

22/02169/EOUT

Parcel 4234, Combe Hay Lane, Combe Hay, Bath, Bath and North East Somerset

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

Response to Revised Plans (Dated 16/12/2022)

25/01/2023

The submitted amendments and supporting details, whilst of benefit to the assessment of the application, are not sufficient to address our grounds for objection. BPT therefore maintains an **objection** to the development as proposed. Our statement in response to the latest revised plans, dated 16/12/2022, should be read as an addition to our standing objection as submitted on 05/08/2022.

Response to Revisions in Summary:

- A holistic, visionary and comprehensive masterplan is strongly encouraged.
- B&NES Council and the developer would be missing a huge opportunity to achieve high quality sustainable development that achieves climate change resilience and contributes to local objectives to tackle the climate and ecological emergencies if a mediocre approach is accepted.
- The development fails to uphold Garden City principles.
- Allotments and community use must be well integrated within the development site.
- Inadequate assessment has been given to the impacts on the agricultural field, habitats and the Wansdyke, a Scheduled Monument.
- We welcome the intention to deliver a policy-compliant amount (40%) of “tenure blind” affordable housing on the site. Social housing in apartment blocks needs to be complemented by adequate amenity and green space and stronger links with the natural environment, requirements which are not currently being met by the layout and landscaping as proposed.

Comprehensive Masterplan

BPT continues to highlight the importance of a relevant and supportive comprehensive masterplan that sets out the extent of future development on the site in its entirety. The most recent submission of the revised comprehensive masterplan marks its third iteration as part of this application alone (see earlier superseded versions submitted 25/05/2022 and 18/07/2022). While we acknowledge that master planning is an iterative process that evolves over time in response to the range of inputs, revisions continue to highlight ongoing alterations to the masterplan, without indication as to how these changes have been informed by feedback at public consultation level with local residents and stakeholders, contrary to paragraph 132 of the NPPF. Nor why changes such as the addition of new pedestrian and cycle paths to the north and east (the eastern cycle path having formerly been merged with the Sulis Down Business Village access) have only just been considered, when requirements for public access and pedestrian/cycle links are set out in site allocation Policy B3a have remained unchanged.

This demonstrates a continued failure to establish a comprehensive and holistic placemaking masterplan that sets out the vision and extent of development on the site in its entirety and includes measures to ensure community engagement, design quality, design codes and sustainability must be rectified as a matter of urgent priority to ensure the success of a future development on this parcel of land.

The B&NES Scoping Response (07/03/2021) cited in Part 2 of the Transport Assessment Addendum highlights a similar position taken by the Council that the current masterplan fails to demonstrate how the updates to the masterplan have been informed by previous public consultation, and the masterplan as existing also fails to demonstrate appropriate detail as to the co-ordinated development of the site, particularly in relation to the Sulis Manor Phase 2 site.

We do NOT consider that the process of repeat revisions of the masterplan is indicative of high quality placemaking that considers housing, infrastructure, public realm, and connectivity from a holistic perspective. It instead indicates that the scheme has NOT been considered as a whole, resulting in a fragmented approach to address overlooked issues such as poor active travel connectivity that should have been designed in in the first place.

In the case of the provision of allotments on Derrymans Field outside the site allocation and the addition of new pedestrian/cycle routes connecting with South Stoke Lane and the Wansdyke (as discussed in further detail below), later addition of these elements has resulted in overspill and encroachment either on neighbouring Green Belt land, or sites that have been explicitly set aside for ecological mitigation.

The ongoing process of amendments to the masterplan are indicative of the piecemeal approach to development on the Plateau, and we maintain strong concerns as to how development would meet the placemaking principles set out in Policy 3BA, and ensure an appropriate balance between the provision of new residential development on an allocated site, and securing appropriate mitigation and enhancement works in relation to

the site's broader contribution to the Cotswolds AONB and landscape setting of the Bath World Heritage Site, as well as the setting of the adjacent Green Belt.

We urge the applications to make the most of the master planning process to achieve an exemplary framework to achieve high quality development on this sensitive rural site.

Affordable Housing

We reiterate our support of the provision of 40% “tenure blind” affordable housing, “us[ing] the same material palette and details as the private units”. However, we maintain that there should be an adequate mix of social housing in different house types across the site, whereas affordable housing in Phase 1 was largely concentrated to the north of the site along the spine road. Affordable housing should not be concentrated solely in higher density, smaller 1-bed apartment blocks but should encompass a broad housing mix including single residents, couples, and families.

There remains no definition as to what constitutes affordable housing within this development, and we maintain the need to provide genuinely affordable housing for local people to address the national housing crisis, ideally at a value proportionate to the increase in average income rather than matching inflations in market value. We consider that the current value of affordable housing in this area remains affordable in name only.

Social housing in the apartment blocks should also be provided with adequate greening and outdoor amenity space for residents. This also applies to the market value apartments, where this housing type is disproportionately given over to parking hardstanding and minimal levels of usable green space, contrary to local Policies D4 and D6. This may be addressed by the reduction of car parking provision and the provision of alternative transport such as private bike storage, facilities for shared e-bikes, or use of a Car Club.

Design & Layout

The D&A Statement sets out the intention for Phases 3 & 4 of development to be informed by “the Arts & Crafts Cotswold tradition (and by extension the early 20th century Garden City movement)”, as per the design approach established in Phase 1. This is given to draw from the architecture of nearby houses, such as Brantwood and Sulis Manor.

However, we would strongly challenge this claim that development would be informed by Garden City principles, particularly when looking at the grain and layout of Phase 1 that is currently being delivered.

The Town and Country Planning Association (TCPA) defines a Garden City as “a holistically planned new settlement that enhances the natural environment and offers high-quality affordable housing and locally accessible work in beautiful, healthy and sociable communities.” Some of the defining principles of the Garden City model include the

provision of integrated community assets such as shared land (allotments, parks) or health and leisure facilities, mixed-tenure affordable housing, well-integrated transport routes that frequently prioritise or enhance access for pedestrians and/or cyclists, and the integration or ‘marrying’ of town and country characteristics through the provision of generous landscaping and green infrastructure, private and public green space and planting. Development was intended to improve the living conditions of lower-earning families and create strong, self-contained communities, whilst simultaneously creating “beautiful” places. Given the site’s sensitive location on the edge of the City, forming a transition point between Bath’s residential fringe and its expansive landscape setting, we originally supported the principle of a Garden City or Garden Suburb ethos to enable this residential development to better integrate with the green, rural qualities of its setting.

However, in response to the build-out of Phase 1 we contest this claim of a development in the Garden City style. The development has already proven to be distinctly urban in building lines, boundary treatments, and layout dictated by private vehicle usage. The layout and circulation of the scheme remains entirely dominated by car access and dedicated on-street parking bays which have eroded areas of public greening and street planting. The provision of oversized private parking forecourts (in addition to on-street parking bays) and garages have restricted the scale of private gardens to small enclosed plots at the rear. Housing is set up against the pavement edge without front gardens or green verges, and no space to accommodate further planting beyond token strips of shrub up against the external wall. The overall impression of Phase 1 is of a development with minimal provision of green space or implementation of placemaking principles beyond the functional maximisation of housing numbers and on-site car capacity.

BPT therefore maintains that **the development as already built is failing to meet or embody the defined principles of the Garden City movement.** The scheme utilises an Arts and Crafts-inspired building typology, but within an alien, distinctly urban context, and as such is considered to take a ‘pastiche’ architectural approach without proper consideration of the underlying context and standards or intention of this style of housing, or properly embodying principles of quality placemaking, contrary to Section 12 of the NPPF.

Where a large proportion of the site is given over to vehicle access and parking, this would be contrary to B&NES Council’s net zero objectives by continuing to promote private car ownership and usage as the principal form of transport, where private cars were cited as producing 52% of the UK’s transport emissions (Department for Transport, 2022). Overprovision of hardstanding has further compromised the amount of green space and planting provided in public spaces, and associated benefits of biodiversity net gain and carbon capture, as well as naturally managing water retention and drainage. **By contrast, the excessive extent in hardstanding will likely have an adverse impact on how effectively water drainage will be managed throughout the lifetime of the scheme, in light of the anticipated increasingly severe weather events and flooding.**

We reiterate the statement made by Design West as part of their updated Design Review (26/09/2022): “If the inspiration of the garden cities of the Arts & Crafts

movement is to be authentically applied, the quality and variety of the external spaces created by the scheme would appear to need to be central to its design.”

We do not consider this to be an appropriate urban design standard going forward, and emphasise that further phases of development should be required to meet higher standards of green infrastructure, tree planting, space, public realm and community facilities, connectivity, and active transport in accordance with the Garden City principles as outlined above. This could be implemented through the creation of a site-specific design code alongside a formalised version of the masterplan.

Allotments on Derrymans Field

BPT maintains concerns regarding the increased pressures on Derrymans Field to meet the total allotment allocation for the entirety of the Sulis Down development site. We reiterate that Derrymans is **NOT** included within the site allocation boundary within Policy B3a and remains within the Green Belt. It also lies within the Area of Outstanding Natural Beauty, as does the whole of the development site. Any complementary use of Derrymans must be considered in relation to its particular landscape designation and associated additional protections.

Revisions to the proposed allotment layout now include the reduction of overall Phases 3 & 4 provision from 2259.7m² to 2086m², and the relocation of parking spaces from the Phase 1 allotment site (see revised layout plan, 22/01370/FUL) to the Phases 3 & 4 allotments. We therefore maintain our previous concerns (see BPT previous response dated 05/08/2022, as well as our response to 22/01370/FUL dated 01/06/2022) regarding the development and cumulative build-up of an undeveloped agricultural piece of land within the Green Belt, where this would be of detriment to the overtly rural character of views from Combe Hay Lane and the wider landscape setting of the Green Belt and AONB.

We further highlight that the continued provision of on-site parking is indicative of ongoing issues with the over-dominance of car use and the car-orientated spatial layout of development, as well as the impracticalities of the proposed allotment location for both existing residents and future residents of Sulis Down.

We reiterate our concerns regarding the lack of a design journey or consideration of alternative development options as part of proposals, through which the off-site accommodation of allotments may be justified where very special circumstances can be demonstrated. For example, consideration of an increased development density could allow for improved provision of shared green space and facilities for residents. The “developable” area of the Phases 3 & 4 sites are measured at 7.79 hectares, to be developed at a density of 38.5dph at a total of 300 dwellings (Revised D&A Statement, p.52), but this could be increased to 40dph in line with Policy B3a’s recommendation of an approximate density of 35-40dph across the whole allocation site, where this can be appropriately demonstrated to be compliant with other placemaking principles.

Nonetheless, we reiterate that the off-site location of the allotments is symptomatic of the OVERDEVELOPMENT of Phases 3 & 4; the planned encroachment onto Green Belt land to maximise housing numbers and associated profit continues to be inappropriate and would not demonstrate any special circumstances. The maximisation of built development on this site continues to be incompatible with the requirements and placemaking principles of Policy B3a.

As currently proposed, the allotment provision on Derrymans Field makes no reference to any prospective provision as part of upcoming Phase 2 on the Sulis Manor site. We take the opportunity at this stage to emphasise our resistance to further, cumulative build-out of this agricultural site to provide further off-site allotment space where this has **NOT** been properly accommodated for on the development site. **Efforts should be made to incorporate allotments and amenity space provision WITHIN the development site, in accordance with Policy B3a.**

Proposed North-South Pedestrian/Cycle Path and the Wansdyke

The newly-proposed north-south pedestrian and cycle hoggin path would directly intersect with the Wansdyke, a 35-mile length of defensive linear earthwork that runs through Wiltshire and Somerset, designated as a Scheduled Monument. The new hoggin path would connect up with an existing footpath route adjacent to Cranmore Place, providing links with the Sainsburys and Community Special School on Frome Road. There is an existing informal footpath which allows access from Sainsburys onto the public footpath that follows the east-west axis of the Wansdyke itself; however, this is an unsurfaced route which allows for the natural contours of the earthworks, although there is an acknowledged issue with the long-term impact of constant use and resulting erosion.

The West Wansdyke Setting Assessment highlights that the structure as existing is in a poor condition “with the monument exposed to disturbance from erosion caused by the public footpath and encroachment of local residents’ gardens onto the earthwork.” The section of the Wansdyke along the northern boundary of the Sulis Down development site is included on Historic England’s At Risk Register.

At this stage, we highlight the associated requirement for Scheduled Monument Consent for “any works for the purpose of removing or repairing a scheduled monument or any part of it or of making any alterations or additions thereto”, in accordance with the Ancient Monuments and Archaeological Areas Act 1979. Consent should be acquired ahead of any works commencing, and **cannot be given retrospectively**. We strongly emphasise that the applicant should be working with Historic England throughout the development process to ensure that the proposed interventions are deliverable without compromising the significance of the monument. This work should have ideally been done before the proposed pedestrian/cycle path was included as part of the comprehensive masterplan.

We are further concerned by the conclusions of the West Wansdyke Setting Assessment that development “would result in a minor level of harm, within the spectrum of less than substantial harm, to the Scheduled West Wansdyke”, on the basis that “proposed

development would result in a change to a small part of the setting of the monument.” However, this assessment does not account for the provision of a new, intersecting hard-surfaced path that would cross the Wansdyke, and as such would be an intervention with a degree of material impact or change to a Scheduled Monument. It is unclear as to whether any excavations would be required to ensure a flat crossing point for cyclists or those using mobility aids. In accordance with paragraph 200, “any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.” We do not consider that the degree of harm to a Scheduled Monument, an “asset[s] of the highest significance”, has been appropriately assessed, nor justified or mitigated.

There are further concerns regarding how a new path through Great Broad Close, with associated infrastructure such as lighting which has not as yet been detailed, would affect the site’s undeveloped, rural qualities, as well as its ecological value as an identified site for mitigatory habitat compensation. Furthermore, where the site would be subdivided and see the insertion of basic access infrastructure, we highlight the potential for future developmental pressure on this site and reiterate the site is inappropriate for further development due to its close proximity to the Wansdyke, and its use as safeguarded skylark habitat, in accordance with Policy B3a.

We refer to, and support, the comments submitted by CPRE and Historic England, and share their concerns regarding the creeping increase of development pressure on the agricultural field at Great Broad Close, which should be set aside as mitigatory skylark habitat in accordance with the specified Ecological Requirements of Policy B3a.

Sulis Manor

The extension of the northern spine road would require the removal of 69 mature tree specimens and 4 tree groups from the Sulis Manor site, covered by a blanket TPO. The site as existing remains well set-apart from the joining development, with the 1930s Arts & Crafts manor set back within generous grounds and obscured by established, dense foliage to the north, west, and east; the only public views of the manor from outside of the site can be glimpsed from the southern footpath. The informal qualities of the garden are considered to reinforce the building’s Arts & Crafts design as part of the interlinking of the built and natural environments.

Policy 3Ba sets out that development should “incorporate Sulis Manor and garden into development sensitively, retaining the framework of trees, and considering the conversion/retention of the Manor House and/or a low density development.” We therefore maintain concerns that the provision of a through spine road would result in harm to the setting of a recognised Non-Designated Heritage Asset and the loss of a high number of well-established and mature trees, which would be insufficiently mitigated by the replacement planting of young saplings elsewhere.

Considering the comprehensive masterplan now indicates a number of east-west pedestrian access points into the manor’s garden setting, there is insufficient information

provided as to what these access points would look like and any resulting detriment to the surrounding tree cover.

Traffic

We continue to maintain our original concerns regarding the impact of increased traffic numbers (minimum 300 private cars, or up to an estimated 408 new vehicles as based on 1.36 cars per dwelling allocation in Phase 1) on existing traffic infrastructure, particularly at nearby pressure points such as the Odd Down Roundabout, Red Lion Roundabout, and at junction points between A3062 and B3110. Considering the scale of the site and its distance from the city centre, thus increasing future residents' dependency on private vehicle usage, it is unclear as to how the Traffic Assessment Addendum can conclude that there would be "no cause for concern that this development will have a severe impact to highway operation in a forecast of 2029", with worst case assessments being limited to 30 minute congestion delays during peak hours.

We have some renewed concerns regarding the proposed addition of an east-west pedestrian and cycle path which would create a new access junction onto South Stoke Lane, where the cycle path was formerly merged with the existing vehicular access to the Sulis Down Business Village. The creation of a new junction with South Stoke Lane would increase the development's presence as experienced from the lane and within the setting of the South Stoke Village Conservation Area, and there is an increasing risk of the proposed path being expanded to accommodate vehicle access in the future, in line with the developer's original aspirations for a secondary eastern vehicle access. Local Policy B3a sets out that development (particularly in relation to access to Sulis Manor) should "provide vehicular access, and junction enhancement, to facilitate access to the site from Combe Hay Lane [our emphasis]," excluding any reference to the suitability of an eastern connection with South Stoke Lane in line with the Inspector's 2014 report. The Inspector elaborated that "any significant increase in the use of South Stoke Lane to serve new development would be likely to require improvements to the lane such as widening and street lighting and these would be detrimental to its rural character and to the South Stoke Conservation Area for the reason already given [our emphasis]."

We therefore stress the potential for the proposed pedestrian/cycle route to form part of an incremental development creep out to the east of the site, over land that is still within the Green Belt. Once a route is established in this location, this would become increasingly susceptible to development pressures for a secondary vehicle route, to address anticipated congestion issues on Combe Hay Lane. We reiterate the need to comprehensively assess and understand the traffic capacity of the site, and its impact on local road networks, now rather than being dependent on the unmeasured results of forthcoming transport initiatives from B&NES and WECA.

Lighting and Ecology

In accordance with Policy B3a, development should account for the “protection of dark skies to the south and east of the location including zones of no artificial light adjacent to the protected tree belt and other ecological features retained or created within the site and in adjacent grazing lands. Light spill should be limited to no more than 1 lux (equivalent to a moonlit night).”

Where external lighting is proposed on the Plateau, the volume and level of lighting should be closely assessed in relation to potential impact on an adjoining Site of Nature Conservation Interest (SNCI) to the south, as well as the existing ecological value of the southern tree belt. We have further concerns regarding the potential impact of lightspill in wider landscape views across the AONB and the setting of the World Heritage Site, where this has become an ever-increasing issue in recent years, such as on the University of Bath campus site. Where possible, external lighting and lighting levels (eg. brightness) should be minimised to ensure that the dark skies character and rural qualities of this area of the Cotswolds AONB are sustained, or else suitably mitigated through measures such as appropriate screening. We are in agreement with the conclusions of the Council’s Development Team (see submission 07/03/2021, Transport Assessment Addendum Appendix A) that a sensitive lighting strategy is required, with “opportunities to exclude lighting all together, for part-night lighting (no light between 12-6am) or dimming of the lights associated with the section of road through the woodland.” A Habitats Regulations Assessment does not yet appear to have been submitted as part of the application.

Where it is indicated that areas such as private footpaths and car parking areas would remain unlit, this does not account for later installation works by future residents and potential for a cumulative increase in illumination and lightspill across the site. We recommend that aspects of how the scheme would be used an occupied throughout its lifetime are considered at this stage and how ill-effects may best be mitigated, such as planning restrictions on external lighting installation through a condition or Article 4 Direction.

The proposed lighting parameters plan does not include the proposed easterly pedestrian/cycle path onto South Stoke Lane, and it is unclear as to whether it is intended to illuminate this path.

We maintain that as part of Phase 1 application 17/02588/EFUL, there is an existing requirement for the creation and implementation of a hard and soft landscape scheme (see Condition 18 - 21/02219/COND - and Condition 19 (not yet discharged)) “prior to the occupation of any part of the development”, in part to ensure that the important screening and ecological function of the southern tree belt is maintained. We maintain ongoing concerns originally raised by South Stoke Parish Council regarding the deleterious condition of the existing tree belt due to extensive infection with ash dieback, and the urgent requirement for a comprehensive arboricultural assessment and management plan to ensure the long-term retention and enhancement of the tree belt in this location. Not only does this act as an important corridor for wildlife, including commuting bats, but it forms a significant screen between development on the Plateau and long-range southerly views across the Cotswolds AONB and the landscape setting of the World Heritage Site.



We maintain strong concerns that development works and occupancy appear to have gone ahead without meeting landscape requirements in accordance with Condition 19. **We reiterate the requirement to “protect the tree belt on the southern edge of the site and enhance with additional planting to ensure visual screening of the site from views to the south”, in accordance with Policy B3a.**

Conclusion

We reiterate that effective, successful, and controlled development growth and placemaking **CANNOT** occur without a detailed forward plan for the overall site which has been appropriately consulted upon, which has already resulted in detriment to the design approach, layout, use of green space, and highways infrastructure of Phase 1. The current piecemeal approach to development on the site would remain contrary to Sections 2, 8, 11, 12, 15, and 16 of the NPPF, and Policies B1, BD1, B4, B3a, CP6, D1, D2, D3, D4, D6, HE1, NE2, NE2a, and ST1 of the Core Strategy and Placemaking Plan.