

LAND TO THE SOUTH OF ODD DOWN, BATH
PLANNING APPLICATION REF: 17/02588/EFUL
PLANNING COMMENTS FOR SOUTH STOKE PARISH COUNCIL THE
AMENDED APPLICATION

South Stoke Parish Council considered this revised application to build 171 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 12th March 2018. The Parish Council having consulted widely within the Parish and taken planning advice from Nash Partnership, then voted unanimously to **OBJECT** to this application as it stands.

The detailed comments agreed by the Parish Council are set out below.

Initial Summary.

The Parish Council welcomes the fact that development previously proposed on 'Derrymans Field', apart from the access road and the bat barn, has been removed. There has been some strengthening of the tree planting along this Western boundary, as well as some re-orientation of the larger buildings at the North of the site. The latter will present a more articulated roof line when viewed from points of public access.

However, the Parish Council is concerned that:

- The new locations for Play Areas in Phase 1 and future phases appear to be inappropriate.
- The new location for Allotments appears to be inappropriate.
- There is no provision for any form of shop nor social hub.
- There is still inadequate connectivity with the adjoining settlements
- These plans create an isolated community reliant on cars. This is not sustainable.
- There is still inadequate tree planting, green infrastructure and setback of development from the Southern edge of the plateau.
- The Comprehensive Masterplan provides insufficient detail to be able to be assessed or agreed.
- The Core Strategy Policy B3a released land from the Green Belt for 300 (or so) dwellings. Whilst this was not to be considered a cap, to propose 450 dwellings plus a new school would require very detailed supporting evidence. That evidence is not provided in this application.
- There has been insufficient consideration of the cumulative impact that the total housing numbers proposed by this Masterplan, together with other current local developments, would have on the highway network serving the South of Bath.
- Phase 1 Transport Assessments show that queue lengths will increase to 2 Km: "beyond the extent of the network". The "highly congested nature of the network [would be unable] to accommodate more congestion".
- Phase 1 Transport Assessment proves that 200 extra cars (rising to nearly 700 for the full Masterplan) will be unable to enter the road network at their chosen time.
- South Stoke Parish Council accepts that there will be development on the Sulis Down Plateau but this should be in accordance with the Local Development Plan, as established by B&NES' adopted Core Strategy. This application fails that test.

These issues are now considered in detail below:

1. Introduction

- 1.1 These comments relate to planning application 17/02588/EFUL and follow comments submitted in August 2017. These earlier comments are referred to in this document.

2. The Site and The Application

- 2.1 The site is on the Odd Down plateau, adjacent to the existing built up area on the southern boundary of Bath. For the purposes of the planning application it is identified as Parcel 4234, Combe Hay Lane.
- 2.2 A planning application was submitted on 31 May 2017 for 173 dwellings, open space, allotments, green infrastructure, landscaping and associated works including access from Combe Hay Lane.
- 2.3 An amended application pack was submitted under cover of a letter dated 26 January 2018 by Savills, acting on behalf of the applicant, Hignett Family Trust and Bloor Homes. The amended application is for 'Full application for 171 dwellings, open space, green infrastructure, landscaping and associated works including provision of vehicular access from Combe Hay Lane.'
- 2.4 The revised description of development therefore differs from the original application in that it reduces the number of dwellings by two, omits reference to allotments and describes the access from Combe Hay Lane as vehicular.

3. Planning Policy

- 3.1 The majority of the site is allocated via Policy B3a of the adopted Bath and North East Somerset Core Strategy for mixed-use residential led development of around 300 dwellings. This policy is confirmed in the adopted Bath and North East Somerset Placemaking Plan.
- 3.2 The whole of the site is within the Cotswold Area of Outstanding Natural Beauty. Derrymans is outside the allocated development area and lies within the Green Belt. The application site adjoins the City of Bath World Heritage Site.
- 3.3 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.

4. Comprehensive Masterplan

- 4.1 Whilst there are several very important matters of concern to the Parish Council, the key issue raised by this amended application is that of the Comprehensive Masterplan.
- 4.2 The development plan (Core Strategy and Placemaking Plan) requires the preparation of a Comprehensive Masterplan, through public consultation, and for this to be agreed by the Council. It also requires that the Comprehensive Masterplan reflects best practice as embodied in 'By Design' or successor guidance.
- 4.3 The allocated land is in a very sensitive location, wholly within an Area of Outstanding Natural Beauty and adjacent to the City of Bath World Heritage Site, forming part of its Setting. Because of this, the requirement for a Comprehensive Masterplan to be agreed forms part of Core Strategy policy B3a in order to ensure relevant impacts are addressed in a comprehensive and integrated manner to fulfil the placemaking requirements of the Core Strategy and national policy.
- 4.4 A drawing entitled Comprehensive Masterplan has been submitted with the application but does not form part of it. As set out in the comments provided in August 2017, the only means for the Council to agree the Comprehensive Masterplan is through the process of determining a planning application or alternatively through the Council adopting it as part of a Supplementary Planning Document. As there is no indication that a Supplementary Planning Document is to be prepared this must be interpreted as a requirement for a Comprehensive Masterplan as part of a planning application.

- 4.5 Because the Comprehensive Masterplan does not form part of the planning application, it cannot be 'agreed' by the Council. The submitted application does not therefore accord with the provisions of policy B3a of the Core Strategy as contended in the introduction to the submitted Comprehensive Masterplan Statement Update.
- 4.6 In this respect the planning application is not in accordance with the development plan (Core Strategy and Placemaking Plan) and as noted in 2.3 above National Policy requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 4.7 It is necessary therefore to consider if there are such material considerations. In this respect, the original application material set out two reasons for not seeking 'agreement' of the Comprehensive Masterplan (then referred to as Illustrative Comprehensive Masterplan). One of these was that 'agreement' of a Comprehensive Masterplan outside consideration of a planning application would not be supported by the suite of technical information necessary to support consideration of the Comprehensive Masterplan. Any 'agreement' outside the process of determining a planning application would also potentially raise issues of pre-determination in respect of any future planning applications. The other reason was that some of the allocated land (Sulis Manor) is in third party ownership.
- 4.8 With regard to these reasons for not complying with the requirements of policy B3a, it is not unusual for a masterplan to embrace more than one land ownership. Flexibility over the form and nature of development at Sulis Manor can be achieved through approval of an outline or hybrid planning application that is subject to a condition requiring reserved matters to be in accordance with a submitted masterplan, *unless otherwise agreed in writing*.
- 4.9 The suite of technical information necessary to enable proper consideration of a Comprehensive Masterplan would necessarily be provided as part of this process. This would enable the Comprehensive Masterplan to follow best practice, covering for example matters such as mix of uses, density, quantum and scale which are not properly addressed in the submitted Comprehensive Masterplan.
- 4.10 In respect of these matters therefore, it is not considered that there are material reasons to dictate a departure from the development plan requirement set out in policy B3a of the Core Strategy. Indeed no attempt has been made to provide such reasons.

5. The Form and Content of the Comprehensive Masterplan

- 5.1 The title of the revised masterplan has been changed to omit the word 'illustrative' and it is now titled simply 'Comprehensive Masterplan'. It remains very general: broadly a zoning plan and whilst some changes have been made, it is not very different from the originally submitted Illustrated Comprehensive Masterplan.
- 5.2 The content of the Comprehensive Masterplan raises a number of significant concerns that highlight the importance of a masterplan that complies with the requirements of policy B3a.

Field Immediately South of the Wansdyke (Great Broad Close)

- 5.3 Whilst the allotments, play area, pumping station and electricity sub-station have been removed from the Green Belt field known as Derrymans, the allotments and a play area are now shown on the field immediately to the south of the Wansdyke. This is an area identified in policy B3a as an area to be kept free of built development in order to safeguard the heritage significance of the Wansdyke. This reflects the conclusion of the Inspector who conducted the Core Strategy Examination and the view expressed by Historic England (then English Heritage) at the Examination, to the effect that development here would result in significant harm to the heritage asset. The allotments shown in the Comprehensive Masterplan could be said to be simply a use of the land without the introduction of any buildings and structures and a planning condition could be attached to any permission to preclude buildings or structures on this land. However, it is

normal and to be expected that allotments will give rise to a requirement for ancillary buildings and structures. Specifically planning for allotments in this location would raise a question-mark over the reasonableness of then seeking to apply any condition seeking to prevent such ancillary structures and buildings. This is particularly the case when there is a clear potential for incorporation of allotments within the main body of the site.

- 5.4 The proposed play area on this land is peripheral to the residential area and would not benefit from a good level of natural surveillance. The structures needed for such a Play Area would constitute 'Built Development'. It is considered that this play area should be located within the main body of the site.
- 5.5 The location of the allotments and play area on Great Broad Close, just South of the Wansdyke is therefore considered inappropriate and indicative of the need for a Comprehensive Masterplan to be considered as part of the planning determination process. The comments submitted to the Planning Authority by Historic England [page 2, 3rd para. March 6th], stating that ensuring no development on this field is essential to preserving the Setting of the Wansdyke supports this view.

Landscaping, Green Infrastructure and Play Areas

- 5.6 The proposed green infrastructure and tree planting is considered inadequate given the sensitivity of the site and its potential impact on landscape views and the Setting of the World Heritage Site. To the South of the Sulis Manor section of the site, and phases 3 & 4, the green infrastructure strip is considered to be too narrow and limited in extent whilst the proposed play areas are considered to be inappropriately located at the periphery of the site. As with the proposed location of the allotments and the play area on the land to the south of the Wansdyke, these deficiencies are considered to result from seeking to push the total housing number above a level that the site can accommodate whilst according with the provisions of policy B3a. These are again matters that need to be considered through a Comprehensive Masterplan as part of the process of determining a planning application.
- 5.7 The Parish Council would also draw attention to the views expressed by B&NES' Landscape Environment Team in their submission dated March 7th 2018, which supports these comments.
- 5.8 In order to enable a more generous and appropriate level of green infrastructure, together with incorporation of the play area within the body of the residential area, it is suggested that the extent of built development within Phase 1 should be reduced. As set out above, this should be set within a fully Comprehensive Masterplan to be considered as part of the planning application, in order to ensure a development that is both appropriate to the Setting, capable of being accommodated within the capacity of the surrounding highway network and which provides a sustainable residential environment of the highest quality.

Potential School Site

- 5.9 A potential school site is shown within the Comprehensive Masterplan. However, as set out in the submitted Planning Statement Addendum, the Council's Education Services have confirmed that St Martin's Garden Primary School can be extended to provide school capacity for the allocated development area and the applicant proposes a financial contribution, to be secured through a S106 Agreement. The requirement for a financial contribution is confirmed in the most recent comment from Education Services. It is therefore considered that the designation of a potential school site within the Comprehensive Masterplan is inappropriate and should be removed. This would enable both the strengthening of green infrastructure, and the enhancement of the mixed-use nature of the development with recreational facilities in accordance with policy B3a.

6 Movement

- 6.1 An additional pedestrian link to Odd Down FC is indicated on the Comprehensive Masterplan but this is not apparent on the revised Phase 1 Site Plan. Notwithstanding this potential additional link, the proposed pedestrian links are limited and unlikely to mitigate the inclination for car journeys to local services such as the supermarket. 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 application fails to accord with the sustainability requirements established in the Placemaking Principles of the Core Strategy.
- 6.2 Historic England has also drawn attention to the proposal in this application to upgrade to a 'Cycle Link' the current pedestrian route to the Sainsbury's supermarket. This would of necessity require penetration of the Wansdyke. The Parish Council is concerned that any such work if approved should be of the highest standard and respect the Historic nature of this Scheduled Ancient Monument. In particular it should for all time preclude the possibility of such a route being upgraded to take vehicular traffic.
- 6.3 The submitted Transport Assessment Addendum identifies significant negative impacts on the highway network particularly during the peak rush hour periods as a result of development of Phase 1 of this development; and even greater impact resulting from the full Comprehensive Masterplan proposal.
- 6.4 In previous comments in response to planning application 17/02588/EFUL, South Stoke Parish Council stated that the application was contrary to Core Strategy Policy B3a in that it: "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."
- 6.5 This objection remains entirely unaddressed within the main content and conclusions of the most recent Transport Assessment Addendum.
- 6.6 Despite the considerable analysis involved in creating this assessment, the underlying hypothesis of the main study remains fundamentally flawed: for the purposes of a "Comprehensive Masterplan" an incremental analysis of the potential impact of Phase 1 development only, is wholly inadequate. The headline conclusions relating to transport assessment make no reference to Phases 2, 3 and 4, nor to the proposed school, which should also form critical parts of the Comprehensive Masterplan.
- 6.7 The Transport Assessment Addendum provides substantive evidence of the significant traffic problems that the proposed Phase 1 of the Sulis Down development is likely to have upon the area. Appendix G of the report concludes that Phase 1 development alone will create an "at capacity" situation at the Red Lion roundabout by 2022 during the morning rush hour. During the afternoon peak the traffic system will be unable to cope. Indeed, an additional 225 vehicles will be unable to enter the 'model network', creating significant queues heading South towards the Red Lion roundabout of up to 1.4 km in length.
- 6.8 The main content of the January Transport Assessment only considers the impact of Phase 1 upon the A376. The impact upon other important routes- both within the South Stoke Parish and the broader area (e.g. B3110 & A3062) is clearly very significant too. No assessment is apparent of the dramatic increase in '*rat running*' which would occur in the adjoining local lanes.

- 6.9 The Comprehensive Masterplan layout identifies land set aside for a possible future school but this traffic assessment takes no account of that at all. If there is to be a school, the transport implications of this at peak times, must be assessed as part of the overall TAA, together with the overall development of the site as envisaged by the Masterplan.
- 6.10 Minutes of a meeting between B&NES' Officers and WYG recorded in Appendix A (section 7) note that ..."the surrounding roads are unable to cope with 450 dwellings on the site..."
- 6.11 Appendix G of the "VISSIM MODEL" assessment does provide clear evidence of the significant **detrimental impacts upon traffic flow as a direct result of the Sulis Down Comprehensive Masterplan development.**
- 6.12 The conclusions in Appendix G support the South Stoke residents' concerns of total breakdown in traffic flow in the area - with queue lengths increasing to over 2km or worse, extending "beyond the extent of the network" being analysed and the "highly congested nature of the network... and its inability to accommodate more congestion/ larger queue lengths."
- 6.13 The "Future Impacts Report" within Appendix G summarises the following 2022 Future Phase 1 and Full Masterplan conclusions:
1. 2022 Future Year Phase 1:
 - a. "The impacts of the current Phase 1 application for 173 residential dwellings can be shown to result in an increase in congestion both in AM and PM peaks."
 - b. "In the AM peak, average-maximum queue lengths on the A367 Roman Road approach to the Odd Down Roundabout are predicted to grow to 2.0km... This is around a 50% increase... This is the result of an effective 'at capacity' situation... The effect of the Phase 1 development traffic... displaces northbound traffic on the main route leading to extended queueing."
 - c. "In the PM peak... an additional 225 vehicles are unable to enter the model in their desired time interval. Most of this is congestion linked to capacity problems... which extend off the model network... and will clearly be worsened by additional Phase 1 development traffic..."
 2. 2022 Future Year Full Masterplan
 - a. "An additional sensitivity test for the wider allocation of up to 450 dwellings has been undertaken and, as expected, can be shown to further exacerbate the increases in congestion shown to occur in the 2022 Future Year Phase 1 Development Case."
 - b. "This includes a notable increase in inbound travel times and queuing... and additional latent demand."
- 6.14 Of specific interest to South Stoke residents are the summary conclusions relating to the 2022 Future Year Full Masterplan:
1. "An increase in congestion can be seen to occur in both AM and PM peak."
 2. "In the AM peak, average-maximum queue lengths on the A367 Roman Road approach to the Odd Down Roundabout are projected to grow... to 2.1km."
 3. "When compared to the 2022 Future Phase 1 Development Case, additional average-maximum queue lengths and journey times... are predicted."
 4. "... the highly congested nature of the network in the PM peak and its inability to accommodate more congestion/ larger queue lengths... an additional 665 vehicles are unable to enter the model in their desired time interval: 440 more than in the... Phase 1 Development case."

- 6.15 The Parish Council concludes that the TAA Appendices contain sufficient data to support their view that development of the 450 dwellings proposed by the Comprehensive Masterplan would create "severe" traffic conditions on the highway network surrounding the Sulis Down site and beyond.
- 6.16 No account has been taken of the effects of a possible school next to phase 3 of the development, nor of the unstated possibility that more housing might be proposed there if the School was not ultimately required.

7. Conclusions

- 7.1 The application as currently submitted does not comply with the requirements of Core Strategy policy B3a.
- 7.2 There are not considered to be material reasons that justify a departure from the requirement of policy B3a for a Comprehensive Masterplan to be agreed with the Council and for this masterplan to follow best practice, as set out, for example, in By Design.
- 7.3 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 the elements that would normally be considered part of such a masterplan, having reference to 'By Design' and any other relevant or successor guidance. Compliance with policy B3a requires that the masterplan is agreed by the Council and the appropriate way to do this is through approval as an integral element in the determination of a planning application.
- 7.4 In this respect 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. The key consideration is that access to the majority of the allocated site is dependent on access through the Sulis Manor land. Therefore, unless there is a high likelihood that this land will not be available within the plan period and consequently a real risk that the full allocation cannot be developed, a fully Comprehensive Masterplan as part of an outline or hybrid planning application is the appropriate means of fulfilling the requirement of Policy B3a. The application does point to joint working with the owners of Sulis Manor, suggesting therefore that this land ownership is not an impediment to a Comprehensive Masterplan which can be considered through the process of determining a planning application.
- 7.5 The submitted Comprehensive Masterplan is considered to incorporate a level of development that compromises compliance with the Placemaking Principles of policy B3a. In particular, the proposal for allotments and a play area on land to the south of the Wansdyke and the provision of other play areas at the periphery of the proposed residential development is considered inappropriate and indicative of a proposed quantum of development beyond the reasonable capacity of the allocated land. Across the site, along all the southern boundary and, in particular, to the South of Sulis Manor and to the North of the 'Brantwood' section of the South Stoke Conservation Area, the extent of planting and green infrastructure is considered to be inadequate. The proposal in the Comprehensive Masterplan for land set aside to accommodate a potential new school is also unnecessary and should be removed to enable strengthening of green infrastructure, better located play provision and enhancement of the mixed-use nature of the development in accordance with policy B3a.

- 7.6 The detailed Housing Layout shown in the Phase 1 application still occupies far more of the site area than envisaged by the Core Strategy. Development is too close to the Southern Boundary, ignoring the requirement for a significant setback. This severely reduces the provision of adequate Green Space and increases the effects of light spill to the South, particularly during winter months.
- 7.7 The Transport Assessment Addendum clearly demonstrates that the Highway network serving this site will struggle to cope with the extra traffic generated by Phase 1, and could not cope with the full Masterplan proposals for 450 dwellings. If the proposal for a potential school, or any alternative, were to be retained within the Comprehensive Masterplan, the additional impact upon the highway network should be carefully assessed within the Transport Assessment.
- 7.8 These issues again highlight the need for a detailed Comprehensive Masterplan to be considered through the process of determining a planning application for development within the area set out within policy B3a.
- 7.9 The Parish Council is particularly concerned that any decision to 'agree' the currently submitted Comprehensive Masterplan, which does not form part of the planning application, would effectively pre-determine any future Planning Application and establish a quantum of development without the provision of the necessary information for proper assessment. This would be contrary to B&NES' Local Development Plan, as established by the Adopted Core Strategy and therefore liable to legal challenge.
- 7.10 South Stoke Parish Council urges the Planning Authority to refuse this Planning Application, because it fails to comply with the clear terms of B&NES' Core Strategy Policy B3a and does not address many of the important Placemaking Principles, which are of critical importance to delivery of that policy.