparently attractive visually the 'Arts & Crafts' style of the proposed properties, with their prominent steep pitched roofs, together with the over-provision of larger properties and excessive allowance for car parking spaces means that these proposals fall short of that demand.
- viii. Provides inadequate pedestrian and cycle links to the existing urban area and local services and facilities within it. Instead it creates an isolated community almost entirely dependent on the motor vehicle, which will be without a clearly defined Community Hub and without 'Family Sized' affordable housing.
- ix. Does not include a construction management plan to demonstrate how future phases will be delivered. This should be included in the Comprehensive Masterplan.

The Parish Council noted that in the event that the Officer was minded to permit this application, it should be considered in detail by the Development Management Committee.