**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 290 dwellings; landscaping; drainage; open space; allotments; 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; boundary treatment; and, the erection of 4 x Bat Night Roosts; to enable construction of the spine road; with the ecologic mitigation on Derrymans and the field known as 30Acres (edged blue on the Location Plan).

*BPT Response to Amended Drawings Dated 17/08/2023*

*17/09/2023*

*Objection*

This consultation response is addresses amendments dated 17/08/2023, with regard to the focused changes made to the proposed location of the allotments and the total number of houses proposed across Phases 3 & 4.

Where amendments have not addressed the sustained absence of a fit-for-purpose comprehensive masterplan, and the continued failure to uphold cited Garden City principles as part of the development layout, grain, and design, we refer to our previous consultation responses dated 05/08/2022, 03/02/2023, and 28/06/2023 which remain valid and should be read in conjunction with this submission.

We note that there appear to be a number of statutory consultees who have not responded to amendments submitted between April and August 2023. Historic England does not appear to have been consulted for further comment since February, and further consultation feedback is pending from CPRE and the Cotswolds Conservation Board where they last responded to amendments in June. Feedback from statutory consultees should be sought as part of ongoing amendments to proposals to ensure consistent and up-to-date dialogue throughout the process of the application, and to ensure changes are compliant with the Local Development Plan. We therefore strongly recommend that the relevant statutory consultees are engaged to provide comments on the latest amendments ahead of a planning decision or referral to Planning Committee. Internal consultation comments from Conservation, Housing, and Ecology in response to amendments are also necessary for the officer to take into account and for public to view ahead of Planning Committee.

**Summary Response to Amendments**

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.

Integration of allotments into the development site is supported and welcomed, but raises questions about the number of houses proposed on the site and the continued, disproportionate balance between the built development and its provision of private and public green space.

The development fails to uphold Garden City principles.

**Comprehensive Masterplan**

We continue to emphasise that the absence of a comprehensive masterplan is contrary to the placemaking principles set out in local policy B3A. The absence of a masterplan has resulted in a series of staggered amendments made to the application to address issues and inconsistencies with local plan policy as they arise, rather than formulating a well-considered, robust, and detailed scheme ahead of submission with the appropriate consultation of the local community and statutory consultees. The continuously evolving outline of proposals does not constitute a masterplan, and is instead indicative of a piecemeal approach without appropriate consideration of the long-term vision for the plateau site as a whole.

The ‘comprehensive masterplan’ as submitted is not fit for purpose, the original having been superseded by five later variations from May 2022. None of these make in-depth reference to the site as a whole – the Phase 2 Sulis Manor site excluded on grounds of being brought forward at a later date by the site owner, but the proposed scope of development such as housing numbers, layout, form, and density should be integrated into the masterplan at an early stage to ensure a consistent development form across the plateau and to indicate how each portion of the site would contribute to the site allocation of “around 300 dwellings”. 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 masterplan should not change to reflect amendments to the scheme where the purpose of the masterplan is to establish the parameters of development proposals. Section 5 of the NPPF states that “appropriate tools such as masterplans and design guides or codes are used to secure a variety of well-designed and beautiful homes to meet the needs of different groups in the community”, and “can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places.” The degree to which the submitted masterplan has been altered is therefore indicative of the inefficient use of the site and has not securely demonstrated how the development would be informed by principles of beauty or sustainability where a disconnected approach has been taken across the different phases of development.

Development would continue to be contrary to 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.”

We highlight that this inconsistency has already been raised in the Urban Design consultation response dated 30/06/2023, in which concerns were raised about whether the aspirations set out in the comprehensive masterplan would be adhered to at the Reserved Matters stage when detailed design proposals will be brought forward. It is further noted that “the masterplan itself is not at a level of detail that would enable any reliable determination of the extent to which it accords with the placemaking principles […].”

We therefore 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. As currently submitted, the application fails to demonstrate the creation or use of an appropriately detailed comprehensive masterplan and as such is not compliant with Policy B3a of the Core Strategy and Placemaking Plan, or Section 5 of the NPPF.

**Housing**

We acknowledge that proposals have been amended with a minor reduction in the total number of dwellings proposed across Phases 3 & 4 from 300 to 290. This would also result in a marginal reduction in the overall density of development from 39.4dph to 39.25dph. The Planning Statement Addendum has confirmed that there would continue to be a 40% affordable housing provision on the site.

We are supportive of this reduction in the overall housing proposed across Phases 3 & 4. Whilst BPT is generally supportive of the principle of new housing to address growing demand across the district, we have always emphasised development schemes should be of a height, scale, massing, grain, and design coherent with and sympathetic to its contextual setting. In our previous consultation responses, we have emphasised that the proposed scale and density of development has been demonstrated to be disproportionately balanced against the constraints of the site, resulting in the insufficient provision of public and private green amenity space, contrary to its supposed ‘Garden City’ principles, and increased pressure on surrounding Green Belt land.

The removal of ten dwellings from the scheme clearly indicates that it is possible to deliver a scheme of a reduced residential density where this would result in an improved compromise between the provision of new housing in accordance with the site allocation policy, and a more sensitive, landscaped-focus approach to how the development site integrates with its wider context. We therefore strongly emphasise the volume of housing proposed should not be to the detriment of the rural aspect or character of the AONB or the landscape setting of the World Heritage Site. Furthermore, the scale, layout, and grain of development should positively embody and align with its established design characteristics; whilst the slight housing reduction is welcome, this does not sufficiently address the development’s failure to implement Garden City principles despite this remaining a key underlining design influence across the Sulis Down site.

The minor amendments to the proposals have not made any notable adjustments to the proposed layout or landscaping of Phases 3 & 4, and as such we maintain our comments dated 28/06/2023 regarding the scheme’s inconsistent design reference and failure to balance housing with provision of public and private green space, planting, landscaping, and outdoor community space.

**Allotments**

Amendments have taken into account our previous comments in relation to the proposed location of the allotments along the western boundary of Phase 3, as well as our in-principle resistance to the provision of any allotments on Derrymans Field in the Green Belt where it had not been sufficiently justified that allotments could not be provided within the site allocation.

We are therefore supportive of the proposed relocation of all allotments for Phases 1, 3 & 4 – with an indicated allowance for the Phase 2 site when this comes forward – to the northern boundary of Phase 3. We maintain the importance of delivering required green infrastructure and community facilities on the site, in accordance with site allocation policy B3a, whilst minimising associated pressures and potential impact on surrounding Green Belt land and the wider landscape setting of the Bath World Heritage Site.

We support the omission of all allotments from Derrymans Field. BPT has continued to 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. Use of Derrymans to provide facilities associated with the development, as well as incorporating associated built structures and access alterations, would not be consistent with its cumulative contributions to the agricultural qualities of its landscape setting.

The amended D&A Statement (see p.56) sets out a proposed allotment provision of 4,015m2 as required for Phase 1, and an additional 3,357m2 as required for Phases 1-4. We note this appears to demonstrate an increase from the previously proposed 2,071.1m2 - 2,072m2 for Phases 3 & 4, though this does include the proposed provision for Phase 2. As yet, it is unspecified as to the proposed amount of residential development as part of Phase 2 on the Sulis Manor site; working on an average minimum calculation of 6.9m2 allotment space per dwelling, the proposed allocation would include enough space for approximately 196 dwellings as part of Phase 2 and as such would appear to be of an acceptable provision for anticipated future phases of development. We refer to our previous calculations as provided within our consultation response dated 28/06/2023, in which we calculated that there would be an average provision of useable allotment space (eg. growing space) of 2.1m2 per dwelling (based on a total provision of 2,071.1m2 - 2,072m2 between 300 dwellings), which raised additional questions as to whether this would constitute adequate provision for residents as well as anticipated allotment demand from outside the development site where the D&A Statement indicates that the allotments would be “provided as an asset for the wider local community […].” Based on an average half allotment plot size of 125m2, and a total allotment plot provision of 1,437.5m2, this would equate to 3.1m2 per dwelling across a total of 461 dwellings on Phases 1, 3 & 4 (not taking into account the unspecified housing density of Phase 2).

Where the D&A Statement indicates that “full details of the allotment provisions will be set out through future Reserved Matters planning applications, in consultation with BaNES”, we strongly emphasise that further details should be clarified as early as possible as an integral aspect of the site’s green landscaping, as well as a key source of community value for existing and future residents within the local area.

We question the need for additional parking spaces on the allotment site; given the allotments have been integrated into the Phase 3 allocation site, there could be an opportunity to use existing provision of on-street parking for allotment use, where this is already in close, accessible proximity to the allotments, and maximise provision of growing space as a result. We further welcome details regarding the proposed pedestrian link between Phase 3 and the Sulis Meadows cul-de-sac to the north to enhance pedestrian connectivity between the sites and sustainable access to the allotments.

**Ecology & Landscaping**

We note that the Biodiversity Net Gain Report indicates “a precautionary approach and only habitat creation which would clearly provide a contribution to wildlife conservation is included e.g. vegetated gardens, allotments and amenity areas are not included.” This addresses our previous comments, in which we challenged the inclusion of green amenity space within the Biodiversity Net Gain calculations on grounds that this would provide an inaccurate presentation of realistically deliverable on-site gains. However, despite this these appear to still be included within the Biodiversity Net Gain Metric dated 06/09/2023 and we therefore maintain ongoing concerns about the validity and deliverability of the overall on-site ecological gains.

We emphasise the scheme’s over-reliance on off-site provision of biodiversity net gain to meet the minimum 10% threshold (without which the development would not be compliant with Policy NE3a), indicative of the ongoing overdevelopment of the site. On-site net gain would be restricted to a marginal 0.49% increase. This does not appear to be compatible with the development’s intention to bring forward “very high quality, sustainable, landscape-led proposals.”

We further note the Urban Design comments dated 30/06/2023 which raise concerns with the lack of appropriate landscaping detail across the site. The need for an appropriately detailed Landscape Strategy Plan is highlighted “to support the application and provide the necessary degree of confidence that the stated intention to bring forward a landscape-led scheme of development would be delivered.” We emphasise the importance of securing a quality, long-term landscaping plan into the development at the earliest stage possible, particularly where this is indicated to be an integral placemaking aspect of the design, and we agree that there is currently insufficient detail provided at this stage to ascertain how landscaping would be built into the development’s delivery.

**Conclusion**

We emphasise 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. Without this, the application remains contrary to 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 still 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.

There are some ongoing issues with the loss of the potential school site from Phase 3 and omission of developer contributions to CIL for full secondary education contributions. Whilst the allotments would now be fully incorporated into the site, we question whether there would be sufficient growing space provided for all on-site and off-site users and continue to challenge the skewed balance of housing provision and green amenity space on the site. 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. There would be provision of further on-site parking spaces for allotment use to the detriment of the overall useable allotment space provided.

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.