**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.

***BPT Response to Amended Drawings Dated 23/04/2023***

***14/06/2023***

*Object*

This response to the latest amended drawings dated 23/04/2023 should be read in conjunction with our previous consultation responses as submitted, including our original objection response submitted 05/08/2022, and our objection response submitted 03/02/2023 to the revised plans dated 16/12/2022. We maintain that our statement in response to the latest revised plans should be read as an addition to our standing objection response dated 05/08/2022.

**Response to Revisions in Summary:**

* The absence of a fit-for-purpose comprehensive masterplan will not enable the successful co-ordination and integration of the multiple phases of development with one another, as well as the allocation site as a whole with its wider townscape and landscape setting.
* The development fails to uphold Garden City principles.
* Allotments and community use must be well integrated within the development allocation site, and we do not consider that the proposed alternative site is the most suitable.
* The proposed re-assessment of energy efficiency measures to be implemented on the site is positive, but requires further detail relating to potential impact on landscape views.
* Inadequate assessment has been given to the impacts on the Broad Close agricultural field, habitats and the Wansdyke, a Scheduled Monument, as a result of the proposed 3m wide north-south through road.

**Robust and defensible LPA reasons for refusal are set out in conclusion.**

**Comprehensive Masterplan**

We call for the LPA to request a robust and fit-for-purpose masterplan that isn’t just one plan illustrating the layout of the site. Masterplanning for a site of this size and complexity should include analysis, and text describing how and providing a framework and parameters for how the site will be developed. Including recommendations, design codes and parameters, spatial layout, uses and facilities.

We strongly reiterate that the scheme continues to lack a definitive comprehensive masterplan across the site as allocated for housing. As part of this application, the “Comprehensive Masterplan” (or site layout plan) as submitted has been constantly amended and altered, with submission of five different iterations from May 2022 onwards.

In accordance with Policy B3a of the Local Plan, an established requirement to enable development is set out as the “preparation of a comprehensive Masterplan, through public consultation, and to be agreed by the Council, reflecting best practice as embodied in ‘By Design’ (or successor guidance), ensuring that it is well integrated with neighbouring areas.” As previously highlighted the B&NES Scoping Response (07/03/2021) cited in Appendix A of the Transport Assessment Addendum (16/12/2022) sets out the Council’s position regarding the lack of clarity as to how the masterplan has been informed by public consultation “and how it would result in a co-ordinated and managed approach to the development of the allocation site.” Furthermore, the continued, piecemeal qualities of the application with the ongoing submission of plans and drawings, as well as the incoherency of information provided around the Phase 2 site at Sulis Manor, is NOT indicative of a co-ordinated or managed approach to development on this site.

It is therefore apparent that the Comprehensive Masterplan is routinely altered to reflect amendments to the scheme, and therefore is not being effectively used to establish the parameters of development proposals when these parameters continue to change.

We have concerns that the masterplan will continue to change without establishing a solid developmental framework for this allocation site, thus compromising development and design quality. The breaking down of the site into multiple phases further encourages a piecemeal and disconnected approach to factors such as design, housing scale, density, amenity space, and public landscaping where these should be enshrined across the entirety of the allocation site at the earliest stage possible and with appropriate public and stakeholder consultation. In accordance with paragraph 127 of the NPPF, “plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable.”

This is further illustrated by the absence of clarity regarding the overall number of houses to be delivered across the site; where Policy B3a sets out a housing target of “around 300 dwellings”, the phasing of development proposals has incrementally increased housing number on the site up to around 471 (171 homes having already been delivered under Phase 1), with an as-yet unspecified housing allotment for the Phase 2 Sulis Manor site. Where the site has been allocated as a singular site, we emphasise the importance of designing and delivering the site as a whole, particularly in terms of establishing an overall site-wide housing number and density based on the site’s allocated capacity and its contextual townscape and landscape setting. We have ongoing concerns that the current, fragmented approach to housing delivery instead seeks to incrementally increase housing provision and associated developmental value without appropriate consideration of development requirements to mitigate impact on the wider area.

The process of repeat revisions of the masterplan is not indicative of high quality or robust placemaking, and we maintain strong concerns that the changeability of the masterplan as currently provided would be able to meet the placemaking principles set out in Policy 3BA, and ensure an appropriate balance between the provision of new residential development 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.

**Garden City Development Principles & Housing Density**

As proposed, the development continues to refer to the Garden City Movement “and by extension the Arts & Crafts language” as the inspiration for the scheme’s design, architectural reference, form, and layout. It is noted that this is similarly cited as a reference point for the design of Phase 1.

We have previously set out that the development would fail to meet historically established Garden City principles on grounds of excessive on- and off-street car parking and associated hardstanding, insufficient public greening or planting, poorly sized and orientated private garden spaces where these would frequently be overshadowed or enclosed by adjoining development, as well as a lack of truly affordable housing that should be accessible to lower income individuals and families that have otherwise been priced out of the district. Where Phase 1 is in the process of being constructed,

Current proposals for the increased built density of the site from 38.5 to 39.4dph would therefore be even further at odds with the purported Garden City ideals of the scheme, which was based on the interplay between town and country and the integration of generous soft landscaping with noted social, aesthetic, and health benefits. This development has instead continued to prioritise the maximisation of housing numbers, even where this has resulted in overspill onto adjoining Green Belt land, without consideration of a more acceptable compromise where the proposed housing number is reduced to facilitate improved provision of public green space, gardens, rural landscaping, and community facilities at a density more in keeping with the site’s peri-rural character. Similarly, there is no justification as to the proposed housing figure on grounds such as viability.

We recognise the need to maximise housing provision on available and allocated sites to address the housing crisis and make a notable contribution to B&NES’ housing targets, but this should be appropriately balanced with the landscape qualities of the site and its rural setting in a way that helps to soften the degree of visual impact, as well as creating a more beautiful, healthy, and climate resilient community for the future. We therefore maintain that the proposed housing numbers and built density, combined with a dominance of hard landscaping and absence of community facilities, would be incompatible with Garden City principles, and any reference to the Garden City movement would be nothing more than lip service.

**Allotments**

Where the proposed Phase 3 & 4 allotments have been relocated into the allocated development site, we acknowledge that the proposals have attempted to address BPT’s original concerns. Nonetheless, we maintain our regret at the use of Derrymans Field to meet development requirements such as the provision of allotment space and ecological enhancement works to offset biodiversity loss as part of Phase 1 through a Section 106 agreement (see 17/02588/EFUL). Planning application 22/01370/FUL for the Phase 1 allotments, to which BPT objected on grounds of inappropriate Green Belt development, remains pending.

We question whether the alternative site proposed for the Phase 3 & 4 allotments is the most appropriate, given that this would place increased pressure on the adjacent tree belt associated with Sulis Manor. Despite the indicated total 5m setback of the allotment boundary, there would likely be continued issues with overshadowing and conflict with the established tree root area, and may result in increased pressure for tree pruning or felling to ensure the allotments remain useable. The arboricultural officer has raised similar concerns that the proposed 5m buffer between the allotments and the adjacent tree cover would be ineffective. Have any alternative sites been considered where these may be more appropriately suited to the existing landscape and ecological character of the area? For example, the allotments may be better located where these would be well-connected with proposed community green space and facilities in the area between Phase 3 & 4.

Further, the allotment area also appears to have been reduced in scale from 2,086m2 on Derrymans, to 2,071.1m2 - 2,072m2, with a cited minimum requirement of 2,070m2 for 300 dwellings. Based on a calculation of 2.3 residents per dwelling, this equates 6m2 per dwelling, though this calculation doesn’t account for the share of useable planting space and parts of the site covered by car parking or storage sheds. Based on the average allotment plot size, the overall provision of approx. 640m2 of growing space would more realistically equal 2.1m2 per dwelling. This further does not account for cited allotment demand from outside the development site.

Given the reduced scale of the proposed allotment provision, and the resulting increase in housing density to 39.4dph due to the increased setback of the western boundary of Phase 3, the current proposals are clearly not capable of balancing housing provision at a suitable density with the provision of green amenity space and community infrastructure. Though the development would remain within the maximum housing density of 40dph as set out within Policy B3a, the policy clearly indicates that this housing density would only be acceptable where all the placemaking principles can be met, which has not yet been sufficiently demonstrated, and as such is symptomatic of the overdevelopment of the site.

**Energy Efficiency**

We welcome the inclusion of an Energy Assessment Addendum, considering further measures to reduce carbon emissions through the use of renewable and green energy alternatives, in response to the Local Plan Partial Update. We maintain that this should be considered in relation to a more holistic, “fabric first” approach, that takes into account how energy use could be minimised through passive measures such as insulation, passive shading/ventilation, orientation, etc.

Where it is proposed to install PV panels across the majority of buildings to be delivered on the site (it has been indicated that not all buildings would be suitable or viable for installation), there needs to be greater consideration at this stage as to potential impact in wider landscape views and how this can be appropriately mitigated. We continue to recommend the use of ‘built in’ panels that sit flush with the roof slope in an appropriate finish (eg. matte black); the use of an integrated panel as part of the building design would help to mitigate potential visual harm and avoid later, piecemeal installation in a multitude of different styles, finishes, and positions by future residents. We refer in particular to Policy SCR2 where it is emphasised that “photovoltaic materials should be considered as part of the overall scheme design” in new build dwellings. Installation as part of the development’s build-out offers a positive opportunity for the use of a coherent, site-wide design that would help to address and mitigate visual harm in the wider landscape.

**Great Broad Close Footpath & The Wansdyke**

We have additional questions and concerns regarding the proposed north-south route that would bisect Great Broad Close. Despite indicating that the field would remain in agricultural use as part of the comprehensive masterplan, it is unclear as to how agricultural activity and access would be balanced against pedestrian and cyclist path users – would agricultural vehicles have to cross the path to access the western portion of the site, or would there be a new separate access point? Would there be measures to keep path users from accessing the field? We continue to reiterate concerns with potential for future development creep and expansion into Great Broad Close, where this be enclosed by development on three sides with the addition of a new, large-scale access route. We reiterate the site is inappropriate for further development due to its close proximity to the Wansdyke, and should be maintained in a use consistent with its ecological value as skylark habitat, in accordance with Policy B3a.

We reiterate that Policy B3a specifically sets out that proposals should “avoid built development in the field immediately to the south of the Wansdyke”, in reference to Great Broad Close.

There continues to be a lack of material information detailing the proposed intersection with the Wansdyke and any resulting impact or changes to a designated Scheduled Monument. It remains unclear as to whether any excavations would be required to ensure a flat crossing point for cyclists or those using mobility aids. We maintain that the degree of harm to a Scheduled Monument, an “asset[s] of the highest significance”, has still not been appropriately assessed, nor justified or mitigated.

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.

**Ecology & Biodiversity Net Gain**

We continue to reiterate ongoing concerns with the scope of proposed felling works within the setting of Sulis Manor, resulting in the removal of 69 mature trees protected by a blanket TPO. Where the arboricultural officer has supported proposals for onsite tree planting as mitigation, to be delivered on 30 Acres Field, we strongly maintain the requirement for suitable, long-term maintenance to ensure the successful ecological offset of the proposed tree removal works. The planting of new saplings would not be considered a sufficient equivalent to the existing mature specimens in relation to species richness and ecological and carbon benefit, without adequate assurance that the newly-planted tree area would be established as a new area of woodland to be maintained and supported throughout (and beyond) the lifetime of the development.

There is a lack of clarity regarding the proposed Biodiversity Net Gain calculations as provided, particularly in relation to the proposed on-site baseline and delivery of habitat units. The loss of habitat on the development site is expected to be significant, given the extent of the proposed footprint of dwellings, residential gardens which would not necessarily be of a measurable habitat value (despite the cited uplift of 3.49 units attributed as “urban vegetated garden”) without controls put in place through a restrictive covenant to prevent future removal of soft landscaping by residents, roads and associated hard landscaping. There is further uncertainty regarding the cited uplift of 3.49 units attributed The Biodiversity Matrix cites a proposed total loss of -24.58 units of cropland and modified grassland (cited to be of low significance), but indicates an overall on-site biodiversity net gain of 4.77 units.

Whilst it appears that this uplift may be largely attributed to the delivery of 12.59 units of “neutral grassland”, there are a number of questions as to how this cited calculation and balance would be delivered in the volume proposed. Grassland provision would likely overlap with areas identified as “amenity green space” and “parks & recreation”, presumed to be areas of frequent amenity use by future residents and as such of likely limited ecological contribution. This further does not account for the proposed landscaping/development proposed as part of the ‘central heart’ vision. The ecological balance between the proposed grassland and the existing undeveloped and agricultural qualities of the site, already identified to be in use by skylarks, is unconvincing.

There further remains an over-reliance on off-site provision of biodiversity net gain (without which the development would not be compliant with Policy NE3a), indicative of the ongoing overdevelopment of the site.

**Conclusion**

We reiterate that effective, successful, and controlled development growth and placemaking CANNOT occur without a detailed forward masterplan for the overall site which has been appropriately consulted upon, which by virtue of the piecemeal approach to development on the site has already resulted in detriment to the design quality, approach, layout, use of green space, and highways infrastructure of Phase 1.

The continued absence of information as to how proposals would materially affect a designated Scheduled Monument (the Wansdyke) remains contrary to the Ancient Monuments and Archaeological Areas Act 1979.

**In conjunction with our separate representations submitted, we conclude that the development proposals remain contrary to the NPPF, and contrary to the Core Strategy & Placemaking Policies B1, B4, B3a, DW1, BD1, CP6, D1, D2, D4, D6, NE2, NE2a, and HE1.**

**We therefore recommend that this application is therefore refused on the following grounds:**

**Non-Compliance with the NPPF:**

In accordance with Section 11 of the NPPF, “planning policies and decisions should support development that makes efficient use of land.” Efficient land use should account for factors such as the availability and capacity of infrastructure and services, and/or their improvement, the promotion of sustainable travel, the desirability of maintaining an area’s prevailing character and setting, and the importance of securing well-designed, attractive and healthy places. Where it is evident that the provision of amenity space, soft landscaping, and community facilities is secondary to maximising housing numbers and housing density, the current proposals are not considered to demonstrate efficient land use or the creation of a “beautiful and sustainable place[s]”, contrary to Section 11 of the NPPF.

There has been a continued absence of clarity regarding a design vision or expectations throughout the development process, with below adequate engagement of local residents and communities, contrary to Section 12 of the NPPF.

Further amendments to proposals seek to omit developer contributions to CIL for full secondary education contributions, following the removal of the potential school site from Phase 3. With the general reduction in allotment size, the development would not plan positively for the provision and use of shared spaces and community facilities contrary to Section 8 of the NPPF.

Where it has been concluded that there would be continued minor-moderate to adverse-moderate impact on landscape views, the proposed development by virtue of its siting, amount, layout, appearance and landscaping, would not contribute to and enhance the natural and local environment contrary to Section 15 of the NPPF.

Where the proposed spine road would result in a significant intervention through the garden setting of Sulis Manor, a non-designated heritage asset (NDHA), proposals have failed to provide a balanced judgement of benefit against the scale of harm or loss of significance to a heritage asset, contrary to Section 16 of the NPPF.

**Non-compliance with Core Strategy & Placemaking Policies:**

**B1**

Policy B1 sets out the spatial strategy for Bath which above all else sets out the intention to sustain and enhance the significance of the city’s heritage assets and green infrastructure, to which all following objectives will be considered in relation. Proposals currently fail to demonstrate that designated assets (World Heritage Site landscape setting, SAM the Wansdyke) and NDHAs (Sulis Manor) associated with the site would be sustained and enhanced.

**B4**

In accordance with Policy B4, there is a strong presumption against development that would result in harm to the Outstanding Universal Value of the World Heritage Site, its authenticity or integrity, including its setting.

Amendments to the development’s density and layout have not been appropriately assessed proportionate to the significance of the Bath World Heritage Site and its landscape setting, where specific consideration of the World Heritage Site setting was not included in earlier iterations of the Environmental Assessment (EA). Visual impact assessment has continued to overlook the significance of the plateau on the edge of the Bath ‘bowl’ and its connection with wider agrarian views, instead associating it more strongly with Bath’s urban edge. Proposals have therefore failed to demonstrate how the overall amount and scale of development, as well as amendments to the scheme including continued development creep to the north and east, would be compatible with the special qualities of the peripheral landscape within which the World Heritage Site is experienced.

**B3a**

Proposals and subsequent amendments fail to meet the placemaking principles set out within Policy B3a where these require the “preparation of a comprehensive Masterplan, through public consultation, and to be agreed by the Council, reflecting best practice […] ensuring that it is well integrated with neighbouring areas.”

**DW1**

The development fails to accord with strategic objectives to promote sustainable development.

4) Where there is evidence of ongoing, incremental creep onto land OUTSIDE the allocation site to the east and west for the purposes of ecological offset and the creation of further sustainable transport links, there is a continued concern regarding the concentration of development on a greenfield site and associated pressures on Green Belt land contrary to the development strategy set out in Policy DW1.

5) The development landscaping and layout fails to demonstrate climate resilience.

6) There continues to be insufficient information to demonstrate that the designated and NDHAs associated with the site would be appropriately protected, conserved, and enhanced as part of the development proposals.

7) There remains insufficient information District's biodiversity resources would be sufficiently protected and enhanced as part of the site-wide development masterplan.

9b) The amount of development set out in policy B3a of “around 300 homes” meets growth targets.

**BD1**

Proposals do not adequately demonstrate how the development’s urban design, architectural and landscape approach have been informed by local design values, nor how the height and scale of proposed development has respected, responded and positively contributed to the character of Bath and any important views, contrary to Policy BD1.

**CP6**

There is insufficient evidence that proposals would protect and enhance the distinctive quality and character of the site’s local context, the wider district, or its landscape setting, contrary to Policy CP6.

Transport infrastructure would fail to reinforce and contribute to the local area, instead introducing further numbers of private vehicles to an area already suffering from congestion issues.

The lack of clarity regarding the future of Sulis Manor and the piecemeal treatment of its garden setting, as well as the lack of information regarding any material alterations to the Wansdyke, is not indicative of the sensitive reuse and adaptation of historic buildings and spaces as part of the development.

**D1**

Development would not contribute positively to local distinctiveness, identity and history, nor work with or contribute to the landscaped characteristics of the area where it would introduce a high-density, car-dominated housing development on Bath’s rural fringe, contrary to Policy D1.

**D2**

Development would not contribute positively to local character and distinctiveness, and instead would be at odds with the site’s rural landscape context, contrary to Policy D2. It has NOT been sufficiently demonstrated that an increased density of development is acceptable within this area, where it would be remotely positioned in relation to Bath’s key commercial and community centres.

**D4**

The progressive addition of footpaths and routes at this stage in the development process indicates that the scheme would not be well-connected, contrary to Policy D4. We maintain that the over-dominance of vehicular through roads, on-street parking and associated hardstanding would not contribute towards a clear hierarchy of streets and spaces, nor appropriately reinforce and prioritise sustainable transport users.

**D6**

Proposals do not suitably demonstrate that they have been considered in relation to securing appropriate levels of amenity for both existing and future occupiers of the site, or adequate provision of usable private and communal amenity space, contrary to Policy D6.

**NE2 & NE2a**

It has not been demonstrated that the whole scheme, including hard landscape and planting proposals, would contribute positively to the local area. Contrary to Policy NE2 the proposed layout fails to incorporate green space that positively contributes to creating a high-quality environment.

Development would fail to conserve and enhance the landscape setting of Bath, its landscape character, views, and features without sufficient mitigation, contrary to Policy NE2a.

**NE3 & NE3A**

By virtue of its scale and density, the proposed development would result in harm to biodiversity without sufficient evidence that harm has been avoided and minimised wherever possible, contrary to Policy NE3. It is noted that the provision of compensation to an at least equivalent ecological value should be considered a last resort.

There is insufficient information to demonstrate that development would successfully secure and deliver a minimum biodiversity net gain of 10%, contrary to Policy NE3. Proposals would continue to be over-reliant on off-site provision to meet the minimum requirements for ecological offset.

**NE4**

It has not been clearly demonstrated that ecosystem services would be protected and enhanced as part of the development proposals, contrary to Policy NE4. There has been little focus on their benefits and function could be optimised with a particular focus on supporting, provisioning, regulatory and cultural services, such as being integrated into measures for on-site management of surface water drainage and flood control.

**NE5**

Development would result in loss of part of the existing core woodland on the site and associated harm to its contribution to the regional Nature Recovery Network, contrary to Policy NE5.

**NE6**

Development would result in the loss of a significant number of protected trees, and as such would have an unavoidable, adverse impact on a tree belt of wildlife, landscape, historic, and amenity value contrary to Policy NE6. There is ongoing concern that the progress of development has failed to sufficiently meet requirements for the appropriate retention and new planting of trees along the southern boundary, as previously secured in application 17/02588/EFUL.

**HE1 & HE2**

Where the degree of landscape impact resulting from the proposed spine road through the garden setting of Sulis Manor, has been identified as moderate adverse within the Environmental Assessment (16/12/2022), impact on the associated significance of a NDHA has not been considered or justified, contrary to Policy HE1.

Insufficient information has been provided regarding the material impact of proposals on the Wansdyke, where Scheduled Monuments should be preserved in situ in accordance with Policy HE2. Further, Policy HE2 specifies that any development adversely affecting the physical remains and/or historic routes of the Wansdyke should not be permitted unless appropriately mitigated or enhanced, which as yet has not been adequately evidenced.