

SECTION 5 - CHAPTER B7

Chapter B7 - General and Paragraphs B7.1-B7.2

696/B16	South West RSL Planning Consortium	B7
721/B28	Government Office for the South West	B7
740/B8	Saltford Parish Council	B7

Supporting Statements

696/B13	South West RSL Planning Consortium	B7.1
3251/B33	Prospect Land Ltd	B7.1
3251/B32	Prospect Land Ltd	B7.2
696/B14	South West RSL Planning Consortium	B7.5

Comments on Suggested Unadvertised Inquiry Change IC22

696/H92-s	South West RSL Planning Consortium	IC22 (Chapter B7-various refs)
2634/H4	Mr J Hodges & Others	IC22 (Chapter B7-various refs)
3126/H172	Bath Friends of the Earth	IC22 (Chapter B7-various refs)

Issues

- i) Is a policy required to encourage the provision of housing to meet special needs, with a proportion of new units to be capable of adaptation as "Lifetime Homes?"
- ii) Is the distribution of housing development too dispersed with an over reliance on Norton-Radstock and rural settlements where employment and services are limited and more residential development would lead to increased car borne commuting?
- iii) Should there be separate policies for householder developments in general and for backland development?
- iv) Whether the text of the plan should be changed to reflect the findings of the West of England Housing Need and Affordability Model (WEHNAM) 2005 (IC22).

Inspector's Reasoning

Issue i)

- 5.1 The internal layout of dwellings is outside the remit of matters dealt with under the Town and Country Planning Acts, but it is subject to the control of Building Regulations. Policy HG.2 seeks a mix of dwellings within residential developments to meet the needs of specific groups referred to in the Plan, but I conclude in relation to that policy that it provides no clear measure against which provision can be assessed, and in the absence of any clear assessment of need for different types of housing, the plan has no basis on which to be prescriptive about the mix of different house types which should be built. Nevertheless, I recommend an addition to Policy HG.1 which recognises the desirability of providing a

mix of development. I therefore consider that no further change would be appropriate to meet this objection.

Issue ii)

5.2 This objection relates to the strategy set out in the DDLP. To meet the objection, the RDDLP proposes a revised approach to the distribution of residential development, with the majority to be provided within the Principal Urban Area (PUA) of Bath. However, in looking at the sites proposed within Bath, I conclude that they are unlikely to provide sufficient housing during the plan period to meet housing requirements. I therefore recommend a return to a number of sites identified in the DDLP, together with the investigation of a number of employment sites in the Norton-Radstock area which may be redundant. Whilst I recognise the high level of car borne commuting from settlements such as Norton-Radstock, it is essential that sufficient housing land is identified to meet requirements during the current plan period, and the sites which I identify for consideration are likely to provide the most sustainable options in terms of the sequential approach. Furthermore, the addition of new housing to the other urban areas and larger settlements within the District would add to the potential to maintain and improve existing services, in particular public transport provision, thus adding to the sustainability of those settlements.

5.3 As the Western Riverside site in Bath is progressed, I have no doubt that it will make a substantial contribution to housing land supply towards the end of the current plan period and beyond. Together with a review of the Green Belt around Bath, I have no doubt that there will be a good prospect of concentrating housing land supply within the principle urban area of Bath. However, in this plan period I see no alternative to the release of land at other settlements in order to meet the very real need for a satisfactory supply of land which is genuinely available for development before 2011.

Issue iii)

5.4 It is clear that the policies listed in the Council's response to this objection (D.1, D.2, D.4, T.20 and T.24) would provide adequate control over householder and backland development.

Issue iv)

5.5 I deal with the findings of the WEHNAM study in relation to Policies HG.2 and HG.8 where I recommend changes to the Plan. The wording of paragraphs 7.14-7.16 is covered under Policy HG.8., where I also recommend the deletion of Quick Guide 12.

Recommendation: no change

Chapter B7 - Policy HG.1 and Paragraph B7.10

3233/B6	Mr & Mrs M Williams	B7.10
447/B33	Wilcon Homes	HG.1
485/B15	Prowing Projects Ltd	HG.1
580/B7	Hignett Brothers	HG.1
2310/B6	Beechcroft Developments	HG.1
2313/B1	Bryant Homes (Taylor Woodrow)	HG.1
2707/B1	Crest Strategic Projects Limited	HG.1
3265/B3	Mr D E Packman	HG.1
3271/B3	Bellwish Limited	HG.1

Supporting Statement

3251/B31	Prospect Land Ltd	HG.1
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Issues

- i) Whether the Local Plan should provide for a supply of housing to comply with the requirement of the Structure Plan, or whether the provision should be based on the housing figures set out in RPG10.
- ii) Whether the Local Plan should provide for a ten year supply of housing from the date of adoption.
- iii) Should there be a table of allocated housing and mixed use sites which include housing to illustrate which sites are relied upon to deliver the housing land supply?

Inspector's Reasoning

Issue i)

- 5.6 Although the JRSP is the most recently adopted development plan, its adoption was delayed by Direction from the Secretary of State in March 2000, and its preparation preceded that of RPG10. The Secretary of State's Direction required a substantial increase in the housing figures for 1996-2011 to 54,300 in accordance with the recommendation of the EIP Panel. The Panel's figures were closer to those set out in RPG10 which was published in September 2001. RPG10 set an annual provision for the former Avon area of 3,700 dwellings per year from 1996-2016, which would represent a total of 55,500 from 1996-2011.
- 5.7 Work carried out by the four authorities comprising the former Avon area led to a proposal to amend the JRSP figure in Policy 33 to 50,200 dwellings, and a process and timetable for the review of the Structure Plan was also initiated. The Direction was subsequently withdrawn, and the JRSP was adopted in September 2002.
- 5.8 The Council argues that by application of s.38(5) of the Planning and Compulsory Purchase Act 2004 and in accord with advice in PPS11 and PPS12, precedence should be given to the policies of the JRSP since this was adopted more recently than RPG10. This applies in particular to Policy 33, since the other policies of the plan were agreed for adoption in

2001, before the issue of RPG10. I shall return to the issues arising in respect of the other policies of the JRSP later in my report.

- 5.9 In considering the matter of precedence for RPG and the JRSP, s.38(6) of the 2004 Act provides an exception to the position where material circumstances indicate otherwise. Although the Council argues that there are no such material circumstances in relation to Policy 33, I do not agree.
- 5.10 RPG10 postdates the preparation of the JRSP and its housing supply figures are based on more up to date data. It was only the delay caused by the Secretary of State's Direction which prevented the adoption of the JRSP before the issue of RPG10, and it was only the requirement figures which were in dispute, not the policy framework and strategy. The housing figures as adopted in the JRSP were higher than those proposed in the Deposit Draft, but they did not reflect the more up to date population and household projections used in the preparation of RPG10 and consequently fell short of the RPG figures. The Secretary of State considered the modified JRSP figures would "go a long way" to meeting the concerns set out in the original Direction, and he noted the commitment of the four authorities to monitor the supply of and demand for housing in the area and keep under review the need for policy modification or supplementary strategic guidance. It was on this basis that he withdrew his objection; the direction was not withdrawn as a result of the Secretary of State's approval of the new figure.
- 5.11 The promised review of the Structure Plan has not taken place and the Council argues that without the apportionment of the 55,500 dwellings in RPG10, there is no basis for the Local Plan to derive its housing land supply figures from the RPG. However, it is clear that the housing figures in RPG10 are more up-to-date and thus in accord with national policy guidance than those in the JRSP, and as a result I consider that they cannot be ignored in setting the appropriate level of housing land provision for the Local Plan. The level of provision for the Local Plan period as set out in RPG10 is a matter which should be given significant weight as a material consideration in the Local Plan.
- 5.12 National policy has evolved since 2002 with the statement of the Housing Minister of 17 July 2003 which emphasises the importance of removing barriers to the provision of sufficient new homes in the right place at the right time. The 2003 Budget and the Barker Report added further weight to the over-riding objective to deliver the required housing provision. That provision should be as set out in up-to-date regional planning guidance, and normally it would be cascaded down through the structure plan, which would apportion it to individual districts, on to local plans to identify specific allocations to meet that share of the provision.
- 5.13 Although the four authorities had produced a programme for the review of the Structure Plan, for a number of reasons no such review has taken place. The preparation of a new sub-regional strategy to apportion either the RPG10 requirement for Avon or a revised RSS requirement and to guide the preparation of new local development frameworks is at an early

stage. It could therefore be some years before either the existing RPG10 housing requirements or a revised requirement is apportioned between the four former Avon authorities, and further time would then be required to identify and allocate housing sites within new LDFs.

- 5.14 In view of the priority placed by Government on the delivery of new housing I consider that the Council's approach, which is to wait for these processes to take their course, is ill conceived. By the time the new system of development plans has set a new requirement for the district and identified suitable sites, a significant part of the remaining period of this local plan will have passed. With provision in this local plan based on the JRSP, development rates will increasingly fall behind the rate implied by RPG10. To achieve the RPG rate of provision for the period 1996 to 2016 a very substantial increase in building rates would be required post 2011. As my colleague calculated in his report on the South Gloucestershire Local Plan Inquiry, that increase would be in the region of 40%. This would require a substantial leap in the rate of delivery by house builders, which may not easily be achieved.
- 5.15 Even if there was a downward revision of the RPG10 figures, or B&NES was not required to meet the same proportion of RPG10 provision as established in the JRSP, it would be preferable (and more easily achieved) to slow down the release of housing land than to risk the need for such a significant increase post 2011.
- 5.16 I therefore consider the level of housing provision set out in RPG10 to be a material consideration to which much weight should be attached in the interests of securing an adequate supply of housing in the period to 2011, and a smooth transition to meeting the requirements of a future RSS or sub-regional strategy. The housing requirement in Policy HG.1 should be revised to take the RPG10 provision into account.
- 5.17 The RPG10 figure has not been apportioned between the four local authorities, and having regard to the environmental constraints to which B&NES is subject, I consider it would be unrealistic to increase the share of 12.3% given by the JRSP. On this basis, and taking into account demolitions, the figure in HG.1 should be revised to 6855 dwellings in the period 1996-2011, an annual rate of 457 dwellings. This represents an increase of about 10%, and I acknowledge the concerns expressed by the Council and other parties about the constraints to development within B&NES. However, I assess elsewhere the sites dropped from the DDLP and other sites put forward by objectors and my conclusions demonstrate that this level of development can be achieved in a sustainable manner without incurring unacceptable difficulties. Although new housing development would be more dispersed through the District, it would still be concentrated within the main urban areas and R1 settlements which would accord with the strategy of the JRSP.

Issue ii)

- 5.18 I consider that the work carried out for the preparation of and Inquiry into this Local Plan would have been substantially increased in value if the plan covered a period of ten years from the likely date of adoption. Although the JRSP only covers the period to 2011, the Council had RPG10 to guide provision to 2016 and this should not have been ignored. With adoption unlikely before mid 2006, the plan period will have less than five years to run. However, rather than put more resources into modifications which would increase the lifetime of this plan, I consider that every effort should be made to produce an early replacement through the introduction of the new LDF process. Subject to the priorities identified in the Council's Local Development Scheme, I recommend that the Council give priority to the production of a site allocations Development Plan Document which provides for a 10 year supply based on the annualised figure derived from RPG10.
- 5.19 In the absence of a ten year supply of housing land, I consider it is even more important that the housing land supply for the plan period reflects the longer term rates set out in RPG10. The plan should seek to achieve a steady rate of housing land supply over its remaining period at a rate which reflects the longer term context as set out in the approved RPG rather than take the risk of seeking to increase rates of housebuilding sharply in the next plan period.

Issue iii)

- 5.20 Although Policy GDS.1 identifies all development sites and sets out broad development principles, the schedule includes all major development sites. I agree that the inclusion of a schedule of allocated housing sites, which also identifies the housing element of mixed use sites, would make the housing chapter more easy to follow, and would enable sections of the text which refer to specific sites to be deleted.
- 5.21 A table of allocated sites has been produced as Appendix 3 to the Council's Topic Paper 2.3 which goes some way to meeting this requirement, but the table would be of more value if it included further information, including the location of the site; whether previously developed or greenfield; and the likely timetable for delivery.
- 5.22 Following my recommendations as to future housing allocations which I set out later in this Section, the table should list the allocations which will make up the overall housing provision, as set out in an amended Policy GDS.1, and which will include sites from the DDLP and some of the omission sites in order to provide a readily available supply of housing land. I consider that the table would be most appropriately located after the text at paragraph B7.43, although with a table of allocations in place, the text within paras B7.28 to B7.43 should be edited to take out detailed reference to sites which are covered within the table of allocations and subject to Policy GDS.1.

Recommendations:

R5.1 Modify Policy HG.1 by deleting "6,200" and inserting "6,855".

R5.2 Subject to the priorities identified in the Local Development Scheme, the Council give priority to the preparation of a Development Plan Document to provide a ten year supply of housing land based on an annualised figure derived from RPG10.

R5.3 A **table of allocated sites** be prepared as in Appendix 3 to Topic Paper 2.3 with the addition of the location of the site, whether previously developed or greenfield, and the likely timetable for delivery. The new table to be inserted following the text in para B7.43, subject to the editing of that text to take into account changes in the sites to be allocated under Policy GDS.1.

Chapter B7 - Policy HG.2 and Paragraphs B7.11-B1.17

601/B13	House Builders Federation	B7.11
3299/B14	Bovis Homes (South West Region) Limited	B7.14
2641/C10	David Wilson Homes	B7.17C/A
3257/C123	Somer Valley Friends of the Earth	B7.17C/A
696/C56	South West RSL Planning Consortium	B7.17D/A
2641/C11	David Wilson Homes	B7.17D/A
2310/B7	Beechcroft Developments	HG.2
2965/B10	Morley Fund Management Limited	HG.2
3097/B5	Mr M Swinton	HG.2
3098/B22	George Wimpey Strategic Land	HG.2

Supporting Statements

S3257/C119	Somer Valley Friends of the Earth	B7.17/A
S3257/C120	Somer Valley Friends of the Earth	B7.17/B
S3257/C121	Somer Valley Friends of the Earth	B7.17A/A
S3257/C122	Somer Valley Friends of the Earth	B7.17B/A
S696/B15	South West RSL Planning Consortium	HG.2
S3251/B30	Prospect Land Ltd	HG.2

Issues

- i) Whether the assessment of housing needs through the Housing Needs Survey 2000 is unclear and whether the need for affordable housing is inflated.
- ii) Whether the targets in Quick Guide 12 are unclear.
- iii) Whether the figure of 1,732 affordable homes in para B7.14 can be justified and whether an up to date survey is required.
- iv) Whether paragraphs B7.17C and B7.17D are correct in relation to homelessness and provision of affordable housing.
- v) In Policy HG.2 2 should the term "large" be clarified?

- vi) Is Policy HG.2 too general to be of use and should criterion 1 be deleted.
- vii) Should reference be made to the needs of the elderly?
- viii) Is there a need for more control over extensions to secure smaller units?

Inspector's Reasoning

Issues i) ii) & iii)

- 5.23 In addressing the issue of affordable housing the Council drew on the final report of the West of England Housing Need and Affordability Model (WEHNAM) as subsequently amended at the Inquiry. This study was undertaken in 2004/5 by Prof Glen Bramley, and was subject to considerable detailed debate. I deal with the issue of affordable housing, including paragraphs B7.14-16 under Policy HG.8, and also recommend the deletion of Quick Guide 12.
- 5.24 The Council stated that the 2000 Survey was still relied on to provide the information in Tables 2 and 3 on the mix and size of dwellings so as to inform Policy HG.2, but it seems to me to be entirely inconsistent to rely on different studies for parts of the plan which are connected through their concern with housing needs. In any event, Table 2 is an expression of what exists (at 2000), and in itself makes no particular contribution to the Plan. Table 3 provides an assessment of housing requirements to 2005. By the time the Local Plan is adopted, Table 3 will be out dated and it would therefore serve no useful purpose for it to be retained. As a result I consider that both tables should be deleted.

Issues iv) & vii)

- 5.25 Paragraph B7.17C records matters concerned with the management of housing which have no relationship with plan policies and should therefore be deleted.
- 5.26 Paragraph B7.17D targets specific policies of the plan, but in my view adds little to its substance. I also agree with David Wilson Estates that it is the overall provision of all types of housing which will contribute to the relief of homelessness. I therefore recommend this paragraph be amended in accordance with my recommendation below.
- 5.27 Policy HG.2 makes no specific reference to housing for the elderly, and paragraphs B7.17A and B have been inserted to meet the objection. Paragraph B7.17A is very general in its content, and gives no indication of the numbers of elderly in the District for whom provision may need to be made. As such, it makes no contribution to the policies of the plan or its future implementation and should be deleted. Paragraph B7.17B refers to policies without any specific references and it is unclear whether these can be found in the plan or whether they are to be produced in the future. I

recommend changes to this paragraph to ensure that provision for the elderly is included in the consideration of an appropriate mix of housing.

Issues v) & vi)

- 5.28 Policy HG.2 is worded for use as a tool in development control, but criterion 1 is a statement rather than a clear measure against which a proposal may be assessed. The criterion refers to the identified needs set out in the plan, but it is not clear where these can be found. The only numerical indication of requirements is in Table 3 which will soon be out of date, and which I recommend be deleted. There is also a reference to the 2000 Housing Survey but in view of the approach taken to this survey by the Council in relation to affordable housing, I consider that reference should be dropped in the interests of consistency.
- 5.29 Without a proper assessment of need for different types of housing to the end of the plan period, the plan cannot be prescriptive about the mix of housing to be built. As a result I consider that Policy HG.2 should not be retained in its current form which is too general and imprecise for development control. However, I agree that the intention of seeking a mix of development is one which it is appropriate to include within the plan, and consider that it should be added to Policy HG.1.
- 5.30 In criterion 2 the word large reflects the wording of paragraph 10 of PPG3. However, the criterion goes farther than the PPG in referring to "the consolidation" of large areas. PPG3 is concerned with avoiding the creation of large areas of housing of similar type. I suggest an addition to be made to HG.1 which would reflect PPG3, and therefore recommend the deletion of HG.2.

Issue viii)

- 5.31 Where there is a need to retain small units as one or two bedroom dwellings, there are powers to remove permitted development rights such that any extension to the property would need planning permission. Whilst these powers need to be used with caution to avoid any undue limitation on property rights, it would be inappropriate to seek any additional level of control through a policy in the plan.

Recommendations:

R5.4 Modify the plan by deleting Paragraph B7.17A.

R5.5 Modify paragraph B7.17B by deleting the existing text and inserting:

"There are significant numbers of elderly people within the District, especially those over 80 years of age. These numbers are projected to grow during the plan period. The mix of dwellings to be provided under Policy HG.1 should include accommodation to meet the needs of the elderly including sheltered housing, flats and bungalows."

R5.6 Modify the plan by deleting paragraph B7.17C.

R5.7 Modify paragraph B7.17D by deleting the existing text and inserting:

"The increasing incidence of homelessness within the District will be addressed through the provision of a supply of housing in accordance with regional requirements. This will include a proportion of affordable housing through policies HG.8 and 9, together with residential accommodation over retail units through Policy HG.12. Proposals for temporary accommodation will be assessed against a range of policies in the Plan."

R5.8 Modify the plan by deleting the words in paragraph B7.18 from "Policy HG.2 acknowledges".

R5.9 Modify the plan by deleting paragraph B7.18A.

R5.10 Modify Policy HG.1 (as recommended to be amended) by adding:

"The provision will incorporate a mix of dwelling size, type, tenure and affordability to meet the needs of specific groups such as the elderly or first time buyers. New housing developments should avoid the creation of large areas of housing of similar characteristics."

R5.11 Modify the plan by deleting Policy HG.2.

Chapter B7 - Housing Need -General Approach Paragraphs B7.19-B7.27

There are large numbers of representations to this policy; details are listed at Appendix 1

Issues

- i) Does the Local Plan correctly follow the PPG3 sequential search process?
- ii) Whether adequate provision is made for housing in settlements outside the main urban areas.
- iii) Should reference be made in B7.21 to major existing development sites?
- iv) Was the Urban Housing Capacity Study (UHCS) carried out in accordance with Government advice, and should the Study have considered the potential of previously developed land within settlements other than Bath, Keynsham, and Norton-Radstock?
- v) Are the allowances for small and large brownfield windfall sites appropriate?
- vi) Whether the target for 60% additional homes in B7.23 on brownfield sites and through conversions is realistic?

- vii) Is adequate weight given to the biodiversity contribution and wildlife importance of brownfield sites, and should the release of greenfield sites at Keynsham be reconsidered to ensure that brownfield sites of biodiversity and wildlife importance are not lost to development?
- viii) Is it necessary to have a 10% allowance for non-implementation of sites with planning permissions and allocated sites, having regard to the reliance on brownfield allocations, or would a 25% flexibility allowance on previously developed land be appropriate?
- ix) Is the empty property figure appropriate and should it be added to the overall housing need figure?
- x) Would less greenfield land be required for housing if more residential development was accommodated on brownfield sites instead of business development?
- xi) Does the plan provide for a five year supply of housing in accordance with para 34 of PPG3?

Inspector's Reasoning

Issues i) & ii)

- 5.32 PPG3 para 32 sets out the order of priority for the identification of sites for housing in Local Plans. The presumption is that previously developed sites (or buildings for re-use or conversion) should be developed before greenfield sites, unless previously developed sites perform less well on the sustainability criteria listed in para 31 than a particular greenfield site. The RDDLP follows this approach in so far as it seeks to concentrate development on previously developed sites within the main urban area of Bath. Those greenfield sites which form a part of the housing land supply generally reflect commitments in earlier plans or sites with an existing planning permission. I therefore consider that there is no conflict in terms of para 32 of PPG3.
- 5.33 However, Government policy is also clear that sites allocated for residential development in a Local Plan must be genuinely available for development. Although B&NES proposes to meet a large proportion of its housing land requirement to 2011 on brownfield sites, the strategy will not work where sites are constrained and unlikely to provide the level of housing in the timescale anticipated in the plan. I consider the deliverability of the sites allocated in the RDDLP and find that they are unlikely to deliver the scale of development anticipated by the Council. I then consider other sites either proposed in the DDLP or by objectors. In my view the housing land requirements which I have identified could be met on sites identified in accordance with the sequential approach set out in PPG3.
- 5.34 In terms of the location of residential development, the plan provides for very limited allocations within the rural areas, and opportunities for

windfall developments are limited by the proposed wording of Policies HG.4, .5, and .6, which I consider later in this Chapter. The Council cites the locational strategy of the JRSP in support of the approach adopted. Furthermore, GOSW raised an objection to the DDLP on the basis that residential development was too dispersed. Policy 2 of the JRSP requires development to be concentrated at the main urban areas which include Bath, and otherwise to be located at settlements with good access to jobs and local services which are well served by public transport. This Policy largely accords with the locational strategy of RPG10, which requires major development to be concentrated in the principal urban areas, with towns identified to accommodate smaller scale development to serve local needs and to make services available to the wider rural areas of the region.

- 5.35 It is clear that any major development at settlements outside the main urban areas would be contrary to strategic policy. However JRSP Policy 2h) allows for limited development at rural settlements appropriate to their character, setting and accessibility to local facilities and employment. This accords with para 3.14 of RPG10 which states that at the local level, development plans should include the appropriate level of development at smaller market towns and key villages.
- 5.36 It is through some limited development in rural settlements that the economic and social vitality of rural areas will be maintained, and this is recognised in para 2.98 of the JRSP. This approach accords with PPG3 which recognises that infill development or peripheral expansion may be appropriate in suitable locations. Provided the development is small in scale, it would not create the concerns which would arise with large scale dispersal of growth. Whilst I endorse the overall strategy proposed in the plan, I consider that the policies of the plan should provide more opportunities for appropriate small scale development within the rural settlements. To a limited extent the amendments to Policies HG.4, .5, and .6 which I recommend later in this Chapter, would increase opportunities within the rural settlements. However, this is an issue to which further consideration will need to be given in the preparation of the new housing DPD.

Issue iii)

- 5.37 I agree with the Council that B7.21 is cast in general terms and that reference to a particular category of site would be inappropriate here.

Issues iv), v) & vi)

- 5.38 The table under paragraph B7.25 sets out how the requirement for housing land will be met during the plan period, with April 2003 as the base date. This table has been updated to April 2004 as Table 1 in Topic Paper 2, and it is the figures in the updated Table to which I refer.
- 5.39 The UHCS has contributed to the calculation of the future level of large and small windfall housing sites as part of the housing land supply during

the plan period. A total of 800 dwellings are expected to come forward from these sources. A number of criticisms are made of the methodology adopted for the UHCS, but I propose only to address the most significant of these.

- 5.40 The Council argues that it has followed advice in Tapping the Potential, and that this is only a best practice guide. Be that as it may, where the government has considered it sufficiently important to issue such advice, I consider that it is incumbent on Local Planning Authorities to follow it unless there are very good reasons for not doing so.
- 5.41 Taking first the choice of urban areas selected for the study. B&NES has focused on the three urban areas of Bath, Keynsham and Norton-Radstock on the basis that these are the locations in which the policies of the RPG and the JRSP require most development to be concentrated. Whilst I endorse the strategy of seeking to concentrate development in these areas, I consider that this is not a good reason to undertake such a limited study. Tapping the Potential makes it clear that a wide range of settlement types can contribute to sustainable development, and that the study should identify as many sources of capacity as possible within the area of search.
- 5.42 I do not accept that a simple statistical approach to the selection of settlements would in itself be appropriate as suggested on behalf of David Wilson Estates, but B&NES has carried out a classification of settlements generally based on sustainability criteria. Tapping the Potential states that a wide range of settlements can contribute to sustainable development and that a previously developed site in a village could provide the opportunity for essential new homes, which could in turn help to sustain local shops and services and public transport. To include those identified as R1 settlements within the UHCS would therefore be entirely in accord with Government advice, and opportunities for small scale development which would accord with the approach established in the JRSP and RPG could be identified. Furthermore, a wider selection of settlements to be included within the UHCS would also have provided a more comprehensive indication of the potential for windfall development across the District.
- 5.43 The other main area of criticism relates to the lack of involvement of the private sector in relation to discounting capacity. B&NES accepts that the private sector has not been involved as consultants in the process, but economic and market advice has been sought by the Council from DTZ¹. In my view such advice from a consultant is no substitute to the more rigorous test which would result from working in partnership with others involved in the housing market and I would encourage the Council to ensure that any future UHCS is properly tested in this way.
- 5.44 In view of the shortcomings of the UHCS, I agree with objectors that it fails to provide a credible basis for the assessment of large and small

¹ CD B7.1.20

brownfield windfall developments. However, the figures proposed in the plan exclude the potential arising from sites with planning permission and allocated sites to avoid double counting. They have also been tested against past trends and are conservative in comparison with the levels which have actually been achieved prior to 2004. Although the plan relies on some windfalls resulting from conversions, the re-use of commercial sites for housing accords with Government policy, and I recommend changes to employment policies within the plan to enable an appropriate balance to be struck.

- 5.45 One objector considers that the allowance for large brownfield sites should be increased because of potential at the 7 hectare MoD site at Warminster Road, but there is no certainty that a site of this size would come forward as a windfall. Indeed, I consider that once there is no doubt as to its availability, it would be more appropriately considered as a potential allocation in the new housing DPD.
- 5.46 Even taking into account all the other factors raised by objectors which are likely to lead to a reduction in the future contribution of windfall sites, I find no reason to disagree with the overall figures assessed by the Council.
- 5.47 However, in view of my conclusions on the shortcomings of the UHCS and my conclusions set out elsewhere in this report on the contribution which allocated brownfield sites will make to housing land supply to 2011, I find no justification for the target for new development on brownfield sites to be different from the RPG10 figure of 50%.

Issue vii)

- 5.48 Whilst the wildlife and biodiversity value of brownfield sites is an important consideration, it is a matter which will need to be addressed on a site specific basis since it is unlikely to apply to every such site. There are policies in the Natural Environment section of the plan which are concerned with maintaining biodiversity, and development schemes will fall to be tested against these.
- 5.49 It is Government policy to make the most efficient use of previously developed land, and there is a need to strike a balance between this policy priority and the interests of maintaining biodiversity. Whilst I comment later on the approach taken by the Council to the Radstock Railway Land, I consider that the policies of the plan generally enable future decision makers to make a balanced judgement on a site specific basis.

Issue viii)

- 5.50 Some 750 dwellings are identified as to be provided by sites with planning permission at April 2004. These include sites such as the redevelopment of Southgate for which I undertook the Inquiry and report into the CPO. From the evidence which I heard at that Inquiry and from objectors into

the Local Plan, it is far from certain that the scheme will be complete by 2010 as anticipated by the Council. The residential element would be built in the later phases of the scheme, therefore its contribution to housing supply before 2011 is not guaranteed. The practice of discounting from the projected provision from sites with planning permission should not be necessary where a system of plan, monitor and manage has been established. However, the short time remaining of the period of this plan does not lend itself to the effective application of plan, monitor and manage. In these circumstances I consider that it is appropriate to apply a discount in the RDDLP figures which would allow for slippage on sites such as Southgate, as well as provide some flexibility in the event that extant permissions are not renewed.

- 5.51 The April 2004 Residential Land Survey indicates that some 141 dwellings were under construction. I consider that a discount of 10% from the remaining 610 dwellings would be prudent, reducing the contribution from 750 to 690 dwellings.
- 5.52 As to a discount for the allocated sites, I consider that with a realistic and conservative assessment of the contribution which allocated sites will make to housing land supply during the plan period, it would not be necessary to incorporate a discount. I review the contribution which the allocated sites are likely to make to supply below.

Issue ix)

- 5.53 The projected rate of re-use of empty properties was calculated for the JRSP and the figures were taken away from the total housing requirement. At 80 properties for the remainder of the plan period in B&NES, the figure is conservative and the Council does have a strategy which sets out the proactive steps which it is taking to bring empty properties back into use. In these circumstances I find there is no need to add the 80 dwellings back into the housing land requirement. Paragraph B7.35 will require amendment to reflect the new figure.

Issue x)

- 5.54 This issue would be largely met by the housing land provision put forward in the RDDLP which significantly reduces the level of housing to be provided on greenfield sites. However, in my judgement it is unlikely that the brownfield sites identified in the plan will deliver the level of housing expected by the Council during the plan period, and I recommend later in this section that consideration is given to a number of sites which include greenfield sites.
- 5.55 Nevertheless, it remains appropriate for the plan to include an element of employment development on brownfield sites to ensure that the sort of mixed use scheme encouraged in Government policy is achieved. The location of housing and employment uses in close proximity can encourage more sustainable forms of transport such as walking and cycling to work. Furthermore, brownfield sites offer a more sustainable

location for employment development since they are likely to be more accessible by a range of transport modes. Whilst there are some employment sites which I recommend later for consideration as residential allocations, I would not consider such a change in use would be appropriate in all cases, and my recommendations in relation to the employment policies reflect this view.

Issue xi)

- 5.56 PPG3 para 34 requires Local Plans to show a five year supply of housing on the Proposals Map. Taking the starting point of a requirement for 6855 dwellings 1996-2011 and deducting completions as at April 2004 of 3250 (Table 1, Topic Paper 2), leaves a residual of 3605 dwellings to be provided from 2004 to 2011. Over the seven year period this amounts to 515 dwellings per annum. In the event that the advice in PPG3 was to be adopted, there would be a requirement to show sites allocated on the Proposals Map to accommodate 2575 dwellings for a five year supply. PPG3 makes it clear that windfall developments should not be taken into account to meet this provision, but I consider that it would be reasonable to take into account large sites with planning permission as part of the five year supply. Taking into account the 10% discount, this would result in a contribution of 690 dwellings, leaving a requirement for allocated sites for 1885 dwellings to be shown for the period 2004-2009.
- 5.57 However, the plan does not provide a ten year supply of land from the likely date of adoption, and I have concluded that in view of the introduction of the new system of LDFs, it would be preferable for resources to be used in the production of a new DPD rather than in seeking to provide a ten year supply in this plan. In the absence of a ten year supply, I consider that the plan should be rigorous in its provision of sites to meet the requirement over the plan period to 2011, and sufficient site allocations should be identified to meet that requirement. In identifying sites for this slightly longer period, I consider that it would be reasonable to take into account the expected windfalls of 800 dwellings. The land required in addition to sites with planning permission and expected windfalls to provide for the period 2004 to 2011 would therefore be for: $3605 - 690 - 800 = 2115$ dwellings to 2011. However, to save time and resources for the Council, rather than include the sites on the Proposals Map, sites for 2115 dwellings should be listed in a table of allocations as recommended above.
- 5.58 Changes would be required to the table under paragraph B7.25 to update it in accordance with Table 1 in Topic Paper 2, and to reflect the RPG10 figures. Furthermore, since I am recommending all allocations should be listed on a Table within the plan, the new table can be reduced in its detail.

Recommendations:

R5.12 Modify paragraph B7.23 by deleting "60%" in the penultimate line and inserting "50%".

R5.13 Modify paragraph B7.25 by deleting the table and inserting Table 1 from Topic Paper 2, subject to the following changes to Table 1:

line 2 delete "750" and insert "690";

line 3 delete "On large brownfield sites" and insert "From allocated sites listed in Table "; delete "1430" and insert "2115";

line 7 delete;

line 8 delete "6300" insert "6855";

line 10 delete "6270" insert "6825".

R5.14 Modify all references to figures in the Table in the reasoned justification in Chapter B7 to those in the modified Table set out in R5.13 and update figures where relevant

R5.15 Modify paragraphs B7.28 to B7.43 by editing the text to take out detailed references to sites which are covered within the table of allocations and subject to Policy GDS.1; delete "90" in B7.35 and insert "80".

Chapter B7 - Housing Need - Brownfield Sites, Brownfield Windfall sites etc: Paragraphs B7.28-B7.43

There are large numbers of representations to this section; details are listed at Appendix 1

Where the representations relate to issues already covered I do not repeat those issues here.

Issues

- i) Whether the capacity of the brownfield site allocations has been realistically assessed, and the extent to which they will contribute to housing land supply during the plan period.
- ii) Should the level of housing to be accommodated on the Radstock Railway land be reduced to take into account the importance of the site for wildlife and biodiversity conservation?
- iii) Whether the Paulton Printing Factory allocation is in a sustainable location.
- iv) Should greenfield housing sites deleted from the DDLP be reinstated?
- v) What reference should be made to other sites put forward as potential allocations in the plan?

Inspector's Reasoning

- 5.59 The first three issues raised in this section relate to the sites proposed by the Council to accommodate residential development under Policy GDS.1. I cover in detail the wording and content of the policies for these sites in Section 7 of my report. Issue v) relates to the omission sites proposed by objectors for housing development which are listed and dealt with in Section 8.
- 5.60 In this section I deal with the extent to which the sites allocated in GDS.1, apart from those with planning permission, will contribute to the housing land requirements, and indicate any additional sites which I consider should either be included in the list of allocations, or reconsidered by the Council for allocation. The contents of the table of allocations should be based on those sites which are adopted following my recommendations in this section, taking into account any more detailed consideration and recommendations as to Policy wording in Sections 7 and 8 of the report. Setting aside the sites with planning permission, it is essential that the sites selected for allocation are available to deliver a total provision of 2115 dwellings by 2011.
- 5.61 In my assessment of the brownfield sites proposed in the Local Plan, I take a robust view of the level of housing which each site may be expected to provide during this plan period. Where that figure is lower than the proposal in the RDDLP it is not because I disagree with the Council's strategy of giving priority to brownfield allocations, but because it is Government policy to allocate sites which are realistically available for development. In my assessment of what could be delivered from the brownfield sites, I take into account the level of constraints to which they are subject, and the importance of taking a comprehensive approach to ensure that the development value of relatively unconstrained areas will contribute to the costs of more difficult areas.
- 5.62 It was suggested at the Inquiry that to reduce the provision from brownfield sites such as Western Riverside and recommend greenfield sites to make up the numbers would send the wrong message. However, my message is not that the brownfield sites should not be developed, but that far more work needs to be done to ensure that constrained brownfield allocations are genuinely ready for implementation before any reliance is placed on them to provide for a significant part of the housing land supply. This is of particular importance for the RDDLP since the plan has a relatively short timespan and a heavy reliance on sites which are not genuinely available would result in significant shortfalls in housing land supply. It is only through the allocation of brownfield sites which are genuinely available for development that credibility can be secured in the strategy of giving priority to brownfield first; and an outcome which would fail to deliver an adequate supply of land, a key priority of Government policy, can be avoided.

Issues i) - iii)

- 5.63 The Council sets out a table of allocated sites, including sites with planning permission, as Appendix 3 to Topic Paper 2.3. I have dealt with the contribution to be assumed as made by sites with planning permission at April 2004, so I will not consider those sites again. It is the contribution to be made by brownfield sites, including B1 Western Riverside, B2 MOD Foxhill, B12 Lower Bristol Road, B13 St Martin's Hospital, B14 St Mary's School, K1 Somerdale, NR2 Radstock Railway land, V3 Paulton Printing Factory and V8 Radford Retail which I consider here.
- 5.64 **Bath Western Riverside** was the subject of much debate as to the level of housing which is likely to be provided on the site during the plan period. I fully endorse the importance of this site for regeneration. It forms a part of the urban fabric of the city and large parts of the area are currently either vacant or underused. There is no dispute that the redevelopment of the area with a large element of housing would fully accord with the priority given by Government to making the best use of brownfield sites within the urban area, and a carefully designed scheme which makes the best of opportunities presented by the setting of the site and its location adjoining the river would make a significant contribution to Bath as a WHS. Furthermore, I have no doubt that opportunities will be taken to achieve a high density of development in appropriate locations within the site.
- 5.65 However, the 35 hectare site is in a number of ownerships and much of it is in active use. Furthermore, it is subject to a variety of constraints including contamination, archaeological importance, underground thermal waters, and land liable to flood. The extent of the constraints varies across the site such that there are relatively unconstrained areas which I accept could be developed in the short term. Indeed, Landscape Estates, now owned by Crest Nicholson, is seeking a change to the wording of GDS.1/B1 which would facilitate the development of its land at an early stage. The developer also argues that more than 1000 dwellings could be delivered during the plan period.
- 5.66 I deal with the detail of the wording, and other objections relating to the boundaries of the site later in my report, but the Council is quite rightly seeking to set up a mechanism to ensure that the development value of the less constrained areas would contribute to the costs of bringing forward the more contaminated and constrained parts of the site. Whatever the mechanism used to secure those contributions, it cannot be established until the proposed Master Plan Supplementary Planning Document (SPD) has been adopted, and the cost of dealing with the constraints in order to achieve its implementation have been assessed and agreed.
- 5.67 In B&NES 12.4 submitted in May 2005 the Council sets out a timetable for the formulation of the Master Plan SPD and consequent submission of an outline planning application by the end of 2005. There is clearly a

considerable amount of work to be carried out in the preparation of the Master Plan SPD and in my view the timetable is unrealistic. Even if the strategic framework and spatial elements of the scheme can be agreed and formulated within this timeframe, to expect the costs of delivering the Master Plan to have been assessed and agreed, together with the delivery strategy and planning obligations/tariff strategy by November 2005 is wildly optimistic.

- 5.68 The timetable makes no allowance for the negotiations which will be required between landowners as to the form of development which will take place on individual sites, the likely costs of that development, and the level of contributions which will be required from the developers of the different sites. I anticipate that such agreement will not be easily achieved. Developers and landowners will seek to gain the maximum value from their own sites, whilst minimising the contribution to be made to the wider scheme. Whilst Landscape Estates indicate a willingness to contribute to infrastructure or other requirements that are genuinely necessary to enable development to proceed, at the Inquiry their representative indicated that they would expect the normal tests to be applied. It is quite likely that there will be considerable debate as to what costs are appropriate to the development of the less constrained sites, which are expected to deliver the bulk of the housing during the plan period.
- 5.69 On the other hand it would be entirely inappropriate for parts of the Western Riverside site to be released for development before there has been an assessment and costing for the delivery of the whole scheme, including the abnormal development costs of the more constrained areas. An early release of those sites without the certainty that the rest of the scheme will be delivered would be likely to prejudice the development of the sites which are subject to abnormal development costs, and for which a redevelopment is clearly desirable. The dangers of this scenario were clearly appreciated by Bath Preservation Trust whose representative indicated at the Inquiry that it would be preferable for the development of the site to be delayed rather than carried out in a piecemeal way in order to secure the early release of housing land. Indeed, in view of the importance of bringing this site forward on a comprehensive basis, I consider that the Council should not rule out the use of its CPO powers even though that would introduce its own delays. Such delay would be preferable to any risk to the development of the area as a whole.
- 5.70 Government policy emphasises the importance of deliverability. Sites allocated for housing in development plans should be both suitable and available. Whilst the Western Riverside is clearly suitable for housing, it is not available for commencement as a comprehensive development at the present time. The question is the extent to which the Council can depend on the release of early phases of the site before the end of the plan period, without compromising the delivery of a comprehensive scheme for the whole area.

- 5.71 I have referred to the importance of ensuring that there is adequate land available to meet the level of housing implied by RPG10, and the risk that otherwise arises of having to achieve a significant increase in housing land supply post 2011. In these circumstances I advise the Council not to take any risks with the supply of housing land during the period of this plan. To rely on the delivery of a significant level of housing at Western Riverside by 2011 would in my view be to take such a risk. At least a year should be allowed for the Master Plan SPD to be completed together with its assessment and apportionment of costs. A further 6 months should then be allowed for negotiations on S106 agreements and the outline planning application. Once the outline permission has been granted for the whole site, it would be open to developers such as Landscape Estates to apply for detailed permission on their sites and to deliver their contribution to overall costs. I consider that an optimistic estimate of the likely start date for construction would be spring 2008.
- 5.72 I accept that the first phases of construction could include the Westmark site for 110 units, and part of the Landscape Estates land which could accommodate 400 units. However, in view of my recommendations under Policy GDS.1/B1A in relation to the accommodation of a waste transfer facility at Newbridge, I do not accept that the availability of the Council's waste transfer site for redevelopment can be guaranteed before 2011. A later start date on that site is likely to have implications for the delivery of other parts of the Western Riverside, with completion beyond the end of the plan period.
- 5.73 There was much debate concerning the rate at which housing could be delivered at Western Riverside, but with just three years remaining of the plan period following the most likely start of residential development, I consider that it would be prudent to expect the contribution of the site to housing land supply to be no more than 450 dwellings by 2011.
- 5.74 My assessment is based on the evidence before me in May 2005. By the time this report is received by the Council, it should be clear whether the initial stages of the Council's timetable for the delivery of the site are likely to be met. However, it is essential that the development of Western Riverside is carried out in a properly planned and co-ordinated manner which ensures that the early release of some sites does not take place without securing the future development of more constrained areas. Only on that basis can there be any assurance that the overall potential of the site for residential development will be secured. I would therefore urge the Council not to take any risks in the achievement of the full potential of this site even though other sites would need to be released to make up housing land supply figures in the years to 2011.
- 5.75 However, even if the contribution for the period to 2011 is significantly lower than that put forward in the RDDLP, provided a truly comprehensive approach is achieved, the site will make a valuable contribution to housing land supply beyond the plan period. The future DPD will be able to rely on Western Riverside to make a significant contribution to housing land supply post 2011.

- 5.76 Land at **MoD Foxhill** is expected in the Council's figures to contribute 200 dwellings during the plan period. Although a Development Guide was approved for the site as early as 1998, the Council has no evidence that the site will be released by the MoD during the plan period. Indeed, evidence submitted by objectors indicates that no decisions have been taken for the release of part or all of the site, and that future uses of the site are subject to ongoing studies by Defence Estates.
- 5.77 In these circumstances I cannot accept that the site is currently available for development. Furthermore, there is no certainty as to whether it will be released for development within or even beyond the plan period. I therefore conclude that the site should be deleted from the plan.
- 5.78 Debate about the potential contribution from land at **Lower Bristol Road** related to both the level of housing which could be accommodated within the site, and the timing for its development. The site was originally a core industrial location in Bath, but following the Business Location Requirement Study in 2003, and the Urban Housing Capacity Studies of 2003 and 2004, the Council formed the view that the area had become run down with a need for regeneration through a mixed use redevelopment, with business use, some housing and other uses. I will deal with the details of the site and the wording of the Policy GDS.1/B12 later in my report, and here consider only the likely contribution which the site may make to housing within the plan period.
- 5.79 At present the site is in a number of uses with a range of ownerships. Although there are areas which are run down, the site is largely in a variety of active commercial uses, and there is evidence of contamination within a number of the sites. Urban design consultants have been commissioned by the Council to draw up a Masterplan Framework to inform more detailed planning guidance on the redevelopment of the site. It is clear to me that a comprehensive approach will be required both to establish the best locations for the different uses together with the delivery mechanisms for all of the proposed uses, and not just the higher value ones.
- 5.80 Without such an approach there is a danger that the more straight forward sites will be developed for higher value uses leaving the more constrained sites without the benefit of regeneration. Thus the position at Lower Bristol Road mirrors that of the Western Riverside site, but it is at an earlier stage and without the benefit of the environmental investigations and work on transport infrastructure which have been carried out for Western Riverside. As I have stated for Western Riverside, whilst the regeneration of Lower Bristol Road is a desirable objective, it is not one which should be hurried at the risk of prejudicing an appropriately comprehensive scheme.
- 5.81 Whilst I consider that the site is suited to high density residential development, I am not convinced that the number of units put forward by the objector would provide the quality of environment and scale of building appropriate to this location. I have no reason to question the

likely capacity identified on behalf of the council of 200 dwellings, but in view of the amount of preparatory work which will need to be carried out, together with negotiations with landowners or even the making of a Compulsory Purchase Order, I consider that it is unlikely that the site will make such a significant contribution to housing land supply within the current plan period. I have referred to the high priority placed by Government on land allocated in Local Plans being available for development. This site is not at present available, and in the relatively short period which remains of this plan, there can be no certainty that it will become available. To reflect that uncertainty, I recommend that the site be expected to contribute no more than 50 dwellings in this plan period, and that a further assessment is made of its likely contribution to housing land supply within the future housing DPD.

- 5.82 Although **St Martins Hospital** has been the subject of a resolution to grant permission subject to a S106 agreement since 2002 and development has not progressed, I have no evidence that the site is subject to any constraints and that it is not available to the housing market. I therefore recommend no change to the capacity of 128 given in the plan for this site.
- 5.83 Planning permission for residential development at **St Mary's School** has expired in spite of the strength of the housing market. However, I have no evidence that the site is subject to any abnormal constraints such that it is not available, and therefore recommend no change to the capacity of 16 dwellings given in the plan for this site.
- 5.84 The **Somerdale** site has wide ranging support as being the most sustainable location for meeting housing need in Keynsham. It is accessible to the town centre and to the railway station and is a brownfield site. As such it has a number of qualifications for allocation for residential development. However, the site is also subject to a number of constraints which include access arrangements, the location of the flood plain, remediation of potential ground instability, archaeological interest, and the provision of alternative recreation and social facilities.
- 5.85 Whilst these issues may be covered in the wording of Policy GDS.1/K1, I have no evidence that they will be resolved in time for the site to be brought forward for the level of residential development put forward by the Council during the plan period.
- 5.86 The allocation in the RDDLP is for 50 dwellings, but the Council's latest assessment indicates that it could accommodate 200 dwellings. The landowners argue that the site could accommodate an even higher figure of 500 dwellings. The site includes a substantial area of land, is subject to the resolution of its various constraints, and requires a suitable balance between housing and employment development; I have no evidence on which to choose between the various figures. More detailed work is required to demonstrate how the constraints affecting the site will be resolved and the timing for its development before an accurate assessment of its contribution to housing land supply before and after

2011 can be made. In view of the high level of uncertainty as to how the site could be brought forward for development in the plan period, I recommend that the expected contribution from this site is assumed to be no more than 50 dwellings.

- 5.87 At **Cannocks Garage, Keynsham** planning permission has been granted for 21 dwellings which are now under construction. This figure should be reflected in GDS.1/K5 which allocates the site for 25 dwellings.
- 5.88 The issues relating to the contribution to be made to housing land supply by **Radstock Railway Land** are whether the site should provide for the reinstatement of the rail track and a new station; whether the area for development should be reduced to retain larger areas for nature conservation; and the timing for its implementation.
- 5.89 The North Somerset Railway Company has clearly worked hard over the years to safeguard land to enable the rebuilding of the railway line between Frome and Norton Radstock, and the company sees the preservation of land for the track and station within this site as essential to the project. The provision of such sustainable means of transport is a cause worthy of support but in the absence of any demonstration of viability or indication of funding which would enable its implementation, it is not a scheme which can be given a high priority within the Local Plan.
- 5.90 Although there may not be an opportunity to use the Brunel shed and the railway turntable for railway uses, the retention of these structures remains of value. In any event, the wording of the policy does require provision of a sustainable transport corridor which would not entirely preclude the possibility of a rail link. I consider that this level of safeguarding is appropriate in all the circumstances and that no further land should be safeguarded for this project such as to reduce the capacity of the site for residential development.
- 5.91 However, the site clearly is of significant importance for nature conservation. A comprehensive report on the site was produced by Wessex Ecological Consultancy in response to the planning application for development of the site in 1999. This found the site to have four nationally scarce species of flora, and 21 species of nationally rare, scarce or vulnerable invertebrate fauna. Six of these species are Red Book Data species and the remaining fifteen are nationally scarce. The site was considered to be of national significance for its invertebrate communities and comes close to warranting designation as an SSSI. Although further work has been carried out since that report was prepared, that work does not in my view undermine the findings of the Wessex Ecological Consultancy.
- 5.92 The Council refers to the priority given in Government policy to the re-use of previously developed land, but having regard to the advice in Annex C to PPG3, the definition excludes land which was previously developed but where the remains of any structure or activity have blended into the landscape in the process of time and where there is a clear reason such as

its contribution to nature conservation that could outweigh the re-use of the site. Although there are some buildings which remain intact on parts of the site, the major part of it has become overgrown such that it blends into the landscape. This together with its importance as a site for nature conservation weighs against its status as previously developed land and the priority which should be given to its re-use.

- 5.93 The Master Plan for the development of the site put before me at the Inquiry takes into account the results of earlier surveys, including the 1999 report by Wessex Ecological Consultancy, and seeks a compromise between development and nature conservation interests. However, the scheme has not been the subject of consultation with Wessex Ecological Consultancy, the Council's ecologist or English Nature. Until it can be demonstrated that those areas of the site which are of significance for nature conservation can be fully safeguarded I consider that it would be inappropriate to increase its capacity for residential development above that proposed in the 1999 scheme, on which the ecological issues were unresolved.
- 5.94 I fully accept the importance of this site to the regeneration of Norton-Radstock. However, the maintenance of large parts of the site as a nature reserve can also be of value to the community. The 1999 report from Wessex Ecological Consultancy identified three areas which could be developed without significant biodiversity losses given appropriate management of the rest of the site. I am therefore confident that some development could take place within the site whilst conserving its ecological importance, but it needs to be demonstrated that the development is confined to areas which are not of significant value.
- 5.95 The NR Regeneration Company now has a developer partner ready to work on an appropriate scheme, and I see no reason why some development should not take place during this plan period. However, to avoid pressure for the achievement of high numbers of dwellings at the expense of the ecology of the site, I recommend that the site be expected to accommodate no more than 50 dwellings during the plan period. Any higher number of dwellings which may be achieved would count towards the supply of housing land beyond the plan period.
- 5.96 Although land at **Mount Pleasant Hostel, Radstock** is in an alternative use, I have no reason to consider that it will not come forward for development in the plan period and therefore endorse the allocation of the site for 10 units.
- 5.97 At **Paulton Printing Factory**, planning permission has been granted on the south east part of the site for 100 dwellings but there is a reserved matters application for this to increase to 217 dwellings. The Council object to this level of development on less than 4 hectares which would be at the top end of the range recommended in PPG3 for previously developed sites. Paulton is a R1 settlement which has a reasonable level of facilities and public transport services, and in which some residential development would be sustainable. The Council has conceded that an

increase to 150 units on the site would be an acceptable level of development, and in this location I agree. The 100 dwellings is included in the figure for sites with planning permission, therefore a further contribution of 50 should be added to the supply of brownfield sites without planning permission. I deal with changes to Policy GDS.1/V3 in Section 7 of my report. I consider the potential for a further area of residential development under issue v).

- 5.98 The **Former Radford Retail System Site at Chew Stoke** is identified in the plan as a Major Existing Developed Site in the Green Belt. Although there is some dispute that the site could deliver more than the allocated number of dwellings, a planning application has been submitted for 31 dwellings and I have no reason to doubt that the site will deliver its allocation of 30 dwellings during the plan period.
- 5.99 From my assessment of the contribution likely to be made by **brownfield sites without planning permission** by 2011, I conclude that a provision of some **855** dwellings is most likely to be achieved. This figure is significantly below that assumed in the Council's Table 1 of Topic Paper 2 (1430 dwellings) and the revised figure set out in Appendix 3 to Topic Paper 2.3 at 1760 dwellings.

Issues iv) & v)

- 5.100 I have indicated that sites allocated in Policy GDS.1 which did not have planning permission in April 2004 would need to provide for 2115 dwellings. In addition to the brownfield sites which I have considered above, three greenfield sites have been retained in the RDDLP to contribute 70 dwellings to the supply. Of these sites, **Folly Hill, Norton Radstock** now has planning permission for 50 dwellings; and planning permission has been agreed in principle at **Bannerdown Road, Batheaston** for 6 dwellings. The other greenfield site is at **Goosard Lane, High Littleton** which is expected to deliver 16 dwellings during the plan period. I consider this to be a reasonable level of development for the settlement and have no reason to doubt that it will be delivered.
- 5.101 On my calculations therefore, some **925** dwellings would be delivered from sites allocated in Policy GDS.1 by 2011. This leaves a significant shortfall (1190) on the 2115 dwellings required to meet the RPG10 housing land supply. The issue then arises as to whether the shortfall should be addressed through a reinstatement of land identified in the DDLP, or whether other sites which have been put forward by objectors would be more appropriate. The most significant of the DDLP housing sites was the 20 ha in GDS.1/K2 at South West Keynsham.
- 5.102 Before considering in detail which sites may be appropriate to allocate in order to provide an adequate supply of land during the plan period, it is necessary to be clear as to the strategic policy against which the selection of sites should be considered. The relationship between the JRSP and RPG10 is relevant in this regard, in particular in relation to the release of land from the Green Belt at Keynsham.

- 5.103 The Council argues that since the policies of the JRSP, apart from Policy 33, were agreed for adoption before the publication of RPG10, more weight should be given to the strategy of RPG10. Earlier in this section I accepted that by reason of the date at which the JRSP was formally adopted, that is the document to which S.38(5) of the Planning and Compulsory Purchase Act 2004 applies, but that RPG10 is a material consideration to which due weight should also be given. As a result I have recommended that this plan should provide for the higher level of housing implied by the figures set out in RPG10. I consider that it is of particular importance to give weight to RPG10 in this regard in order to avoid serious difficulties in meeting B&NES share of the regional housing land supply towards the end of and beyond the current plan period.
- 5.104 The approach favoured by the Council would be to follow Policy 33 of the JRSP which provides for a lower rate of housing development, but to adopt the strategy of RPG10 as set out in Policies SS2 and SS7 in so far as those policies relate to the release of land from the Green Belt at Keynsham. Policy SS2 directs new housing development to the Principal Urban Areas (PUAs), which include Bath, and where it cannot be accommodated within the PUAs, it should be in the form of planned urban extensions or other designated centres for growth beyond the direct influence of the PUAs. The policies direct new development away from small dormitory towns within easy commuting distance of the PUAs, and B&NES argues that this applies to Keynsham. Furthermore, it is the Council's case that there is no need for the release of Green Belt land at Keynsham since sufficient land can be made available for housing on mainly brownfield sites.
- 5.105 I have considered the potential of the sites proposed in the plan, and concluded that there would be a serious shortfall in housing land supply if no further sites are allocated. Although my assessment of the housing land requirements takes account of the provision of RPG10, I do not agree with the Council that the policies of RPG10 should take precedence in the identification of land to meet those requirements. Because of the delays in the adoption of the JRSP and subsequent preparation of the Local Plan, the normal process of cascading policy through the tiers from RPG to Local Plan is out of step in B&NES. That does not mean that the strategy of the JRSP can be ignored, even though under the new system it will cease to have effect in September 2007. That strategy is one of the building blocks for the long term development of B&NES. It is up to date in terms of Government policy on sustainable development, and should form the basis for the identification of housing sites during the current plan period.
- 5.106 Furthermore, although the RPG10 policies indicate that towns such as Keynsham should no longer be considered, the Panel had the emerging JRSP, with its provision for Keynsham, before it when considering the new Regional policies. Therefore the RPG10 policies relate to the strategy to be adopted subsequent to the implementation of the JRSP strategy. The current Local Plan is founded in the strategy of the JRSP, and it should seek to implement that strategy. RPG10 requires a review of the Green Belt around Bath to provide for sustainable development, but such a

review would need to be carried out as part of the preparation of the development plan. No such review has been carried out as part of the RDDLP. It is not therefore surprising that the Council had no alternative to offer in place of a release of Green Belt land at Keynsham to accord with the policies of RPG10. It is clear that an attempt at this stage to move forward with the strategy of RPG10 in this Local Plan would lead to serious delays in the delivery of housing sites.

- 5.107 Following the strategy of the JRSP, the RDDLP classifies Bath as the main urban area within B&NES, whilst Keynsham and Norton-Radstock are classified as urban areas. B&NES has quite rightly sought to concentrate residential provision within Bath, but it is clear that the allocated brownfield sites are not sufficiently advanced in their implementation to guarantee delivery before 2011. Other brownfield opportunities within the City are likely to be confined to windfall developments which are already accounted for in the calculation of housing land supply, so I place no reliance on the delivery of further housing from this source.
- 5.108 A number of objectors put forward sites for housing which are in the Green Belt, but there is no provision made in the JRSP for the release of land from the Green Belt apart from at Keynsham. In the absence of very special circumstances to justify the release of individual sites, I therefore make no recommendation to allocate any site currently within the Green Belt for housing development other than at Keynsham.
- 5.109 In the absence of any replacement RSS the Council should follow the requirements of RPG10 in the preparation of its LDF. I urge the Council not to await the issue of a new RSS but to prepare the LDF in accord with RPG10 having regard to any emerging RSS. A review of the Green Belt around Bath will need to be carried out to accord with RPG10, and I recommend elsewhere that anomalies in the existing boundary of the Green Belt should be resolved as part of that review. The review should be carried out as part of the preparation of a housing Development Plan Document to provide for the supply of housing land beyond the current Local Plan period.
- 5.110 Within the urban area of Bath, there were two greenfield sites which were identified in the DDLP. These were B7, 1.4 ha to the rear of 89-123 Englishcombe Lane to accommodate 45 dwellings; and B8, 0.4 ha to the rear of Bloomfield Drive to accommodate 13 dwellings. Although these sites are subject to a number of objections mainly from nearby residents, I recommend that the Council consider their reinstatement as residential allocations. With careful design, new development could be integrated within both sites. At Englishcombe Lane, the Environment Agency advises that strategies would be required for surface water drainage and watercourse treatment, but there is no suggestion that these could not be achieved, the site is in a sustainable location for transport, and there would remain a significant area of open space to preserve the amenities of the area. The land at Bloomfield Drive is former allotment land. There is much support for the provision of allotments in the City. I consider that any need for the reinstatement of the site to that use should be first

investigated in the light of the assessments made in the Council's Green Space Strategy. However, if the land is not needed for allotment use, I recommend that it be allocated for housing.

- 5.111 I consider in Section 8 of the report the merits of land at Beechen Cliff School, Greenway Lane. A multi-purpose sports pitch is proposed, which, in my view would be of better recreational value than the existing open space and development could be well integrated in the area without harm to strategic views of the City or to more local amenities. I therefore recommend it is allocated for 18 dwellings. Subject to the assessment of the Hayesfield School site for a new convenience store, and provided that it can be demonstrated that the Hayesfield School Playing Field is not required for recreational or educational use, consideration should also be given to the release of this site which could accommodate a significant number of dwellings. The former allotment site at Lansdown View is not in any use and subject to evidence of local need for and its potential for reinstatement as allotments, its release for housing should also be considered.
- 5.112 I have recommended that the British Waterways land at Brassmill Lane, Locksbrook could be removed from the employment designation and any proposal for its development for housing could be considered under the plan's policies without the need for a formal allocation. With the changes which I recommend to the policies relating to infill development, a number of other sites could be considered for residential development under the amended policies rather than by means of a formal designation. These include land at Hampton Row, Twerton Hill Farm, and land rear of 55-56 Forester Avenue.
- 5.113 Sites are proposed to the north and south of Bailbrook Lane adjacent to GDS.1/B6, but I recommend against the release of further land in view of the impact on the rural character of this part of the Lane. There is also the former nursery site at the rear of 64-92 London Road West. Whilst this site is not in the Green Belt, it relates visually to the open valley to the south east which is largely within the Green Belt. I therefore recommend that the future of the site should be considered as part of the review of the Green Belt boundary around Bath. I recommend against the allocation of the Twerton Football ground in the absence of an alternative location for the club which would be acceptable in policy terms.
- 5.114 Taking the sites on which there is evidence of capacity, Englishcombe Lane, Bloomfield Drive, and Beechen Cliff School could deliver some 76 dwellings. The Council would need to assess the potential for the land at Hayesfield School and at Lansdown View, but clearly the Hayesfield School site could deliver a substantial level of housing, and it is a vacant site which could be available in the plan period. I therefore recommend that priority is given by the Council to the assessment of these sites for allocation in this plan.
- 5.115 Whilst I am not in a position to calculate the likely contribution from the additional sites which I recommend the Council considers for housing in

Bath, it is unlikely that even with the addition of these sites there would be sufficient land available to meet the required housing land supply during the plan period within the main urban area of Bath. The JRSP anticipates such a shortfall in housing land supply and provides for the release of land from the Green Belt at Keynsham to meet the shortfall. Keynsham is on a strategic transport route between the main employment centres of Bristol and Bath. It is served by a mainline station and a wide choice of bus services, including a fast bus service along the A4. As a result I consider that Keynsham provides an appropriate location for additional residential development. Even if further housing development would add to the level of out-commuting, there are good public transport services available to attract future residents away from the use of the private car.

5.116 After Keynsham the next location to be considered for the release of housing land is the urban area of Norton-Radstock, followed by the R1 settlements. This accords with a sequential approach which looks at the most sustainable locations first, and if insufficient land can be made available for housing, the next best option must be considered. It is also in accordance with Policy 2(d) of the JRSP. Thus the Council should identify available brownfield and greenfield sites within Bath, followed by the same exercise in Keynsham and then Norton-Radstock. When considering the relative merits of brownfield and greenfield sites, regard should be had to the policies of the JRSP, but clearly the characteristics of each site and their detailed merits in terms of sustainability need to be taken into account.

5.117 It was argued on behalf of Taylor Woodrow that the omission of a Green Belt release at Keynsham would mean that the Local Plan does not conform with the JRSP. Be that as it may, the JRSP clearly anticipated a need to release land from the Green Belt at Keynsham to provide a supply of housing land. I find that this need remains and therefore there is no change in circumstances to justify any departure from the strategy set out in the JRSP.

Keynsham

5.118 Criteria for the release of land from the Green Belt at Keynsham are set out in JRSP Policies 9 and 16. In addition to the land at K2 which was deleted from the DDLP, a number of alternative sites have been proposed to meet the objectives of these policies. Policy 9 of the JRSP requires the alteration of the Green Belt boundary to provide for new residential development and associated local employment and social infrastructure in a form and of a scale which maintains the existing character of the town, safeguards against coalescence with adjoining settlements, enhances the service and employment role of its centre, ensures access to local facilities and services in accord with Policy 2, and supports the development of public transport within the Bristol – Bath corridor. Policy 16 requires the change to the Green Belt boundary to maintain the separate identity of Keynsham within the Green Belt.

- 5.119 Of the alternative sites proposed to be released from the Green Belt, I conclude that it is the land at South West Keynsham which would most readily meet the criteria of the JRSP. I have considered all the objections lodged against site K2 in the DDLP, including those withdrawn at the RDDLP stage. There is little difference in terms of distance from town centre facilities, or access to local facilities, between sites to the south west, west and east of the town, whereas the land at Uplands Farm is a more peripheral location. Furthermore, development there would intrude into the Chew Valley, an important green corridor which runs into and through the town, as would the development of sites proposed adjacent to Wellsway. As a result, the development of sites likely to affect the Chew Valley would harm the existing character of the town, and I recommend against the further consideration of these sites in view of this harm.
- 5.120 All the larger sites would provide opportunities for new employment and social infrastructure, and the increase in population would help support the service role of the town. In terms of support of public transport within the corridor from Bath to Bristol, sites close to the A4 would no doubt provide passengers for the fast bus service in the corridor, but proximity to this route could also encourage more use of the private car, which would balance out this benefit. The access to public transport from other sites varies to some extent, but there is no significant difference.
- 5.121 The most significant difference between the sites is in terms of the effect on the function of the Green Belt in maintaining the gap between Keynsham and other settlements. The development of land proposed to the east of the town would encroach on the already fragile gap between Keynsham and Saltford, and development to the west would extend the edge of Keynsham into the gap between the town and the urban area of Bristol. The site proposed by Wimpey at Hawkswell to the north west of Keynsham would also reduce the gap between Keynsham and Bristol. Development east, west or north west of the town would therefore contribute to the coalescence of Keynsham with adjoining settlements, and fail to maintain the separate identity of the town. Thus proposals at Lays Farm, Stockwood Lane, Hawkswell, Withies Farm and Manor Road would in my view conflict with the aims of Policies 9 and 16 of the JRSP.
- 5.122 The Green Belt separation of Keynsham and settlements to the south is more extensive than for other areas of Keynsham so development of K2 would not undermine the separate identity of the town. Whilst the site can be viewed from wider locations around Keynsham, and its development would be a clear extension of the urban area into the countryside, it would not have such harmful impacts as the Uplands Farm site on the sensitive Chew Valley, and the integration of development into the landscape can be achieved through landscaping which is related to the Woodlands Trust scheme. I therefore agree with the Council that the K2 site does not have the weight of issues which impact on other sites which have been proposed around the town.
- 5.123 In terms of capacity, in the DDLP, site K2 was expected to accommodate 500 dwellings. Wimpey proposes the release of the two sites which

comprised K2, together with the land between known as Abbots Wood which is controlled and has been planted by the Woodlands Trust. The objector contends that the whole area could accommodate some 1,300 dwellings, with 350 dwellings on the Abbots Wood site. However, I agree with the Council that the retention of Abbots Wood as a planted area would be of significant value to the setting of the town, and would provide an important amenity area to both the existing and proposed new housing in this part of Keynsham. As a result I consider that the original areas designated as K2 should be reinstated within the plan. The total site area would then be some 20 has. Having regard to Government advice on making the best use of development land, even with an area reserved for employment development and for community facilities, I consider that the site could provide for up to 700 houses. Since this is a green field site with no significant constraints, there is no reason why it should not be delivered during the plan period.

5.124 With the reinstatement of K2 to deliver 700 dwellings, together with the sites which I recommend to be allocated in Bath, the shortfall in the housing land supply would be reduced to some 4-500 dwellings. The shortfall would be considerably less if the Hayesfield School land is allocated for housing.

5.125 Other sites put forward by objectors which are not in the Green Belt include the former Nursery Site in the High Street and the greenfield site at Fox and Hounds Lane which is outside the HDB. However, these sites are not of a size appropriate to include as an allocation in the plan, and could be considered as potential windfall developments.

Norton-Radstock

5.126 Following the Local Plan strategy, Midsomer Norton/Norton Radstock should be the next area of search for suitable housing sites. In the DDLP, 7 ha of land south of Charlton Park was proposed to accommodate 90 dwellings with 2 ha of B1 uses and 1.5 ha for public playing fields. This site was considered for residential development by the Inspector for the Wansdyke Local Plan Inquiry. In his report dated March 2000 he recommended against its allocation, and I agree that this area of open agricultural land relates firmly to the surrounding open countryside such that its development would extend the built-up area southwards to the detriment of the rural character and appearance of the area. As a result I consider that other options for development should be assessed before this site is reconsidered for allocation.

5.127 Because of the level of residential development which has taken place in the area, and the scale of out-commuting, the plan seeks to promote additional economic development, and to retain existing employment sites in that use. However, I find that there is a good supply of employment land in Norton-Radstock, when balanced against the findings of the BLRR. As a result, I consider that redundant or under used industrial or commercial sites which may be costly to redevelop as modern employment sites are unlikely to attract new commercial occupiers.

Having regard to the advice in PPG3 paragraph 42(a), rather than protect such sites for an employment use which is unlikely to materialise, consideration should be given to their release for residential development, or in the case of the larger sites, a mixed use scheme. In a mixed use scheme, the residential development could provide a cross subsidy for the development of modern business premises, including small scale speculative development of units below 400 sq.m for which a need is identified in the BLRR.

5.128 St Peter's Factory, Westfield is a site where such an approach would be of benefit. It is currently identified as GDS.1/NR4 for Classes B1, 2 and 8 development. Oval Estates (Bath) Ltd seek a change to the allocation to allow for a mixed use scheme, so that residential development may cross subsidise business development. Such an approach would in my view be entirely in accord with Government policy, and could help facilitate the provision of modern employment development together with new housing on a brownfield site.

5.129 The objector also seeks the extension of the allocation to include land west of houses in Lincombe Road. This land has no allocation on the Proposals Map and I agree with the objector that it is different in character from the land zoned as Important Hillside to the south east, so there is no landscape constraint to its development. The land is seen by the Council as providing a buffer between the industrial and commercial uses within the site and the existing houses, but with a carefully laid out redevelopment the need for such a buffer would be avoided. The Council is also concerned that housing within the site would conflict with noise generated by B2 uses. However, the existing site is some 8 ha and together with the unallocated area I consider it to be of sufficient size to enable a mix of development to be implemented which would avoid conflict between different land uses.

5.130 I have insufficient evidence to give an accurate indication of the level of housing which could be provided at the site, or the timing for its provision. However, this is a substantial area of land and as part of a mixed use development it could be expected to contribute at least some 150 dwellings during the plan period. The Council will need to investigate whether this is a reasonable estimate and whether the site would provide further housing up to or beyond 2011.

5.131 The Welton Bag factory is another longstanding industrial site which is not in full use. The owners would like to rationalise its development with a mixed use scheme. As for the St Peter's Factory site, such an approach would be entirely in accord with Government policy, and with a scheme which uses the residential element to enable the development of modern B1/B2/B8 units, I consider that the Council's aim to provide balanced communities would be met.

5.132 Again this is a site on which I have no basis on which to estimate the level of housing which might be provided, or whether housing could be delivered during the plan period. However, this is a substantial brownfield

site which has the potential to make a significant contribution to the supply of housing land, and its potential should be investigated.

- 5.133 The Coomb End area of Radstock has evolved as a mix of uses, many of which are run down and unsightly. The road is a through route from the centre of Radstock to Clandown and the school. It is narrow and lacking in pavements in places, yet it serves a number of industrial and commercial premises as well as some residential uses. In recognition of the need to upgrade this area, the Council allocate it in the RDDLP as an Employment Regeneration Area under Policy ET.3A. However, the area is in a number of different ownerships and uses, and the policy fails to set out any identifiable strategy to warrant such a designation. The Council needs to consider whether any part of the area justifies safeguarding for employment purposes, in which case it should be designated as a core employment area, or whether the opportunity for a higher value residential redevelopment would be more likely to guarantee the achievement of the much needed improvement to the environment.
- 5.134 I have recommended the deletion of Policy ET.3A, and paragraph B2.41A, and consider that more specific proposals for the area designated in the RDDLP as an Employment Regeneration Area should be worked up in the form of an Area Action Plan DPD. This could include the provision of small employment units of 400 sq m or less together with housing. The Council will need to assess whether the site could contribute to the supply of housing land during the plan period, and what the level of any contribution might be.
- 5.135 The objection concerning land to the east of Coomb End relates to land which extends beyond the boundaries of the RDDLP's Regeneration Area on to land designated as Important Hillside alongside Bath New Road. In view of the contribution made to the character of Bath New Road on its approach into the town, the area for redevelopment should not extended.
- 5.136 Clandown scrapyards is another site for which redevelopment could result in environmental improvements as sought by the Town Council. The site is in active use immediately opposite the school and is approached along narrow lanes which serve houses and the school. The use clearly has a very harmful influence on the amenities of the area and the potential for conflict is evidenced by the restrictions applied to large commercial vehicles at times when access is required to the school. In my view this is a very unsatisfactory juxtaposition of uses, and the residential development of the scrapyards could provide a resolution. I have no evidence as to the size of the site or constraints to its development and can therefore only recommend that this site be investigated for housing development either through its allocation in this Local Plan or a future DPD.
- 5.137 The Jewson's site at Westfield is in active use and whilst it adjoins residential development, it is on a busy main road and there would be no significant environmental gain from its redevelopment for housing. Similar considerations apply to Ryman's Engineering, and Charlton's World

of Wood. I therefore make no recommendation in relation to these sites, but any proposals for redevelopment would fall to be assessed under Policy HG.4 and new Policy ET.3 (3).

- 5.138 The Council takes the view that it would not be appropriate to allocate significant levels of new housing to Midsomer Norton/Norton Radstock. However, the towns provide important services and facilities, there is scope for new employment development, and there are good public transport links to the main employment centres. I therefore consider that the towns provide a sustainable location for further residential development, and the potential for residential development on the brownfield sites which I have identified should be fully assessed.
- 5.139 A number of greenfield sites are put forward by objectors for residential development but the only site which I recommend for consideration as an allocation for residential development is land at Cautletts Close. I have insufficient evidence, in particular from the Council, to consider the potential of the site in detail. However, having visited all the sites put forward by objectors together with the Charlton Park site, I consider that land at Cautletts Close merits further consideration if there is a need for the release of a greenfield site in order to meet housing land requirements by 2011. It is an open flat field of no particular landscape quality, enclosed by housing to the north west and south west, with a cricket pitch to the north east and a substantial hedgerow to the east/south east. The site is within walking distance of the town centre and local schools, and subject to investigation of access and any physical constraints, I consider that the site would be a sustainable option for residential development. It could make a substantial contribution to the shortfall in housing land supply.
- 5.140 With allocations at St Peter's Factory, Welton Bag and Cautletts Close, the shortfall in housing land supply would be considerably reduced. The Council will need to assess whether the sites would be available for development before 2011 together with the number of dwellings that could be provided during the plan period. In the event that there remains a shortfall, then sites within the R1 settlements, as defined in Policy SC.1, should be considered.

R1 Settlements

- 5.141 The Council does not favour the dispersal of housing development to rural settlements primarily because of the implications for increased travel by private car in view of high levels of commuting to work. I have considered national, regional and strategic policy and consider that limited development at rural settlements which accords with Policy 2h) of the JRSP would be appropriate. The Council has carried out a classification of settlements, and it is to the larger R1 settlements that I consider attention should be given.
- 5.142 A number of alternative sites which have been put forward by objectors are within the Green Belt. As previously stated, I do not recommend that

any land should be taken from the Green Belt apart from at Keynsham since there is no remit for such an approach in the JRSP. Here I refer only to those sites which I recommend should be considered further as a potential allocation in the plan to provide for residential development during the current plan period.

- 5.143 In the DDLP, land was proposed for residential development at Brookside Drive, Farmborough. This is a greenfield site which was removed from the Green Belt and safeguarded in the Wansdyke Local Plan, as adopted by the Council for development control purposes in September 2000, for development post 2001. There are a number of objections to the development of this site, and further work would be required to assess floodrisk and access, and impacts on the adjoining school. However, the site relates well to the developed area of the settlement, and its development would not be unduly intrusive in the wider countryside. With a site area of 1.3 ha it would provide an appropriate scale of development for Farmborough, together with an opportunity for the provision of affordable housing as part of the development. I therefore recommend that GDS.1/V9 is reinstated for 30 dwellings as an allocation in the plan.
- 5.144 Polestar Properties propose the allocation of 3.789 ha to the north east of the Paulton Printing Factory, and an increase in the scale of residential development within GDS.1/V3 to 350 dwellings. Although a further release in Paulton would result in a significant level of development for an R1 settlement, Paulton is one of the larger R1 villages with a number of local services and facilities and public transport connections. The printing factory site is well located for future residents to make use of these services, and it comprises previously developed land. To that extent, development here would be a sustainable location. However, the current permission for residential development is not part of any mixed use development of the printing factory, and future residents are likely to add to the existing high levels of out commuting for employment. I therefore consider that there should be no further increase in the scale of residential development at Paulton unless it is linked to the provision of local employment opportunities.
- 5.145 Within the Printing Factory site, permission was granted for the development of B1/B2/B8 units on the vacant land to the north west of the factory in October 2002. Any further residential development at the site could therefore be linked to the development of this site either through new buildings for the existing business, or through the provision of new small scale business units. I accordingly recommend changes to GDS.1/V3 in the relevant section of my report, and the Council should assess the potential for a further 200 dwellings to be provided at the site together with new employment development during the plan period.
- 5.146 At Peasedown St John, some 2.54 ha between the bypass and Wellow Lane is promoted by David Wilson Estates for some 90 dwellings. The site was considered by the Inspector at the Wansdyke Local Plan Inquiry who found a number of arguments in favour of releasing the site for development, with which I agree. However, he recommended against the

site primarily because of the lack of significant employment development to match the scale of residential development which has taken place in Peasedown St John. At this Inquiry it was argued that the position has changed since a start has been made on the development of employment land to the south east of the bypass, but it is just one car dealership which has been constructed, and I heard evidence for the owners of that site that there was insufficient demand for employment development of the 11 ha site to be viable.

5.147 With the high level of new housing which has taken place at Peasedown St John I agree with the Council that there is a need for the settlement to consolidate and allow local service provision to adjust to the new level of demand. Furthermore, in the absence of more progress in the provision of employment, an increase in housing would be likely to add to the already high levels of out commuting in conflict with Government objectives to achieve more balanced communities. Nevertheless, since I make no recommendation in favour of the release of the land south east of the bypass for housing there remains the potential for the balance to be addressed, and Peasedown St John has a reasonable level of local services and good public transport links. There is no evidence that the Wellow Lane site could not be developed during the plan period, and in the event that there remains a shortfall in housing land supply following the Council's assessment of sequentially preferable sites, I recommend that this site be allocated for residential development.

5.148 The other site in Peasedown St John which may be considered for residential development is the School playing field. The site is well located within the developed area of the village, but it would need to be demonstrated that the land is no longer required for recreational use before consideration can be given to its development. In the event that there remains a need for more housing land, I recommend that the Council investigate the potential release of this site.

5.149 The other site which I recommend for further investigation within the R1 settlements is the Coal Yard and Woolhouse at Peterside in Temple Cloud. It is previously developed land at the edge of the settlement with largely unused industrial buildings and overgrown areas of hardstanding. I appreciate the Council's concern to retain areas suitable for employment uses, but I doubt a redevelopment for employment purposes would be viable on this site. As a result I consider its release for housing would accord with Government policy. The site could accommodate a modest level of housing without harm to the setting or appearance of the village. I therefore recommend this is assessed for an allocation to be included within the HDB.

5.150 For a number of the sites which I recommend for further consideration by the Council as potential housing allocations in the Local Plan, I have insufficient information on which to estimate potential capacity. The capacity of those sites on which I do have sufficient information on which to base an estimate, would be some 1,246 dwellings. It is clear from this figure that the shortfall of 1190 which I have identified could be met from

the release of sites which would accord with national and JRSP policies. The figure of 1,246 does not include the release of either of the greenfield sites at Hayesfield School or Cautletts Close, which are other options which could make a significant contribution to the shortfall. Clearly it is not necessary for all the sites which I recommend for further investigation to be allocated in the present Local Plan.

- 5.151 It is for the council to undertake further detailed investigation of the sites to identify which would be both available and the most suitable for release during the current plan period. As I have already stated, the Council should first have regard to the locational policies of the JRSP in their assessment of these sites, and should prioritise accordingly. However, it would be an oversimplification of government policy to suggest that brownfield must always take precedence over greenfield. Paragraph 32 of PPG3 recognises that previously developed sites may perform less well than greenfield sites in regard to the criteria listed in paragraph 31 of the PPG. Within the framework provided by JRSP policies, the performance of the sites I have identified against these criteria should guide the Council in their identification of sites to fulfill the housing land supply.

Recommendations:

R5.16 Modify the contribution to housing land supply in the period to 2011 from the following allocations:

GDS.1/B1 Bath Western Riverside: 450 dwellings

GDS.1/B2 MOD Foxhill: delete allocation

GDS.1/B13 Lower Bristol Road: 50 dwellings

GDS.1/K5 Cannocks Garage: 25 dwellings

GDS.1/NR2 Radstock Railway Land: 50 dwellings

GDS.1/V3 Paulton Printing Factory: 150 dwellings (100 included in sites with planning permission and 50 to be added to brownfield allocations).

R5.17 That the following sites identified in the DDLP should be reconsidered as allocations for housing:

GDS.1/B7 land at Englishcombe Lane, Bath: 45 dwellings

GDS.1/B8 r/o 46-64 Bloomfield Drive: subject to investigation of the need for reinstatement of allotment use: 13 dwellings

GDS.1/K2 land at South West Keynsham: 700 dwellings

GDS.1/V9 land at Brookside Drive, Farmborough: 30 dwellings.

R5.18 That the following sites be considered by the Council for residential allocation in the Local Plan:

Bath

Land at Beechen Cliff School Greenway Lane, for 18 dwellings.

Hayesfield School Playing Field: investigate requirement for continued recreational use and if not needed assess capacity for residential development.

Lansdown View: investigate requirement for reinstatement of allotment use and if not needed, assess capacity for residential development.

Radstock/Midsomer Norton

St Peter's Factory, Westfield together with land to the rear of Lincombe Road: mixed use scheme with 150 dwellings.

Welton Bag Factory, Station Road: mixed use scheme - capacity to be assessed.

Coomb End, Radstock: area designated as Regeneration Area in the RDDLP: mixed use scheme - capacity to be assessed.

Clandown Scrapyard: capacity to be assessed.

Land at Cautletts Close: capacity to be assessed.

R1 Settlements

Further land at Paulton Printing Factory: amendment to GDS.1/V3 subject to provision of employment related scheme - additional 200 dwellings.

Land between Wellow Lane and the bypass, Peasedown St John: 90 dwellings.

School Playing Field, Peasedown St John: investigate availability and need for recreational use; capacity to be assessed.

Coal Yard and Woolhouse, Peterside, Temple Cloud: capacity to be assessed.

R5.19 Following the assessment by the Council of the additional sites, a Table of Residential Allocations be prepared in accordance with the recommendation following paragraph 5.22 above. The Table to list the sites selected to make up the housing land supply for the plan period.

Chapter B7 - Housing Needs - Phasing - Policy HG.3 and Paragraphs B7.44-B7.54

3233/B11	Mr & Mrs M Williams	B7.44
601/C19	House Builders Federation	B7.45/A
3009/C13	Polestar Properties Limited	B7.45/A
3605/C9	Nicholson Estates	B7.45/A
2388/C6	J S Bloor Ltd (Sytner Properties Ltd)	B7.45A/A
3116/C60	Bath & North East Somerset Allotment Association	B7.45A/A
3605/C19	Nicholson Estates	B7.45A/A
2388/C7	J S Bloor Ltd (Sytner Properties Ltd)	B7.45B/A
3098/C64	George Wimpey Strategic Land	B7.45B/A
3116/C61	Bath & North East Somerset Allotment Association	B7.45B/A
3605/C18	Nicholson Estates	B7.45B/A
3250/B2	Lattice Property Holdings	B7.46
1427/B65	Environment Agency	B7.48
2601/C33	Linden Homes (Developments) Limited	B7.48/A
2466/B9	Keynsham Civic Society	B7.49
2601/C34	Linden Homes (Developments) Limited	B7.49/A
3278/B15	Persimmon Homes (Wessex) Ltd	B7.50
3106/B3	Mr P D Chivers	B7.52
3251/B16	Prospect Land Ltd	B7.53
2/B39	T2000/Railfutures	HG.3
485/B9	Prowting Projects Ltd	HG.3
696/B17	South West RSL Planning Consortium	HG.3
696/B31	South West RSL Planning Consortium	HG.3
700/B17	Chase Homes	HG.3
2311/B2	Somer Community Housing Trust	HG.3
2313/B3	Bryant Homes (Taylor Woodrow)	HG.3
2380/B3	Mr M McGibney	HG.3
2388/B3	J S Bloor Ltd (Sytner Properties Ltd)	HG.3
2901/B1	Mr D Pera	HG.3
3098/B24	George Wimpey Strategic Land	HG.3
3099/B18	Barratt Bristol Limited(Mr A T P Joliffe)	HG.3
3233/B12	Mr & Mrs M Williams	HG.3
3251/B29	Prospect Land Ltd	HG.3
3268/B3	Ms J Allen	HG.3
696/C58	South West RSL Planning Consortium	HG.3/A
2340/C13	Mr & Mrs S Wiseman	HG.3/A
3009/C12	Polestar Properties Limited	HG.3/A
3605/C10	Nicholson Estates	HG.3/A

Supporting Statements

S3257/C136	Somer Valley Friends of the Earth	B7.45B/A
S3299/C62	Bovis Homes (South West Region) Limited	B7.45B/A
S3299/B20	Bovis Homes (South West Region) Limited	B7.50
S3251/B15	Prospect Land Ltd	B7.54
S3299/C61	Bovis Homes (South West Region) Limited	HG.3/A

Issues

- i) Whether there is a need for a phasing policy.
- ii) Should the word "brownfield" be replaced by an alternative definition?
- iii) Should reference be made to the Bath Western Riverside (BWR) proposal in paras B7.45B, and B7.46?

- iv) Does the plan provide for contingency measures in the event of a shortfall in land supply provision?
- v) Should there be a reference to the shortage of brownfield sites in Keynsham, and should paras B7.48 and 49 of the DDLP be retained?
- vi) Whether a list of allocated sites should be included in the plan.
- vii) Whether land to the SW of Keynsham should be released for housing.

Inspector's Reasoning

Issue i)

- 5.152 The Council deleted Policy HG.3 from the DDLP because of the change in the balance from greenfield to brownfield housing land allocations. I now recommend the release of greenfield sites to make up the shortfall which I identify in the housing land supply. This shortfall arises from my recommendation that the Local Plan take into account the higher level of housing completions implied by RPG10, coupled with my conclusions on the availability of the brownfield sites allocated under Policy GDS.1 which I find are unlikely to deliver the scale of development anticipated by the RDDLP.
- 5.153 Government advice in PPG3 states that the development of previously developed land should take place before that of greenfield sites. However, it is also a priority of Government to maintain a supply of housing sites. Having regard to the particular circumstances and constraints which affect the delivery of sites such as Western Riverside, a phasing policy which held back the release of greenfield sites until development had progressed on the brownfield sites would be a major constraint to the delivery of housing within B&NES.
- 5.154 Furthermore, the main purpose of giving priority to previously developed sites is to ensure that the release of greenfield sites which are easier to develop does not prejudice the development of brownfield sites by diverting developers away from more difficult projects. Within the City itself there are few opportunities for greenfield development, and those which I have identified would not be of a scale to prejudice the development of the City's brownfield sites in this way. The larger greenfield sites are not in Bath, and I see no reason why, for example, a new development in Keynsham should detract from the unusual opportunity at Bath Western Riverside to build a large number of new dwellings within a WHS.
- 5.155 Finally, with the adoption of this plan unlikely before mid 2006, the remaining plan period is so short that there would be little if any scope for development of the allocated sites to be phased. I therefore recommend no change to the plan as regards the inclusion of a phasing policy.

Issue ii)

5.156 I agree with the Council that the term “brownfield” has become widely accepted as interchangeable with “previously developed” in terms of land use. The term is used in Government publications including the new consultation paper “Planning for Housing Provision” published in July 2005. I therefore consider that it would be inappropriate for B&NES to adopt any different terminology as suggested by the Bath & North East Somerset Allotments Association.

Issue iii)

5.157 Paragraph B7.46 was not retained in the RDDLP and I have no reason to consider that it should be reinstated. In view of my recommendation to introduce a table of allocated sites together with information as to their status and implementation, I consider that B7.45A&B make little contribution to the plan and should be deleted.

Issue iv)

5.158 With an accurate assessment of the availability of allocated housing sites, and the higher level of provision which I recommend, the need for a contingency plan is reduced. Furthermore, with the short period of the plan left following adoption, it is unlikely that there would be time to implement a contingency plan, or to monitor the progress of the plan in accordance with plan, monitor and manage. Priority should be given to identifying a selection of properly available sites for this plan, and to produce a DPD to carry the supply of housing land forward in accordance with Regional policy.

Issue v)

5.159 In view of my conclusions and recommendations in relation to Keynsham and inclusion of a phasing policy, I find no need to incorporate paragraphs B7.48 and B7.49 of the DDLP into the plan.

Issue vi)

5.160 I have recommended that a table with the sites allocated for housing be introduced into the plan.

Issue vii)

5.161 There is clearly considerable opposition to the release of land at SW Keynsham for development. However, there is a need for land to be released from the Green Belt for housing in accordance with the policies of the JRSP, and having assessed the many different options which have been put forward by objectors, I have concluded that this site performs the best against strategic criteria. I note the detailed points raised against its development, but with careful landscaping, design and implementation I have no doubt many of these would be mitigated.

Recommendation:

R5.20 Modify the plan by deleting paragraphs B7.45A & B.

Chapter B7 - Housing Needs - Windfall Development - Policy HG.4 and Paragraph B7.56

There are large numbers of representations to this policy; details are listed at Appendix 1

Issues

- i) Should windfall development in R1 settlements be limited to previously developed land within defined housing development boundaries; and does HG.4ii)(b) allow for the redevelopment of employment land for housing?
- ii) Should the built up area of settlements be defined through the use of settlement boundaries and not HDBs?
- iii) Should reference be made to opportunities for mixed use development?
- iv) Should criteria be added to the policy to require sites to be accessible by a range of transport modes and in locations which reduce the need to travel or within 800m of the centre of the settlement.
- v) Should opportunities for housing/mixed use development within the built up areas of Keynsham, Norton Radstock, Paulton and Saltford be highlighted?
- vi) Should the HDB for Batheaston be amended to include land at Poplar Nurseries and the BT Telephone Exchange?
- vii) Should the HDB for Bathampton be amended to include land between Holcombe Road and Warminster Road?
- viii) Should the HDB for Bathford be amended to include land at Bannerdown Farm and south of Box Road?
- ix) Should the HDB for Temple Cloud be amended to include land west of Molly Close and the Coal Yard and Woolhouse, Peterside?
- x) Should the HDB for Clutton be amended to include The Wharf?
- xi) Should the HDB for Farmborough be amended to include land east of Timsbury Road.

- xii) Should the HDB for Keynsham be amended to include the Lays Farm Industrial Estate; land on the eastern side of Stockwood Lane; and land at Wellsway/Gooseberry Lane?
- xiii) Should the HDB for Norton-Radstock should be amended to include the garden of 43 Bath New Road; land at Bath Old Road; Coomb End Scrapyard; land to the east of Coomb End; land to the north east of Five Acres; land at Frome Road, Writhlington; land at Greenhill; land at Haydon Hill; land at Hazel Terrace/Old Pitt Road; land north of Maple Heights; Meadow View, West Road, Midsomer Norton; land at Rosemount, Ham Hill, Midsomer Norton; land at The Grange; and land at Welton Grove, Greenhill?
- xiv) Should the HDB at Paulton be amended to include land at Abbots Farm Close; Crossways, Bath Road; land at Ham Grove; land at Paulton Printing Factory; and land at Paulton Hill?
- xv) Should the HDB at Peasedown St John be amended to include land at Bath Road (opposite Red Post); land east of Carlingcott Lane; land between Church Road and New Buildings; land rear of 47-53 Church Road; land between Greenland's Road and Hillside View; land at 15 Greenlands Road; land south east of the bypass; and land at Wellow Lane?
- xvi) Should the HDB at Saltford be amended to include land at Kelston Close?
- xvii) Should the HDB at Bishops Sutton be amended to include land to west of Cappards Farm; land between Hillside House and Truffles; land at Poole Farm; land north east of Sutton Hill Road; and land north and south of Vine Farm.
- xviii) Should the HDB at Timsbury be amended to include land east of Lippiat Lane; land east of Mill Lane; and Wheelers Yard, North Road?
- xix) Should the HDB at Whitchurch be amended to include land at south east Whitchurch?
- xx) Should Policy HG.4 allow for housing development at Coomb End, Norton-Radstock under Policy ET.3A?

Inspector's Reasoning

Issues i) – iv)

5.162 The main reason given by the Council for restricting windfall development to previously developed land is the advice in paragraph 36 of PPG3, that no allowance should be made for greenfield windfall sites in Local Plans. However, I consider this to be a misapplication of Government policy. The PPG3 advice is given in the context of calculating the amount of land which needs to be allocated to meet strategic housing requirements, and

is in my view intended to ensure there is no reliance on the release of greenfield windfall sites to meet those requirements. I do not interpret the advice as requiring that there should be no small scale infill development on sites which have not previously been developed. Indeed, para 69 of PPG3 states that most proposals for housing within villages will involve infill development or peripheral housing. There is no indication that such development should only be on previously developed land. Furthermore, "Tapping the Potential" states that "vacant land not previously developed" should be recognised as a potential source of housing land.

- 5.163 Other policies in the plan, such as for the protection of conservation areas, landscape character, nature conservation and recreational uses would ensure proper consideration of the importance of open spaces with the built-up area/housing development boundaries. I am satisfied that amending Policy HG.4 by deleting the restriction to previously developed land need not result in a loss of green spaces which would detrimental to the character or amenities of settlements.
- 5.164 The policies controlling the redevelopment of employment land for housing are linked to the approach adopted in the plan to the definition of HDBs. For the most part, the plan omits sites which are in employment use from the HDBs. A number of objectors argue that the boundary of the settlement as a whole should be identified so that such sites would be included, and I have sympathy with this view. This would not result in the unrestricted loss of sites from employment to housing use, since any proposal for the loss of land and floorspace would be assessed against new Policy ET.3 which I recommend in Section 2, together with other policies of the plan. This approach would accord with the advice given in PPG3 paragraph 42(a) to give favourable consideration to housing or mixed use developments of redundant land and buildings in industrial or commercial use.
- 5.165 For urban areas and settlements which are inset in the Green Belt, the Green Belt boundary would generally provide the boundary of the settlement unless land is being safeguarded for future development. Undeveloped land within the boundaries would be subject to the various policies of the plan which ensure that sites which it is important to retain remain undeveloped. For urban areas beyond the Green Belt, the settlement boundaries would need to be defined.
- 5.166 The use of settlement boundaries would be more flexible and easier both to administer and understand. In particular, there would be no uncertainty as to whether sites which are in, or allocated for, a mix of residential and employment development should be within or outside the boundary, and no need to revise the boundaries when a use within the settlement is changed from or to residential. However, the definition of settlement boundaries in this plan could be a time consuming modification. In view of the limited life of the plan, I consider that the Council should not expend resources in defining settlement boundaries, but should adopt an approach which uses settlement boundaries in the

preparation of the new LDF. I therefore make no recommendation to change the use of HDBs in the policies of this plan, but to enable a flexible approach in considering the redevelopment for housing of employment land and buildings, I recommend a cross reference in Policy HG.4 to Policy ET.3(3).

- 5.167 A more flexible approach to windfall development could lead to an increase in the scale of new housing in the rural settlements, which raises the issue of whether this would be sustainable, and provide the balanced communities sought by Government. Rural settlements in the plan area have been subject to an appraisal which identifies those which are best able to support limited development, in accordance with Government policy in PPGs 3, 7, and 13. However, to ensure that the scale of any new residential development is in keeping with the character, setting, and accessibility to local facilities and employment of the settlement, as well as the availability of public transport, I recommend further criteria to be added to an amended Policy HG.4.
- 5.168 The criteria which I recommend do not include a reference to the concept of a "ped-shed" since services and facilities within some settlements tend to be dispersed and it would be difficult to define the 800m limits.
- 5.169 By including criteria within HG.4 which enable an assessment of any residential development in relation to the scale of the settlement and its performance in terms of sustainability criteria, I consider that the amended Policy HG.4 could also be applied to the R2 settlements without any danger of inappropriate developments being permitted. As a result I consider that HG.4 should be amended to apply to R1 and R2 settlements and that HG.5 should be deleted.
- 5.170 Since I recommend no change to the approach of using HDBs in this plan, I make recommendations to change the HDB where appropriate on a site specific basis. Unless an employment site is to be allocated to housing, it would be inappropriate to include it within an HDB, although different considerations would apply when the change is made to settlement boundaries. The adoption of settlement boundaries instead of HDBs would allow all developed areas of a settlement to be included, therefore where I make no recommendation to change the HDB to include an employment site, this does not imply that the site should not in the future be included within a settlement boundary. Furthermore, it does not preclude the consideration of an employment site for residential redevelopment under the new Policy ET.3.
- 5.171 Paragraph B7.56 refers to the development of infill sites without restricting such development to previously developed land. However, I recommend changes to paragraphs B7.56 – B7.57 and B.7.59 to reflect the changes recommended to HG.4.

Issue v)

5.172 I have recommended that sites which are to be allocated for residential development should be listed in a new Table. Any other proposals for housing/mixed use development fall to be considered against all the other policies of the plan, and this includes proposals which come forward in Keynsham, Norton Radstock, Paulton and Saltford. I find no reason to identify these settlements in the way suggested by the objector.

Issue vi)

5.173 The land at Poplar Nurseries and at the Telephone Exchange in Batheaston are located within the Green Belt. Although Policy SS9 of RPG10 states that the Green Belt around Bath should be reviewed, this Local Plan has been prepared to accord with the JRSP which makes no such provision. Whilst I accept that the regional policies are a material consideration, it would require considerable resources and cause significant delay in the adoption of this plan if I were to recommend a review of the Bath Green Belt to inform this plan. As I have stated earlier, it would be appropriate to review the Green Belt around Bath as part of the preparation of the new LDF.

5.174 I have considered the arguments put forward by the objectors for taking these sites out of the Green Belt but do not consider that they amount to the very special circumstances required by Government policy to justify such a change. Whilst the sites remain a part of the Green Belt, it would not be appropriate for them to be included within the HDB.

Issue vii)

5.175 Land east of Holcombe Close is largely undeveloped. It forms part of the rural surroundings of Bathampton and is within the Green Belt. As a result it should remain outside the HDB.

Issue viii)

5.176 Land at Bannerdown View Farm is within the Green Belt and is different in character from the more built up area of Bathford village. As a result I make no recommendation to include the land within the HDB.

5.177 The objection site at Box Road is a small stretch of land between the road and the railway embankment. Although the land is in poor condition with the remains of a fire damaged house, I consider that the road provides a defensible Green Belt boundary and that the circumstances of this site are not so special as to justify its alteration. I therefore recommend no change to the HDB.

Issue ix)

5.178 The Coal Yard and Woolhouse, Peterside is on the edge of the HDB for Temple Cloud, but it is a brownfield site with mainly disused industrial buildings, areas of overgrown hardstanding and some residential use. The

Council is concerned that its inclusion within the HDB would lead to the loss of an employment site.

- 5.179 With a change to settlement boundaries it would be most appropriate to include this site within the boundary since it relates more closely to the built up area than to the countryside beyond. I have recommended that the site be considered for housing, and in the event of an allocation in the plan, it should be included within the HDB. Should the site be considered too small for an allocation, proposals for redevelopment would fall to be considered under amended Policy HG.4 and new Policy ET.3(3).

Issue x)

- 5.180 The Wharf at Clutton is in use as a haulage depot. It is centrally located within the village and clearly generates heavy goods traffic. The objectors argue that there could be environmental improvements if the site was redeveloped, but that a redevelopment for employment uses only would not be viable. In view of the current active use of the site, I do not recommend its inclusion in the HDB or its allocation for residential development. However, the site should be included within a future settlement boundary, and in the meantime the potential for redevelopment would fall to be considered within the context of amended Policy HG.4 and new Policy ET.3(3).

Issue xi)

- 5.181 Land east of Timsbury Road includes a ribbon of housing and an area of open land before the junction with Priston Road. The whole of the area is within the Green Belt, and as I have stated elsewhere there is no remit for a revision of Green Belt boundaries around any settlement other than Keynsham, and in the absence of very special circumstances to support the removal of the land from the Green Belt, it should remain outside the HDB.

Issue xii)

- 5.182 Lays Farm Industrial Estate projects into the rural area to the south west of Lays Drive and is based on the former agricultural buildings of Lays Farm. The intensive use of the buildings for employment purposes distinguishes the site from its former farm use, and the Council proposes the removal of the site from the Green Belt, but not its inclusion within the HDB. However, the site was in use for employment purposes at the time of the Inquiry into the Keynsham and Chew Valley Local Plan, when the Council took the view that the retention of the site within the Green Belt would control rebuilding or other new construction of the site which is prominent and visible from longer views. My colleague at that Inquiry agreed with the Council in his report, and recommended that the site should remain in the Green Belt.
- 5.183 It is Government policy that an established Green Belt boundary should only be modified in exceptional circumstances. Whilst the JRSP allows for

alteration of the Green Belt boundary at Keynsham to meet strategic housing land requirements, I do not interpret this as extending to the release of other land from the Green Belt. There has clearly been no change in circumstances relating to the site since the last Inspector's report in November 1990 and as a result I consider that there are no very special circumstances to support the change in the Green Belt boundary as proposed in the plan. I recommend that the site should remain in the Green Belt. Furthermore, since the site is in active employment use, it would be inappropriate to include it within the HDB.

5.184 Land on the eastern side of Stockwood Lane has some development but it is of a lower density than the estate development to the west of Stockwood Lane. I agree with the Council that it is not unusual to find such lower density development at the edge of a major settlement, but the Lane forms a defensible boundary to the Green Belt around Bristol and therefore there are no special circumstances to justify its amendment. As a site within the Green Belt, it would be inappropriate to include the land within the HDB.

5.185 Land at Wellsway/Gooseberry Lane is also within the Green Belt. Although it is characterised by loose knit development, it forms a part of the green finger along the banks of the River Chew which breaks up the developed area of Keynsham. A release of the site from the Green Belt would be likely to lead to the consolidation of the existing development with consequent harm to the openness of the green finger. As a result I recommend no change to the boundaries of the Green Belt and that no change is made to the HDB.

Issue xiii)

5.186 The centre of Norton Radstock lies at the confluence of several deep valleys, and the town has developed up the sides and on to the top of some of the adjoining hills in a radial pattern of development which has left open areas on hilltops and the sides and bottoms of valleys. These form green wedges or fingers penetrating into the heart of the built up area and are a key element in the character of the town.

5.187 No 43 Bath New Road is the last in a ribbon of residential development fronting Bath New Road to the north west as it climbs out of Norton Radstock. The garden forms a triangle of land between the road and the Fosseway which is a narrow track unsuitable for vehicles. The garden clearly relates visually to the residential development rather than the open countryside to the east and north, and as a result I consider that it should more logically be included with the housing in the HDB. Whether or not the development of this small area of garden would be acceptable in amenity terms is a matter to be determined through development control in relation to the policies of the plan and is too precise a level of detail for the Local Plan.

5.188 Although I have no objection to consider in relation to the dwellings north west of the garden at 43 Bath New Road, these relate more clearly to the

adjoining houses within the HDB than they do to the open countryside to the north. As a result I consider that it would be appropriate to extend the HDB to include these dwellings.

- 5.189 Land at Bath Old Road and land north of Five Acres are adjacent sites at the top of the valley side on the northern outskirts of Norton Radstock. The land north of Five Acres forms the northern part of the grounds of the dwelling. Planning permission has been granted for residential development in the southern part of the garden, but the remaining area is in my judgement more clearly related to the surrounding open countryside from which it can be seen in wider views. I therefore consider that it would be inappropriate to include this site within the HDB.
- 5.190 Although there is an outstanding application for a Lawful Development Certificate (LDC) for Use Class B8 on the site, and parts are in use for storage, land at Bath Old Road remains largely open. The southern boundary of the site adjoins the developed area of Radstock, but as for the land north of Five Acres, the site relates more closely to the surrounding countryside and is open to wide views. As a result I consider that it would be inappropriate to include the land within the HDB.
- 5.191 In view of my conclusions set out earlier in this Section relating to Coomb End and the need for environmental improvement of this area of Radstock, I consider that Coomb End scrapyards should be included within the area to be considered as an allocation for residential redevelopment. However, the undeveloped area to the west of Coomb End scrapyards is a greenfield site on the slopes of Welton Hill and should not be considered for housing or for inclusion in the HDB. As stated earlier, land allocated for residential development should be included in the HDB. In relation to land to the east of Coomb End, the undeveloped part of the site adjoining Bath New Road should remain outside the HDB with the land fronting Coomb End considered as part of any residential allocation and for inclusion within the HDB.
- 5.192 Land at Frome Road, Writhlington has residential development to the east, west and south, but it slopes steeply down to the north and relates visually to land which forms the visual break between development on either side of the Wellow Brook. As a result I consider that this site should not be included within the HDB.
- 5.193 Although land north of Maple Heights is closer to the town centre with access to services and public transport, it is an attractive hillside of an undeveloped character with many trees and shrubs. The land forms part of the gap between development in Frome Road and Mill Lane and it is part of an important green finger reaching into the centre. As a result the land makes an important contribution to the character of the town and in my opinion should remain outside the HDB.
- 5.194 Land at Greenhill is an open undeveloped site on rising land to the north of Midsomer Norton, and forms part of the gap between the town and Paulton to the north. Although there is residential development to the

south of the site, with roads to the north and east and a number of public footpaths in the area, the land forms part of the undeveloped countryside and as such I consider that it would be inappropriate to include it within the HDB.

- 5.195 Land at Welton Grove, Greenhill is also north of Midsomer Norton. Although residents of any development here would have good views, located as it is on a hillside the development would be conspicuous from a number of locations. The housing to the south forms a well defined edge to the built up area whereas development of this site would extend the settlement into an attractive rural area. I find no justification for the extension of the HDB to include this site.
- 5.196 Land at Haydon Hill lies to the south west of Meadow View which adjoins the edge of the Radstock Railway Land site allocated for development in the plan as NR2. The objectors state that the site is of no nature conservation value, and should be developed to complement the town centre scheme. However, it is a greenfield site which relates visually to the attractive hillside and open countryside to the south of the town, and development here would narrow the gap with Haydon. As a result I consider that the site should remain outside the HDB.
- 5.197 There are two objection sites at Hazel Terrace/Old Pitt Road. The RDDLP includes land which formed the former Pratten's joinery works within the HDB and planning permission has been granted for the residential development of that site, and that objection has been met. The remaining objection site is a small area to the west of the new housing site, and currently forms part of the Lawson Marden packaging site.
- 5.198 It would make sense to amend the HDB boundary to include any area which is released from the Lawson Mardon site for housing and the area referred to in this objection would appear a good candidate in view of its location between housing to the west and the new residential development to the east. However, Lawson Mardon refer to a potential rationalisation of the uses within their site, and the future of the objection site would most appropriately be dealt with as part of that rationalisation. I therefore make no recommendation to amend the HDB in relation to this site. However, as a developed part of the settlement it would be appropriate to include it within a future settlement boundary. In the meantime any proposals for the redevelopment of the site should be considered under amended Policy HG.4 and the new Policy ET.3(3).
- 5.199 Meadow View, West Road, Midsomer Norton was incorporated into the HDB in the RDDLP and the objection has therefore been met.
- 5.200 Land at Rosemount, Ham Hill, Norton Radstock forms part of the area designated as Important Hillside on the Proposals Map. Although planning permission has been granted for a house on land to the south, I do not find this sufficient justification to extend the HDB to incorporate this land which relates well to the rural setting of the built up area. My

recommended deletion of the Important Hillside designation from the plan does not weaken this assessment.

- 5.201 The Grange, Silver Street, Midsomer Norton is a substantial dwelling set back from the road in large grounds. It lies at the end of a frontage west of Silver Street which is of low density development and separated from the more urban frontage to the north by school playing fields. To the south lies mainly open countryside. In view of the semi rural character and appearance of this frontage, I consider that the site should not be included within the HDB.

Issue xiv)

- 5.202 Abbots Farm Close lies on the edge of Paulton and the objection site is part of the open countryside to the south east. Whilst landscaping around the site would help screen it from views from the open countryside, there are no features which would justify any extension of the HDB to include the site.
- 5.203 At Crossways, Bath Road the dwelling and residential curtilage form a low density site with a semi rural character in a prominent position on the edge of the built up area. In this position I find it relates more closely to the open countryside and therefore it should not be included in the HDB.
- 5.204 Land at Ham Grove adjoins the HDB on two sides but is a greenfield site which relates clearly to land to the east which is more rural in character. I therefore consider that it would be inappropriate to include the site within the HDB.
- 5.205 I accept the logic of including that part of the Paulton Printing Factory site which has planning permission for residential development within the HDB. However, I have recommended that other parts of the site be assessed for the potential to accommodate further housing as part of a mixed use development which would also provide for employment. It would serve no useful purpose to include part of the Printing Factory site within the HDB when the distribution of uses on the rest of the site is uncertain, and therefore I recommend no change to the HDB in this plan. With a change to a settlement boundary approach it would be appropriate to include the whole of the Printing Factory site within its confines.
- 5.206 Land to the east of Spring House at Paulton Hill forms part of the undeveloped gap between the edge of the built up area and Paulton House. This gap is rural in character and therefore an extension of the HDB to include the land would be inappropriate.

Issue xv)

- 5.207 Land at Bath Road (opposite Red Post) was used for quarrying and tipping but this was some years ago and the site has now largely blended in with the rural area with trees and other vegetation. The site forms part of the open area north west of Bath Road where it is contiguous with the HDB. I find no reason to amend the HDB in this location.

- 5.208 Land east of Carlingcott Lane also lies to the north west of Bath Road and is part of the open countryside. I therefore make no recommendation to change the HDB.
- 5.209 Land between Church Road and New Buildings may be largely scrub land but it separates New Buildings from the edge of the main built up area of Peasedown St John. As a result it performs an important function in maintaining the separation of New Buildings as an independent group of houses rather than an extension of the larger built up area into the countryside. I therefore find that the HDB should remain unchanged.
- 5.210 Land rear of 47-53 Church Road also forms part of the gap which separates New Buildings from the main built up area and for the reasons set out above I recommend no change to the HDB.
- 5.211 Land between Greenland's Road and Hillside View is visually contained but is a substantial area of undeveloped land which brings rural character to the centre of Peasedown, and provides a gap between the older terraced housing at Hillside View and the modern development to the south. As a result I recommend no change to the HDB.
- 5.212 Land at 15 Greenlands Road forms part of a residential curtilage but it is currently undeveloped and forms part of the gap between dwellings fronting Bath Road and the relatively self contained group of terraced properties at Hillside View. As a result I consider that it should remain outside the HDB.
- 5.213 Land south east of the bypass is a large area of open land with permission for Class B1, B2 and B8 development. The site was allocated for employment development to complement the large scale residential development which has taken place at Peasedown St John and to help reduce the need for residents to travel out of the settlement to work. There has been a permission on 5 hectares since 1988 with the whole site allocated since 1995, but little progress has been made on its development for employment purposes apart from a new car dealership at the entrance to the site which has now been constructed. The objectors argue that the demand locally is for small scale employment units and it is at an insufficient level to develop 11 hectares or to be viable to build. They are seeking the release of part of the site for 150-200 houses to secure the viability of the remaining 5 hectares of the site for business uses.
- 5.214 However, this is a large greenfield site in a prominent location on the opposite side of the bypass from the residential development with its schools and other services. Peasedown St John has experienced large scale residential development and in my view the only justification for the release of this greenfield site is if it provides the employment development for which it was originally intended. With the completion of the new car dealership there must be some potential for other business/industrial users to be attracted to the site, and even if the whole 11 hectares of the site is not developed I consider it would be preferable

to leave it undeveloped than to allocate it for further residential development. As a result I recommend that it is not included within the HDB. Furthermore, when the Council consider the definition of a settlement boundary for Peasedown St John, I consider that only the area of the site developed or likely to be developed should be included within the boundary, and that the principle of employment development for the rest of the site should be reconsidered when the current planning permission expires.

- 5.215 Although I recommend against further housing on land east of the bypass, I have recommended that land at Wellow Lane be considered for allocation in the event that sequentially preferable sites are not able to provide a sufficient supply of housing land during the plan period. The Wellow Lane site is not divided from the rest of the settlement by the bypass and is not conspicuous within the wider countryside. Furthermore it is smaller than the bypass site so that the scale of development would be more appropriate to the settlement. In the event that the site is allocated for housing, I recommend that it be included within the HDB.

Issue xvi)

- 5.216 Land at Kelston Close forms a gap between bungalows fronting the Close and a garage block to the east. However, it is open land which relates more to the rural surroundings of Saltford and with no very special circumstances put forward to justify its removal from the Green Belt, I have no reason to include it within the HDB.

Issue xvii)

- 5.217 Although the centre of the land at Cappards Farm is within easy walking distance of a number of the facilities in Bishops Sutton which is an R1 settlement, this greenfield site is some 2.2 hectares in area and its development would comprise a substantial extension of the village into the countryside. I consider that the HDB should not be changed to include the site.
- 5.218 The development south of Church Lane between Hillside House and Truffles relates well in character and appearance to housing north of the road rather than to the greenfields beyond. I therefore recommend no change to the inclusion of the area within the HDB.
- 5.219 Land at Poole Farm is part of the rural area south of Bishop Sutton and as such I consider that it would be inappropriate to include it within the HDB.
- 5.220 Although there are dwellings on land north and south of Vine Farm, the majority of the land is undeveloped and relates more closely to the rural setting of Bishops Sutton. As a result I consider that the sites are properly excluded from the HDB.

Issue xviii)

5.221 Although the land east of Lippiat Lane falls between two existing developments, which include the school, and there may be potential within a development to improve the access to the school, this is a substantial greenfield site which relates clearly to the open countryside setting of the village. As a result I consider that the HDB should not be extended to include the site.

5.222 Land east of Mill Lane forms part of the open countryside setting of Timsbury with residential development to the west of Mill Lane. Mill Lane is contiguous with the HDB where it adjoins the site and I find no reason to change it.

5.223 Wheelers Yard, North Road is currently in use as a concrete works. Whilst there may be support for its redevelopment for housing to provide environmental benefits to the village, the site is in active use and remains a source of local employment. The site should be included in any future settlement boundary, but there is no justification for its inclusion in the HDB within this plan. In the interim any proposals for redevelopment would fall to be considered against the amended Policy HG.4 and new Policy ET.3(3).

Issue xix)

5.224 Although the residential development at south east Whitchurch is generally of a lower density than that to the west, the area is not within the Green Belt, and I consider that it is well related to the built up area of the village. The route for the Whitchurch bypass runs through the area, but in my view this is not a good reason to exclude it from the HDB which should logically follow the Green Belt boundary in this location. I therefore recommend that the HDB is amended to incorporate land south east of Whitchurch.

Issue xx)

5.225 With the recommendations which I make for the deletion of Policy ET.3A and the amendment of HG.4, this objection is largely met. However, I do recommend that the potential for the redevelopment of Coomb End is investigated further by the Council and if appropriate that it be included within a table of allocated housing sites.

Recommendations:

R5.21 Modify Policy HG.4 by deleting the existing text and inserting:

“Residential development in Bath, Keynsham, Norton Radstock and those villages defined in Policy SC.1 as R.1 and R.2 settlements will be permitted if:

- i) it is within the built up area of Bath or within the defined housing development boundary; or

- ii) it forms an element of
 - a) a comprehensive scheme for a major mixed use site defined in Policy GDS.1; or
 - b) a scheme coming forward under Policy ET.3(3);
- iii) and it is appropriate to the scale of the settlement in terms of the availability of facilities and employment opportunities and accessibility to public transport."

R5.22 Modify the plan by deleting the heading and paras B7.56 – B75.7 and substituting:

"Urban areas and R.1 and R.2 Settlements

The allowance for windfall development to meet the strategic housing requirement is based on the redevelopment of previously developed land in accordance with Government advice. However, windfalls may also occur on sites which were not previously developed, subject to the other policies of the plan which seek to protect greenfield sites which are, for example, needed for recreational uses, or which are of townscape or nature conservation importance. Large site opportunities are most likely to emerge in Bath but some may also arise in Keynsham and Norton Radstock and the 13 R.1 villages identified in policy SC.1. Opportunities are likely to be more limited in the 8 villages identified as R.2 settlements.

Windfall developments in the R.1 and R.2 villages may help to maintain the social and economic vitality of the rural areas and contribute towards meeting affordable housing needs. However, the scale and location of such schemes is critical to ensure that they can be satisfactorily integrated into the pattern of the settlement, taking account of local character and distinctiveness. To ensure that any windfall development is in keeping with the character of the settlement, and to prevent unsustainable patterns of development, a scheme will not be permitted unless it is appropriate to the scale of the settlement in terms of the availability of facilities and employment opportunities, and accessibility to public transport."

R5.23 Modify para B7.59 by inserting "and R.2" after "R.1".

R5.24 Housing Development Boundaries should be retained in this plan but the Council should consider the use of settlement boundaries in the LDF.

R5.25 The Proposals Map be modified to include the following sites in the HDBs:

Norton Radstock - the garden of 43 Bath Road, Clandown together with the dwellings and their curtilages to the north west; and any land allocated for residential development at Coomb End or at Clandown scrapyard.

Peasedown St John - any land allocated for residential development at Wellow Lane.

Whitchurch - to follow the boundary of the Green Belt and to include land to the south east.

R5.26 The Proposals Map be modified to include Lays Farm, Keynsham within the Green Belt (the boundary to follow the HDB).

Chapter B7 - R2 Settlements - Policy HG.5

81/B4	Rosewell Nursing Home	HG.5
709/B5	Lordswood Farms Limited	HG.5
1567/B2	Mr S Scott	HG.5
2199/B1	Mr M Fone	HG.5
2233/B1	Mr Andrew Wyatt	HG.5
2264/B1	Mr D Warren	HG.5
2326/B3	Mr C B Bentley	HG.5
2454/B1	J A Pitt (Hallatrow) Ltd	HG.5
2891/B1	Mr R L McDougall	HG.5
3097/B8	Mr M Swinton	HG.5
3177/B5	Mr Whitehead	HG.5
3179/B1	NSY Limited	HG.5
3212/B1	Mr & Mrs C B Brown	HG.5
3255/B1	Mr C Blanning	HG.5

Supporting Statement

700/B14	Chase Homes	HG.5
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Issues

- i) Should HDBs be replaced by settlement boundaries?
- ii) Should the policy wording highlight existing opportunities to meet strategic housing requirements in the R2 settlements?
- iii) Should the HDB for East Harptree be amended to follow the rear boundary of Amberley, Combe Lane; to include land west of Joneth, and the former Agricultural Contractors Yard at Pinkers Farm?
- iv) Should the HDB for Farrington Gurney be amended to include the Manor House and its grounds?
- v) Should the HDB for Hallatrow be amended to include land south of Fairwinds; land at Hart's Lane; land at Highbury Road; land at Tudor Lodge, Paulton Road; and land at the rear of properties fronting Wells Road?
- vi) Should the HDB for Hinton Blewett be amended to include land at Combe Hill Farm, Lower Road?

- vii) Should the HDB for Shoscombe be amended to include land opposite Stoney Bank?

Inspector's Reasoning

Issues i) & ii)

5.226 With the amendments which I recommend to Policy HG.4, in particular the introduction of sustainability criteria, there is no longer a need to have separate policies to deal with R1 and R2 settlements. I therefore recommend that Policy HG.5 is deleted. Whilst I agree with objectors that there would be benefits in a change from HDBs to settlement boundaries, in the interests of enabling the Council to adopt this plan and to bring forward the new LDF more quickly, I recommend no change in the use of HDBs in this plan.

5.227 With the deletion of Policy HG.5, there is no need to retain Paragraph B7.61.

Issue iii)

5.228 I agree with the Council that land to the rear of Amberley reads as part of the rural area and therefore it would be inappropriate to include it within the HDB.

5.229 Land west of Joneth is undeveloped land which forms part of the rural area and should not therefore be included within the HDB.

5.230 Although the former contractor's yard and dairy unit at Pinker's Farm is largely redundant, it abuts the residential area only partly and otherwise projects into the open countryside. As a result it would be inappropriate to include the site within the HDB. Subject to clarification as to whether the site is currently in employment or agricultural use, a proposal for the residential redevelopment of the site would fall to be assessed against Policies HG.4 and ET.3(3).

Issue iv)

5.231 The Manor House and its grounds abut the main built up area of Farrington Gurney, but the adjoining development is at a higher density and quite different in character. The Manor House and its grounds have the appearance of a large country residence and as such I consider they relate more strongly to the open countryside which surrounds the village. As a result I consider that the site should remain outside the HDB.

Issue v)

5.232 Land south of Fairwinds is at the edge of the settlement and is largely overgrown. As a result it relates to the surrounding rural area rather than to the built up area of Hallatrow. I therefore consider that it should remain outside the HDB.

- 5.233 Although there are some buildings on the land at Hart's Lane, it is largely open and undeveloped and relates clearly to the rural setting of the village. I therefore consider that it should not be included within the HDB.
- 5.234 The row of semi detached houses fronting Highbury Road and the two houses either side of the main road are separated from the main part of Hallatrow by a wedge of open countryside which includes the line of the former railway which is being reclaimed in parts, but is otherwise overgrown and rural in character. As a result it would be inappropriate to include it within the HDB.
- 5.235 Tudor Lodge, Paulton Road and the neighbouring houses are separated from the main built up area of Hallatrow by open fields to the west and south. The extensive grounds of Tudor Lodge extend west to be opposite the limits of the HDB south west of Paulton Road, but in my view this does not justify the extension of the HDB to include this group of dwellings which relate more directly to the rural surroundings of the village.
- 5.236 Land at the rear of properties fronting Wells Road lies to the east of a site the subject of a new housing scheme and the access to serve this scheme could also serve the additional land. Furthermore, the objectors state that a scheme could provide a better setting for the listed building to the east which is not in good repair. However, this area of undeveloped land is clearly not part of the built up area of the village and therefore it would be inappropriate to include it within the HDB.

Issue vi)

- 5.237 The erection of a garage and the formation of a duck pond at Combe Hill Farm is not sufficient reason to include additional land within the HDB. The land has the appearance of a largely undeveloped site and relates more closely to the rural setting of the village than to the built up area. I therefore consider that it should remain outside the HDB.

Issue vii)

- 5.238 Although land opposite Stoney Bank may have been used in connection with the former railway and some remains of a concrete base are still on site, it has not been used as such for many years and has largely returned to a natural condition. As a result it forms part of the countryside around this part of Shoscombe and should remain outside the HDB.

Recommendation:

- R5.27 Modify the plan by deleting Policy HG.5 and paragraph B7.61.

Chapter B7 - R3 Settlements - Policy HG.6

2083/B1	Mr K Fear	HG.6
2145/B1	Mr D C Poole	HG.6
2227/B1	Mr & Mrs T Crowden	HG.6
2236/B4	Mr M Young	HG.6
2262/B2	Wellow Parish Council	HG.6
2265/B1	Mr & Mrs J B Hudson	HG.6
2351/B2	Mr D Sully	HG.6
2363/B1	Mr M J Taylor	HG.6
2367/B1	Priston Parish Council	HG.6
2375/B1	Dr A Bowyer	HG.6
2400/B1	Mr B Clarke	HG.6
2448/B3	Mr J Sewart	HG.6
2452/B1	Mr R Thompson	HG.6
2648/B5	Persimmon Homes (Wessex) Ltd	HG.6
2952/B1	Mr J W Brooks	HG.6
2977/B2	The Bear Organisation Limited	HG.6
2995/B1	Mr & Mrs R Horler	HG.6
3097/B9	Mr M Swinton	HG.6
3117/B1	Mr T D Hamilton	HG.6
3178/B1	MCS Limited	HG.6
3194/B2	Mr N T Harris	HG.6
3254/B1	Mr K A Jarvis	HG.6
3267/B1	C S J Planning Consultants Ltd	HG.6
3267/B6	C S J Planning Consultants Ltd	HG.6
3310/B1	Ms A Harding	HG.6
3311/B1	Mr A Cox	HG.6
3295/C9	G L Hearn Planning	HG.6/A

Issues

- i) Should the limits of development be defined by settlement boundaries rather than HDBs?
- ii) Should residential development within the HDBs be confined to previously developed land?
- iii) Should the HDB for Chew Magna include part of the area designated under Policy NE.9?
- iv) Should land north of the Bowling Club and the Radfords Retail site be included within the HDB for Chew Stoke, or should an additional category of redevelopment site be added to HG.6?
- v) Should the Walled Garden at the Old Rectory be included in the HDB for Claverton?
- vi) Should dwellings at Dunkerton be included within an HDB?
- vii) Should land r/o Wellow Road be included in the HDB for Hinton Charterhouse?
- viii) Should opportunities for housing/mixed use development be identified in Monkton Combe?
- ix) Should land east of Willow Rise be taken out of the HDB at Priston?

- x) Should land at Pensford Old Road, and at Station Approach, Pensford be included in the HDB?
- xi) Should land to the rear of Stanton Wick Lane be included in the HDB for Upper Stanton Drew?
- xii) Should the HDB at Wellow be amended to follow the landscape character area boundary and include the farm buildings?

Inspector's Reasoning

5.239 Objection 2648 relates to land at Holcombe Close, east of Bathampton, objection 2351 relates to Bannerview Farm, Bathford, and objection 3194 relates to land east of Timsbury Road, Farmborough. These relate to R.1 settlements. I therefore deal with these objections under Policy HG.4.

5.240 In the RDDLP wording is added to paragraph B7.62 to make it clear that conversion of non-residential buildings and sub-division or replacement of existing buildings would be generally acceptable within the HDBs, so objection 345/B22 is met. In the RDDLP the HDB for Wellow is amended at Weavers Farm to take into account existing planning permissions so objection 2262/B2 is met.

Issues i) & ii)

5.241 The R3 settlements are villages which are washed over by the Green Belt. In such villages, PPG2 allows for infill development which does not have an adverse effect on the character of the village concerned. PPG2 advises that a local plan may need to define infill boundaries to avoid dispute over whether particular sites are included.

5.242 There is nothing within PPG2 to indicate that such infill development should be restricted to previously developed land, and for the reasons given in respect of Policies HG.4 and HG.5, I do not accept the interpretation placed by the Council on paragraph 36 of PPG3. In my view paragraph 69 of PPG3 supports this view, since there is no reference in that paragraph to a limit to infilling on previously developed land.

5.243 I therefore recommend a change to Policy HG.6 to delete the reference to previously developed land.

5.244 With regard to the use of HDBs for Green Belt villages, it seems to me that a more restrictive approach to the definition of the area in which infill development would be acceptable is appropriate, but the use of HDBs prevents the inclusion of small sites which are in other uses such as employment, but which may be within the confines of the village. I therefore consider that the use of settlement boundaries is of more value. A settlement boundary would include the whole of the area of the village in which infill or the conversion of buildings to residential use could be acceptable, subject to the other policies of the plan. Clearly sites which are in employment use would need to satisfy the criteria in Policy ET.3(3)

before such redevelopment could take place, and there are other policies to protect sites in uses such as recreation.

5.245 However, for the reasons given in respect of Policies HG.4 and 5, I do not recommend a change from HDBs to settlement boundaries in this plan. The exercise of redefining boundaries to replace the HDBs should be carried out as part of the preparation of the new LDF to avoid further delay in the adoption of this plan.

5.246 Since I am recommending no change to the use of HDBs in this plan, I now consider the objections which seek a change in the HDBs for specific settlements.

Issue iii)

5.247 Although the HDB to the north of the River Chew at Chew Magna encroaches on the area designated as a Site of Nature Conservation Importance bordering the river, Policy NE.9 safeguards such sites from harmful development. Therefore I find no need to exclude the area from the HDB.

Issue iv)

5.248 Land north of the Bowling Club is a greenfield site in the Green Belt outside the main built up area of the village. As a result I consider that it would be inappropriate to include it within the HDB.

5.249 The Radfords Retail site abuts the main developed area of the village in part, but is also separated by undeveloped land to the west. The site is proposed for redevelopment as a MEDS which I deal with in the Green Belt section of my report. With an HDB around the settlement rather than a settlement boundary, there is no scope to include the site which is allocated for mixed use development within the boundary. Furthermore, I consider that the future of the site must be determined in terms of its status as a redevelopment site within the Green Belt whether or not it is accepted as a MEDS, and therefore the additional wording suggested by the objector is not appropriate.

Issue v)

5.250 Although the Walled Garden is largely concealed behind a high stone wall, and was the site of the Manor some years ago, it now forms part of the undeveloped frontage in this part of the village. As a result it would not be an infill site within the terms of PPG2 and has therefore correctly been excluded from within the HDB for Claverton.

Issue vi)

5.251 Dwellings at Dunkerton are few in number and quite loosely grouped. As a result they do not form a settlement of sufficient size or composition to merit the definition of an HDB.

Issue vii)

5.252 Although land at Wellow Road has the benefit of services, it is undeveloped Green Belt land outside the built up part of the village. As a result I consider that it should not be included within the HDB.

Issue viii)

5.253 I have recommended that sites to be allocated for housing should be identified in a new table, and Policy HG.6 is concerned with sites which have not been allocated. It is both unnecessary and inappropriate to refer to specific sites in named settlements in the Policy.

Issue ix)

5.254 Land between Willow Rise and Edgehill in Priston is a gap in an otherwise developed frontage for which planning permission has been granted for a detached dwelling. As a result it is quite appropriately included within the HDB.

Issue x)

5.255 The three areas suggested for inclusion within the HDB at Pensford Old Road are open greenfield sites within the Green Belt which relate to the rural setting of the village. They do not relate to or form a part of the built confines of the settlement and therefore it would be inappropriate for them to be included within the HDB.

5.256 Land at Station Approach is part of an undeveloped area which would be too large to form small scale infilling between existing buildings. As a result it is appropriate that it be excluded from the HDB in this settlement which is subject to Green Belt policies.

Issue xi)

5.257 Land to the rear of Stanton Wick Lane includes an undeveloped frontage to the lane which relates to the open rural setting of this Green Belt village. As a result I consider that the land should remain outside the HDB.

Issue xii)

5.258 Wellow is a village in the Green Belt and the identification of the boundary of the landscape character area has no bearing on the correct location for the HDB. The boundary of the HDB has been amended in the RDDLP to include the land for which planning permission has been granted for residential development, but the remainder of the farm buildings are effectively part of the rural setting of the village and as such should remain outside the HDB.

Recommendation:

R5.28 Modify Policy HG.6 by deleting criterion i).

Chapter B7 - Housing Density - Policy HG.7 and Quick Guide 13

241/B10	High Littleton and Hallatrow Village Design Team and High Littleton Parish Council	HG.7
686/B88	Bath Preservation Trust	HG.7
696/B18	South West RSL Planning Consortium	HG.7
2638/B4	High Littleton & Hallatrow Village Design Team	HG.7
3097/B10	Mr M Swinton	HG.7
3098/B25	George Wimpey Strategic Land	HG.7
3099/B19	Barratt Bristol Limited(Mr A T P Joliffe)	HG.7
S3238/B8	Cadbury Limited	HG.7
S3241/B6	Edward Ware Homes Ltd	HG.7
S3242/B8	Davies Street (Bathampton) Ltd	HG.7
S3251/B13	Prospect Land Ltd	HG.7
686/B89	Bath Preservation Trust	HG.7A
696/B19	South West RSL Planning Consortium	HG.7A
721/B31	Government Office for the South West	HG.7A
3099/B20	Barratt Bristol Limited(Mr A T P Joliffe)	HG.7A
S3238/B9	Cadbury Limited	HG.7A
3312/B6	Cllr G Dawson	Quick Guide 13

Issues

- i) Is it necessary to have two separate policies (HG.7 and HG.7A)?
- ii) Should there should be more flexibility in the policies and are densities of 30 - 50 dwellings per hectare appropriate?
- iii) Whether reference should be made to car parking provision.
- iv) Should Quick Guide 13 refer to communal garden space?

Inspector's Reasoning

Issues i & ii)

5.259 In the interests of having a precise and succinct Local Plan I consider that it would be desirable to limit the number of policies in the Plan and it seems to me that only one policy on residential densities should be sufficient. That policy should not be overly prescriptive, but at the same time it must reflect Government policy which is to raise the overall levels of density in new housing developments in order to reduce the amount of land required for new housing.

5.260 Clearly the policy requires some flexibility such that the density achieved for each site may depend upon its particular characteristics and setting, but the aims of Government policy will not be achieved if new development simply reflects the density of what is already there. The policy does therefore need to be explicit in its requirement for the highest

density to be achieved which is appropriate to each scheme and its setting.

5.261 As worded, Policy HG.7 requires a minimum density of 30 dwellings, but provides criteria which may be used in order to allow for lower densities. In my view this approach risks allowing established densities to be perpetuated rather than encouraging higher densities through innovative design. The Policy would be improved through an expectation that the minimum density will be 30 dwellings to the hectare.

5.262 The approach taken in Policy HG.7A requires a development of 50 dwellings to the hectare or greater to meet certain criteria which would have the effect of restricting such development to certain locations. No such limitations are implied by government policy which requires higher densities of between 30 to 50 dwellings per hectare in order to make more efficient use of land. Indeed, in the locations which would meet the criteria of Policy HG.7A densities in excess of 50 dwellings per hectare should be sought. I therefore put forward a new density policy which would provide flexibility whilst ensuring that the highest possible density is secured at all times.

5.263 My recommended rewording does not limit the application of the policy to within the settlements listed in Policy SC.1. Clearly the majority of residential development is likely to take place within settlements but there are sites which are outside the HDBs of those settlements such as employment sites which may be suitable for residential development. There should be no doubt that the density policy applies to any proposal for residential development.

Issue iii)

5.264 The appropriate level of parking for individual developments is dealt with in other policies within the plan, and there is no need for them to be set out in the density policy.

Issue iv)

5.265 I accept the Council's explanation that the reference to private garden space in Quick Guide 13 would include communal gardens within a housing scheme. Furthermore, I agree that it would be inappropriate for the Local Plan to include examples of other developments. However, I question the use of this device which is neither policy nor explanatory text. In the case of Quick Guide 13, I consider that the contents should be incorporated into a new paragraph in the text before the policy.

Recommendations:

R5.29 Modify the plan by deleting Policies HG.7 and HG.7A and inserting a new policy as follows:

"Residential development will only be permitted where the maximum density compatible with the site, its location, its accessibility and its

surroundings is achieved. Densities in excess of 30 dwellings per hectare will be expected in order to maximise the use of housing sites.

Densities in excess of 50 dwellings per hectare will be expected in and around existing town centres and in locations well served by public transport."

R5.30 Modify the plan by deleting Quick Guide 13 and by incorporating its contents in a new paragraph in the explanatory text before the policy.

Chapter B7 - Affordable Homes - Policy HG.8 and Paragraphs B7.73-B7.82

There are large numbers of representations to this policy; details are listed at Appendix 1

Issues

- i) Is the needs assessment relied on by the Council sufficiently rigorous and convincing?
- ii) Should the policy material on affordable housing be differently distributed between the local plan and the SPG?
- iii) Is policy HG.8 compatible with national advice on planning and affordable housing?
- iv) Other issues

Inspector's reasoning

Issue i)

5.266 At a late stage during the Inquiry the Council withdrew their earlier reliance on the Housing Survey 2000, conducted by David Couttie & Partners, and sought to base the plan instead on more recent material set out in the final report of the West of England Housing Need and Affordability Model (WEHNAM) as subsequently amended at the Inquiry. This study was undertaken in 2004/5 by Prof Glen Bramley and covers the combined areas of four local authorities (Bath & North East Somerset, Bristol, North Somerset, and South Gloucestershire).

5.267 The main challenge to WEHNAM came from Fordham Research (FR). The company characterised it as a "quick and dirty" study drawing entirely on published national data modified by many unexplained assumptions. In FR's view WEHNAM provides a "useful interim basis" but its methodology does not meet the requirement of Circular 6/98 para 6 for a "rigorous" assessment "making clear the assumptions and definitions used (which can) withstand detailed scrutiny". They consider that the report lacks transparency and that a number of individual steps within the study are

based on defective data and/or assumptions, compounding the probable margins of error in the report's findings. In the company's view the reliability of the study's outputs compares poorly with the detailed local information that would be gained from a household survey of the kind commonly undertaken for local authorities by FR themselves.

- 5.268 I make some comments below on the general issues raised by FR but preface these by stating my firm view that fundamental methodological "quality control" disputes of this kind are not best investigated or resolved through an individual local plan inquiry. Affordable housing is a nationally and locally important issue. Local authorities and others need access to unambiguous and up-to-date advice about the methods and information sources that are nationally acceptable as able to provide a properly rigorous assessment in line with the requirements of the circular.
- 5.269 The current best practice guide [Local Housing Needs Assessment: A Guide to Good Practice, DETR, 2000] provides a step-by-step basic needs assessment model at table 2.1. This includes some indications of the likely basic data sources for each step of the model. As the Council pointed out, the guide does not state that collection of primary household data through a local housing needs survey is essential to provide the data for the steps in table 2.1. However, it seems to envisage that information derived from 'Housing needs household survey' data will play a substantial role, albeit that Chapter 2 acknowledges there may be more than one potential source for many elements of information and that different sources may provide valuable cross-checks. The general message seems to be that housing needs assessments will employ a mixture of primary and secondary data, derived from a variety of local and national sources, but normally including "bottom-up" data.
- 5.270 I am aware that, contrary to what appears to be the general thrust of the guide, a number of studies undertaken recently at national, regional and local levels have relied mainly upon data that has not been derived from local household and other surveys. If, contrary to what seems to be the thrust of the present guide, this more "top-down" approach is accepted by Government as appropriate for identifying affordable housing needs at the more local levels this needs to be made plain in any advice that replaces the current guide. Confirmed clear guidance on the best balance of top-down and bottom-up approaches would help to provide local authorities with the sure basis that they need for making well-informed decisions about reliably rigorous methods of assessment before making investments in housing needs studies. It would also reduce the potential for repetitive and wasteful methodological debate at inquiries and examinations.
- 5.271 Turning to the more detailed points raised by FR, the WEHNAM report's estimate of the backlog of existing households in need was amended twice as a direct result of FR's challenges to its likely validity/accuracy, in both cases resulting in substantial downwards adjustments of the total annual unmet need from 891 to 741 to 685. There is still little transparency about the way in which "backlog" information was derived from the notoriously unreliable source of the housing register and the discount

factor applied to the register is very considerably lower than FR say that they have usually found to be appropriate. WEHNAM considers that over 60% of the register represents backlog need whereas FR say that their past household surveys have commonly calculated backlog need at some 15-40% of the number on the register. However, the effect of any overestimation by WEHNAM would be mitigated by the selection of a modest 10% quota reduction rate.

- 5.272 There were many broad and detailed points of difference between FR and the Council on matters such as the methods, data sources and "reasonable assumptions" to be used to estimate numbers arising from different sources of need. A particular matter was the issue of whether any allowance should be made for private renting as a means of meeting affordable housing needs. There were conflicting views as to whether this is a reliable, long-term and satisfactory way of doing so.
- 5.273 I do not consider it profitable for the purposes of this report to record or comment upon these detailed matters as this would not bring closer any prospect of resolving the differences in the B&NES case. However, in general terms the transparency of the process would have gained from the addition of more locally based survey material, as indicated on the right hand side of table 2.1 in the good practice guide.
- 5.274 Finally, as a result of FR's criticisms of the Council's data sources it was accepted that the supply of affordable housing arising from social relets should be increased from 415 (as shown in WEHNAM) to 565.
- 5.275 No matter how reliable and detailed the data and refined the method, no study can provide more than the best possible estimate of need for affordable housing in the District. Furthermore, heavy reliance on the types of data used for WEHNAM, unleavened by specific primary local data, may reduce the likely degree of reliability of District level findings. This reservation applies with particular force to the series of tables setting out aspects of need at the level of the 4 District sub-areas, culminating in table 7.9. Moreover, as suggested by FR, the findings of table 7.9 seem to produce very unusually high requirements for 3+bed dwellings when considered in the context of the information at p61 of the good practice guide.
- 5.276 Notwithstanding the possible fragility of aspects of WEHNAM its final corrected estimate of an unmet need of about 685 units pa compares with possible new provision of about 125 units pa based upon 30% of the balance of about 2,915 units still to be provided through allocations and windfalls from 2004-2011. Whilst the Council's policies do not seek this percentage in every circumstance this is a reasonable assumption for comparative purposes, and actual new provision would then be more than 5 times less than the study's estimate of unmet needs.
- 5.277 FR decline to approach the matter in this pragmatic way, arguing that if the evidence on need for affordable housing is not acceptably rigorous there cannot be a justified policy. Need could be significantly under- or

over-estimated. Nonetheless, since it is not argued that there is no level of need for affordable housing in the District, just an inadequately measured one, I find it safe to conclude that provision at around 30% of the residual requirement would not run any risk of over-providing affordable housing.

5.278 As a further reflection on required rigour in relation to the provision sought, I also observe that the general affordability of housing has greatly declined since the publication of Circular 06/98, at which time it was common in many areas for there to be dispute about the existence of any need at all. This is no longer the case in areas such as the West of England. For instance, I note that B&NES was at around 45th place in the national table of house price to income ratios for working households aged 20-39 compiled by the Joseph Rowntree Foundation in 2003.

5.279 I conclude from all this that there is no sufficient need to require (as FR sought) that a new needs study be provided to underpin the affordable housing policies of the plan or the modifications that I recommend below. However, I recommend that paragraph 7.75 and table 3A of the inquiry change version of the plan, concerning sub-District needs for dwellings of various sizes, be replaced with more generally worded text.

Issue ii)

5.280 In the consolidated version of the plan Policy HG.8 contains neither an overall percentage target nor specific site size thresholds. Instead, the former is delegated to supplementary planning guidance with HG.8 referring only to seeking a "significant proportion" of affordable dwellings. The site size thresholds are covered in the reasoned justification to the plan. There was considerable objection to this distribution, particularly delegation of the target to the SPG. This was justified by the Council on the ground that the plan needs to retain flexibility so that appropriate responses can be made to rapidly changing conditions in the housing market and to any variations in needs indicated by successive housing needs surveys. In presenting policy in this way the Council placed weight on the Court of Appeal decision in the case of *J A Pye (Oxford) Ltd & others v Oxford City Council*.

5.281 However, in my view the circumstances in this case are somewhat different. In the Oxford case the relevant policy in the adopted Local Plan (1997) sought a "significant element" of affordable dwellings but there was also text referring to a "minimum of 20%". The findings of a needs study in 1998 then led the Council to increase the scale of provision and SPG was adopted in 2001 seeking 30%. The Courts supported the use of this figure as a material consideration.

5.282 In this case the results of WEHNAM are available before the adoption of the plan and I find no reason why an appropriate percentage target should not be included in the relevant policy of the plan itself. This will give it full statutory weight rather than having to be relied upon only as a material consideration as part of SPG. The 2004 Act will provide the

opportunity for much quicker statutory review of Policy HG.8, including public testing, if the Council gains evidence from future housing needs surveys demonstrating a justification for doing so. This is preferable to a system of informal review via revisions to SPG. I recommend accordingly.

Issue iii)

Definition of affordable housing

- 5.283 There were some differing views about whether the definition adopted at paragraph B7.74 is generally consistent with national advice but it seems to me that it is and that the definition is adequate for the purposes of the plan. I do not agree that it needs to be developed to provide more reference to local circumstances such as ODPM rent guidelines or the ratio of house prices to local incomes: that is one instance in which the SPG could develop the matter further if necessary. However, I consider that changing 'houses' to 'homes' would comply better with national policy as not everyone will need or wish to occupy a house.

The target provision

- 5.284 There is no particular relationship between the need identified in WEHNAME and the "significant proportion" of the residual residential requirement sought to be provided in the form of affordable homes in Policy HG.8, quantified at 30% by the Council in the SPG. This lack of relationship is not uncommon. Although the assessed need would support seeking a much higher percentage the Council considers that 30% is the most that may be realistically achievable.
- 5.285 Objectors have various views about the level of provision sought through HG.8. Fordham Research suggests that (pending the adoption of a satisfactory report) the policy should seek "an appropriate element of affordable housing where a need for such housing is shown to exist". House-builders tend to be concerned about the use of the term "significant", fearing this to be too imprecise, or being unconvinced that 30% is justified by the needs assessment. On the other hand social housing providers such as the SW RSL Planning Consortium and some others suggest that a higher proportion is justified on the basis that a target at the lower end of the regional affordable housing indicator in RPG10 (equating to 30-50% of all new housing across the region) would not suffice. Specific suggestions for higher percentages were 35% by the SW RSL Consortium and 50% by Bath FoE.
- 5.286 It is recognised in the Good Practice Guide (p20 and table 8.1) that policy judgements will be involved in deciding what provision to make for affordable housing and that the provision sought in the plan may well differ from the assessed need for various reasons. I have already indicated my conclusion that need is likely to be well in excess of the residual housing requirement so the relatively straightforward type of worked example set out in table 8.1 of the guide is not particularly helpful here. However, in my view circumstances in the District are such as to

justify the suggestion that the plan should seek to achieve provision at least a little closer to what seems to me to be the probable level of need. The Council were concerned that seeking a greater level of provision could be counter-productive if it discouraged development, but on balance I support the Consortium's suggestion for raising the percentage of affordable housing to be sought from new planning permissions to an average of 35%. This would bring a modest increase in the annual number of units achieved.

5.287 Referring briefly to one objector's view that the plan would give rise to unrealistic public expectations about how far needs for affordable housing would be met, my recommended wording for the reasoned justification makes it plainer that the policies will not satisfy the likely level of need but attempt to contribute to doing so as far as possible within the overall constraints. I agree with the Council's commentary on the non-applicability to the planning process of two summarised court judgements submitted at the RTS.

5.288 While some consider that allocated sites should have individually calculated target provisions, rather than relying on a standard percentage approach, I am not convinced that there is yet enough information about the individual circumstances of each site to make this a practicable way of proceeding. Treating the percentage as an average of all housing provision and stating the types of considerations that will be taken into account in negotiations in particular cases seems the pragmatic way forward.

5.289 Clearer specific sub-area targets would be desirable in the plan. However, in view of my reservations about the reliability of the sub-District needs assessment and the limited scope for meeting the assessed needs, especially in areas outside the main centres, I am not convinced that particularly meaningful or achievable sub-area targets could be included.

Thresholds

5.290 A number of objectors, particularly house-builders, suggest that there is insufficient evidence to support the adoption of higher thresholds than the norm outside Inner London of 25 dwellings/1ha referred to in Circular 6/98. In their view needs in the District are not unusual by the standards of the south and south-west of England. In contrast, others believe that lower thresholds are justified. In my view the thresholds applied in the plan to the larger settlements are not unreasonable in the circumstances of available evidence on District-wide need or the thrust of emerging advice in Planning for Mixed Communities.

5.291 Some objectors seek lower thresholds in settlements with populations below 3000 where the circular provides for "appropriate" thresholds based on local circumstances without defining any specific minimum limits. Suggestions for these settlements include reducing the threshold from 10 dwellings, as sought in paragraph B7.81 of the consolidated version of the plan, to 4 or 5, and/or setting it at 0.2ha, both on the basis that there will

be few developments of 10 or more in these smaller settlements. Reference is also made to the Rural White Paper and its encouragement for making greater use of planning policies to seek more affordable housing in smaller settlements. However, in my view there is a need for some caution in further reducing the threshold in the smaller settlements as I am not convinced that there is specific evidence to show that the individual needs of all the many villages in the "rural areas" sub-area would justify such a reduction. There may well be some (possibly many) where it would, but in cases of clear need in "policy SC1" villages the rural exceptions approach would also offer a way to increase provision.

5.292 Although it may be considered appropriate to adopt the national approach of directing affordable housing to villages acting as rural service centres in dealing with provision under Policy HG.8, I agree with the Council that in those few cases where developments of 10 or more dwellings are approved in the non R1 settlements the opportunity should not be lost to achieve a proportion of affordable dwellings.

5.293 As I have already indicated under issue 2 above, I agree with objectors that the thresholds should be set out within Policy HG.8 itself and recommend accordingly.

Tenure and occupancy

5.294 Some objectors consider that the plan is too specific as to tenure, contrary to Circular 6/98. However, it seems to me that the definition of affordable housing adopted by the Council cannot be accused of this while the content of the policy itself provides for the possibility of all forms of tenure while at the same time recognising the realities of the assessed needs. In my view this approach is also reasonably in line with the emerging aims set out in the Government consultation paper Planning for Mixed Communities.

5.295 Others, including national health bodies, seek express inclusion of provision for key workers. In my view this can and should be simply accommodated by including an additional brief reference to local employment in the occupancy criteria.

5.296 The CLA are concerned that people wishing to move into the area from outside in order to take up work within it would be excluded from benefiting from housing provided under this policy. It seems to me that the policy as recommended for modification would not exclude meeting such needs although I recognise that a combination of continuing substantial need and limited increase in supply will not remove strains on the management and allocation of affordable accommodation.

5.297 Other objectors are concerned that the required local connection with the 'District' is too imprecise and that policy should require connection with a more local area. I have some sympathy with that viewpoint. However, since much of the need will occur in the larger towns where most of the provision will also be concentrated and the provision itself is likely to fall

well short of need it is highly improbable that individual developments of affordable housing will not find sufficient occupiers with strong local connections, requiring to live in that particular area.

Issue iv)

5.298 A number of objectors consider that further land releases should be made to ensure that overall provision of affordable housing is increased particularly in areas where, although there is considerable need, the plan has allowed housing land supply to be constrained by Green Belt and other factors. These objectors tend to feel that Policy HG.8 risks being a token gesture unless the land supply is increased through further specific allocations or more “creative ways” of looking at proposals for residential development outside defined built-up areas, particularly where this is proposed in the form of small-scale evolutionary housing development suited to local or family needs and especially where this would be sited on previously used land.

5.299 However, it seems to me that implementing these suggestions would usually involve departing from other fundamental factors such as the strategic housing provisions, sustainability aims and policies such as the Green Belt. I therefore do not support them. In general I consider that carefully targeted community-based selection of additional sites under Policy HG.9 offers the most positive way of increasing provision in rural areas under most pressure.

5.300 Other developers considered that the particular costs of certain sites should be recognised in the plan as justifying a lower percentage. As I have stated above, I am not convinced that there is enough information to reach this conclusion about individual sites at this stage but my recommended modification to Policy HG.8 provides a framework for such matters to be taken into account at application stage.

5.301 I consider that the Council’s amendments to the plan respond appropriately to objections considering the contribution of self-build housing

Recommendations:

R5.31 Modify paragraphs B7.14 to B7.16, as set out in the inquiry changes version in Topic Paper 3.5, by rigorously editing them to make them consistent with the corrected WEHNAM assessed annual need and delete Quick Guide 12.

R5.32 Modify paragraphs B7.68 to B7.75 as set out in the inquiry changes version in Topic Paper 3.5, further amended as follows:

B7.70:- substitute “685” for “721” and rigorously edit the other figures and comments in paragraphs B7.70 to B7.75 and table 3A to ensure that they reflect this later correction rather than the figures in the inquiry changes.

B7.74:- change “houses” to “homes”.

R5.33 Modify paragraphs B7.76 to B7.82A as set out in the inquiry changes version in Topic Paper 3.5 as follows:

Retain paragraph B7.76, but amend the final sentence to read:

".....sought where planning permission is sought for development including the provision of dwellings on any suitable sites in settlements identified within policy SC.1."

Delete B7.77 to B7.82A and insert the follow:

"It would not be possible to provide 4795 additional affordable homes for the period 2002-2009 (the need suggested by WEHNAM) because this represents substantially more than the residual housing requirement for the remainder of the plan period. It will therefore not be possible to meet the projected needs even allowing for registered social landlord provision through conversions or purchase of existing dwellings. However, the Council will seek to negotiate to ensure that 35% of all new permitted dwellings are within the affordable category. Developers are advised to take this level of provision into account in negotiating the purchase of sites for development. It will normally be considered that provision of affordable dwellings will be about 75% social rented and 25% intermediate forms of ownership. In certain cases a limited number of low-cost market homes for purchase may be appropriate, provided that there are mechanisms for preserving their affordability in perpetuity, but this will depend on the relationship between local house prices and local incomes of those in need of affordable housing

The 35% target will be regarded as an average proportion to be achieved across all sites granted permission from now until the end of the plan period. The Council will take account of any abnormal site costs associated with the development which may justify an upwards or downwards adjustment of the average. Standard development costs will not generally be considered as abnormal. Account will also be taken of the proximity of local services, and facilities, access to public transport, the distribution of need for affordable housing, and whether or not the provision of affordable housing would prejudice the realisation of other planning objectives that need to be given priority in a particular case. It will normally be expected that such affordable dwellings will be provided on-site in order to help create balanced communities, but in very exceptional circumstances the Council will consider provision in lieu through a financial contribution towards affordable housing on an alternative site within the District.

In view of the overall level of need for affordable housing in the District revealed by WEHNAM the Council considers it appropriate to seek the provision of affordable dwellings on any site where planning permission is sought for a minimum of 15 dwellings (or on a site of a minimum of 0.5ha) in Bath, Keynsham, Norton-Radstock, Saltford, Peasdown St John and Paulton.

For the same reason the Council considers it appropriate to seek the provision of affordable dwellings on any site where planning permission is sought for a minimum of 10 dwellings (or on a site of a minimum of 0.5ha) in all smaller villages with populations of fewer than 3000, including those not identified in policy SC.1.

It is expected that this policy will result in delivery of about affordable homes in Bath, in Keynsham,in Norton-Radstock and around in rural villages. [figures to be inserted by the Council].

Before granting planning permission for any affordable housing the Council will require suitable arrangements to be in place to secure the occupation of the dwellings both initially and in perpetuity by people with a genuine need for such accommodation who are either already resident in the District or have strong connections with it, such as locally employed key workers. Some examples of appropriately secure arrangements are given at para.....below." [Council to insert appropriate reference from the supporting paragraphs to HG.9].

The Council will keep the need for affordable housing under review, together with the progress made towards achieving the level of provision expected under this policy. If justified by the evidence, an early review of the policy will be made with a view to introducing changes using the opportunities presented by the procedures for local development documents under the Planning and Compulsory Purchase Act 2004."

R5.34 Modify Policy HG.8 by deleting the existing wording and substituting:

"The Council will seek to secure the provision of 35% affordable housing before determining applications for planning permission in the following circumstances: -

- in Bath, Keynsham, Norton-Radstock, Saltford, Peasedown St John and Paulton where permission is sought for 15 dwellings or more or the site has an area of 0.5ha or more; and
- in settlements where the population is 3000 or below, where permission is sought for 10 dwellings or more or the site has an area of 0.5ha or more.

Higher or lower percentages may be sought in individual cases, taking account of:

[include existing criteria i) to iv)]

Before planning permission is granted under this policy secure arrangements will need to be in place to ensure that:

[include the existing second set of criteria (i) to (iii) but insert "such as local employment" at the end of (b) i)].

The Council will keep under review the need for affordable housing and the provision achieved under this policy and, if appropriate, will bring forward an early review of the matter."

Chapter B7 - Rural Exceptions - Policy HG.9 and Paragraph B7.83

2057/B3	Bath & District Self Build Association	B7.83
687/B6	Peasedown St John Parish Council	HG.9
696/B33	South West RSL Planning Consortium	HG.9
696/B21	South West RSL Planning Consortium	HG.9
2311/B8	Somer Community Housing Trust	HG.9
2599/B2	Mr G Glass and Mr R Weston	HG.9
3081/B1	Mr D Hall	HG.9

Supporting Statements

3186/B3	Chew Magna Parish Council	HG.9
3305/B2	W Reed (Builders) Ltd	HG.9

Issue

- i) Are the policy criteria consistent with national advice?

Inspector's reasoning

5.302 There was some concern that the cascade provisions of criterion (ii) (a) & (b) may be too restrictive. Bearing in mind the rationale for "exceptions sites" I am not convinced that it is necessary to make this provision more flexible as a matter of policy. Provided that the needs for exceptions schemes are properly researched I agree with the Council that it is unlikely that qualifying occupiers could not be found.

5.303 The South West RSL Planning Consortium suggest that criterion (iv) should not restrict the delivery of affordable housing in type R4 settlements as this would be contrary to PPG3 and the Rural White Paper. However, it seems to me sensible to aim to concentrate the provision of affordable housing at settlements with at least some facilities. There are some 40-50 towns and villages in the urban and R1-R3 categories well distributed throughout the District as a whole. In my view this framework offers sufficient scope to meet rural housing needs while at the same time helping to give the most effective support to local facilities and services, most of which will be concentrated into these villages rather than other smaller settlements. Few truly sustainable needs could be identified, or should normally be met, at a finer level of detail than the R3 villages although I have accepted that occasional windfall developments of 10 or more dwellings in such villages should contribute some affordable housing.

5.304 Broader objections were made to criteria (iv) and (v) on the grounds that greater numbers of affordable houses could be achieved in rural areas if a more creative approach were taken to maximising opportunities for

development in large gardens outside villages and on other areas of rural previously-developed land, perhaps on the basis of adopting lower site-size thresholds in such cases and requiring higher proportions of affordable housing. However, it is unlikely that more “creative” options involving a mix of market and affordable housing could be pursued in rural areas without causing conflict with other important national and local objectives such as concentrating development in the larger towns and villages in the interests of achieving more sustainable living patterns and protecting the countryside.

5.305 It was also suggested that criterion (vi), could act to prevent necessary development of exceptions sites in the Green Belt areas of the District. However, I consider that this potential difficulty could be overcome by relatively minor rewording.

5.306 The lack of clarity of criterion (i) to HG.9 was discussed at the inquiry. The Council later put forward a possible alternative. However, I consider the criterion unnecessary as it effectively repeats the requirement set out in the introduction to the policy for a “demonstrable and particular need” to exist. My recommendation reflects that point. It also further simplifies the over-complex structure of HG.9 while retaining the same policy elements.

5.307 I do not consider it necessary for the plan to say anything specific about earth-sheltered dwellings in this context. Any such proposals could be considered under the plan’s policies as a whole.

Recommendations:

R5.35 Modify Policy HG.9 by deleting the existing text and substituting:

“As an exception to the other housing policies of the plan, residential development of 100% affordable housing will be permitted on land outside the scope of those other policies if it will meet a particular demonstrable need for local affordable housing arising in an individual rural parish or group of parishes which cannot be met in any other way, provided that:

occupancy of the housing is restricted in perpetuity as being for the benefit of people in need of the accommodation because of their inability to complete successfully in the local housing market who are either:

as a first priority, currently living in the parish or group of parishes as long-standing residents and are in need of separate accommodation, or

as a second priority, not resident in the parish or group of parishes but have strong local connections with it/them; and

[include existing criteria iv) and v) and]

in the case of a proposed development at a Green Belt village, the site has been selected to cause the minimum possible harm to the openness and purposes of the Green Belt.”

R5.36 Modify paragraphs B7.83 to B7.91 as follows:

"Recent amended advice in PPG3 is that all local authorities that include rural areas should include a 'rural exception site policy' in the relevant development plan document. This is to enable the allocation or release of small sites which would not otherwise be released for housing to provide affordable housing to meet local needs in perpetuity on sites within and adjoining existing small rural communities.

The Council recognises that there is only limited scope to satisfy rural-based needs for affordable housing through the operation of policy HG.8, yet WEHNAM identifies a need for [Council to insert edited figure based upon the final corrected District-wide total]. It will therefore give sympathetic consideration under policy HG.9 to schemes designed to meet local needs generated within rural communities under the terms of PPG3 and demonstrated to be required through specific needs data compiled in cooperation with the Council's Housing Services.

The definition of affordable housing for rural exceptions sites will be taken to be [incorporate italicised words at B7.87].

[Retain B7.90]

However, such schemes will be limited to villages classed R1, R2 and R3 under policy SC.1. Smaller settlements will be considered unsuitable on sustainability grounds. In considering any schemes within the Green Belt the Council will require sites to be selected that have the minimum possible impact on the purposes of the Green Belt.

[Retain B7.89]

[Retain B7.91]

As the potential for positive 'allocation' of such sites was introduced into PPG3 at a very late stage in the evolution of the local plan this possible avenue of provision will not be considered until the affordable housing policies are reviewed through a local development document."

Chapter B7 - Policy HG.10

2599/B3	Mr G Glass and Mr R Weston	HG.10
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Supporting Statement

696/B22	South West RSL Planning Consortium	HG.10
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Issue

- i) Is the policy is too restrictive?

Inspector's Reasoning

5.308 The objectors seek a more permissive policy context for the provision of all forms of housing to allow for the evolution of villages to meet future needs in an eco-efficient, self supporting and interdependent way. In particular local communities should decide on future development.

5.309 However, there is no provision in national policy for such an approach to be taken, and there would be risks to the objectives of balanced communities and sustainable patterns of development if a more permissive policy approach was taken. Policy HG.10 accords with Government advice as set out in PPS7 which states that isolated new houses in the countryside require special justification for planning permission to be granted. The criteria largely reflect those set out in PPS7, and in my view are appropriate to the constraints applicable within the District. The only change which I recommend to the Policy is that reference to Policy HG.9 be added, and reference to Policy HG.5 be deleted. Policy HG.9 allows for non-agricultural/forestry related housing outside settlement boundaries to meet needs for affordable housing.

Recommendation:

R5.37 Modify Policy HG.10 by deleting "HG.4, 5 and 6" in the first line and substituting "HG.4, 6, and 9".

Chapter B7 - Policy HG.11

Supporting statement

696/B23	South West RSL Planning Consortium	HG.11
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Chapter B7 - Policy HG.12

581/B11	Batheaston Society	HG.12
3276/B6	Temra of Bath	HG.12

Supporting Statement

696/B24	South West RSL Planning Consortium	HG.12
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Issues

- i) Should the policy prevent the conversion of two or more dwellings into one?
- ii) Should the policy take account of urban design/environmental opportunities within the Western Riverside Regeneration Area?

Inspector's Reasoning

Issue i)

5.310 As the Council points out, criterion iv) of the policy deals with the loss of existing accommodation and would cover the conversion of two or more dwellings into one. Whilst it does not expressly prevent all such conversions under any circumstances, I consider that it would be unreasonable to attempt to do so. The matters to be taken into account set out in criterion iv) are appropriate.

Issue ii)

5.311 A reference to a specific site in this policy would take it to a higher level of detail than is appropriate. As worded, I consider that the policy makes adequate provision for account to be taken of the particular circumstances of Western Riverside.

Recommendation: no change

Chapter B7 - Policy HG.13 and Paragraph B7.116

3257/C152	Somer Valley Friends of the Earth	B7.116/A
723/B30	Bath Chamber of Commerce	HG.13
3257/C154	Somer Valley Friends of the Earth	HG.13/A
3257/C155	Somer Valley Friends of the Earth	HG.13/B

Supporting Statement

696/B25 South West RSL Planning Consortium HG.13

Issues

- i) Should B7.116 maintain the priority given in the DDP to restoring former residential properties to residential use?
- ii) Should a dwelling which has changed to non-residential use be allowed to change to another non-residential use given the pressure for offices local professionals?

Inspector's Reasoning

Issues i) & ii)

5.312 The objectors are opposed in their views of the way in which the supporting text and policy should be directed. The Council changed the policy and its supporting text to reflect acceptance of the view that where a building has changed from residential use, change to other non-residential uses can be acceptable. I agree with this approach. Bath is a tightly constrained urban area in which there are pressures for a range of different land uses. If priority was given to restoring buildings back to

residential use, then problems would be experienced in providing for other uses which had historically used those buildings. It is important that the City and other urban areas within the District maintain a range of uses in order to provide jobs and houses within the same settlement. I therefore recommend no change to the wording of paragraph B7.116 and Policy HG.13 as set out in the consolidated version of the plan.

Recommendation: no change

Chapter B7 - Policy HG.14 & Paragraph B7.118

3097/B12	Mr M Swinton	HG.14
3493/C2	Bath & Wells Diocesan Board of Finance	HG.14/B
3515/C1	Mr & Mrs D Layton	HG.14/B

Issues

- i) Should the replacement of dwellings be limited to those which are substandard?
- ii) Should the terms "substandard" and "openness" be defined?
- iii) Should the policy include reference to ancillary buildings?

Inspector's Reasoning

5.313 The policy as set out in the RDDLP has been changed to include reference to dwellings which are not substandard, and the supporting text at paragraph B7.118 is proposed for amendment under a pre-inquiry change to include reference to S604 of the 1985 Housing Act which defines the term substandard.

5.314 However, there is nothing in national policy which requires a dwelling which is proposed to be replaced to be substandard, and this appears to be recognised by the Council by the introduction of criterion ii) of the policy. In these circumstances, I consider that the inclusion of criterion i) is unnecessary since criterion ii) would apply to any proposal whether or not the existing dwelling is substandard.

5.315 The issues which are important are covered by criteria ii) and iii): the effect of such proposals on the character of the countryside and on the openness of the Green Belt. In this respect a limit to the scale of any replacement dwelling in the countryside is appropriate, together with a limit to the scale of any ancillary buildings for which a planning permission for replacement is sought. Clearly where planning permission is not required for ancillary buildings this policy would not come into effect and therefore the concerns of the Bath and Wells Diocesan Board of Finance are not well founded. As regards a definition of the term openness in the context of Green Belt, this is a commonly used phrase and appears in

Government policy as set out in PPG2. The use in this policy complies with that advice and I find no reason to include any detailed explanation.

Recommendation:

R5.38 Modify Policy HG.14 by deleting "5" in the first line and criterion i) and by modifying criterion ii) by deleting "other" in line 2 and by not adopting PIC/B/44.

Chapter B7 - Paragraphs B7.120 and B7.121

2460/B1	Phoenix Marine	B7.120
2460/B3	Phoenix Marine	B7.121

Supporting Statements

3257/C153	Somer Valley Friends of the Earth	B7.121/A
3511/C10	British Waterways	B7.121/A

Issue

- i) Whether residential and visitor boat moorings should be subject to Policies HG.4-6.

Inspector's Reasoning

5.316 This section of the plan is concerned with residential development, and therefore I address here the issue of residential moorings only. In my view moorings for visitors are a matter which should be considered against the policies of the plan which deal with tourism, such as policies ET.11 and 12.

5.317 The Council accepts that residential moorings can make a useful contribution towards meeting the housing requirements of the District, including the need for affordable homes, but considers they should be subject to the same controls as other residential development. Clearly the sites required for physical development of land based houses are quite different from a location on a river required for a mooring, and I agree with the objector that criteria in Policies HG.4, 5 and 6 of the RDDLP would cause problems to anyone seeking permission for such a mooring. In particular it is difficult to understand how the requirement to be located on previously developed land could be met, and the application of the concept of infilling in the context of a mooring is not clear. However, I have recommended that the three policies be amended and incorporated into two, and consider that criteria set out in my recommended HG.4 would meet many of the concerns of the objector whilst maintaining the control sought by the Council.

5.318 However, Policy HG.4 applies only to R.1 and R.2 settlements, and relates to HDBs. I recommend that HDBs be replaced by settlement boundaries when the LDF is produced, and in my view the application of settlement boundaries would also assist in the formulation of policy to control

residential moorings, since boatyards and marinas could be included within such boundaries. In the implementation of this plan however, it is the HDBs which would form the limits for residential development in the R1, 2 and 3 settlements, and the HDBs do not necessarily incorporate boatyards and marinas.

5.319 The objector refers to established boatyards, a new marina in an appropriate location and/or within proximity of suitable facilities as the most appropriate locations for new moorings. It seems to me that these are appropriate locations for new moorings, and the key to ensuring that they are in sustainable locations would be to test them against locational criteria. There are an array of other policies which protect for example the Green Belt, landscape, and nature conservation which would come into effect in any event, so I consider that the physical impact of residential moorings could be adequately controlled.

5.320 To ensure that residential moorings can be properly considered in this plan, I recommend the introduction of a new policy, which incorporates the principles of HG.4, whilst widening out the physical location of suitable sites to include boatyards and marinas which may not be within HDBs.

Recommendations:

R5.39 Modify paragraph B7.122 by deleting the existing words and substituting:

"Proposals for permanent residential moorings will be subject to Policy HG (Council to insert number), and other relevant policies of the Local Plan."

R5.40 Modify the plan by inserting new Policy HG. (Council to insert number), below paragraph B7.122 as follows:

"Residential moorings in Bath, Keynsham, Norton Radstock and those villages defined in policy SC.1 as R.1, R.2 and R.3 settlements will be permitted if the site is:

i) within the built up area of Bath or within a defined housing development boundary; or

ii) within an established boatyard or marina; and in all cases

provided the location has good access to services and facilities including employment opportunities and accessibility to public transport."

Chapter B7 - Paragraph B7.123

3257/C157 Somer Valley Friends of the Earth

B7.123/C

Supporting Statement

3257/C156 Somer Valley Friends of the Earth

B7.123/B

Issue

- i) Whether reference should be made to social benefits of development.

Inspector's Reasoning

5.321 The need for, or the social benefit of, a particular development can be a material consideration to be weighed against any harm. But I see no particular reason why this needs to be especially highlighted in the context of householder development. No change is necessary.

Recommendation: no change

Chapter B7 - Policy HG.16 and Paragraph B7.129

1427/B66	Environment Agency	B7.129
3257/C158	Somer Valley Friends of the Earth	B7.129/A
42/B2	CPRE	HG.16
233/B3	Compton Dando Parish Council	HG.16
1901/B1	The Central European Romani Gypsy Council	HG.16
2970/B1	Mrs O'Connor	HG.16
3246/B1	Avon Travellers Support Group	HG.16
3257/C162	Somer Valley Friends of the Earth	HG.16/E

Supporting Statements

1427/C200	Environment Agency	B7.129/B
3257/C159	Somer Valley Friends of the Earth	B7.129/B
878/B17	The Bath Society	HG.16
1427/B67	Environment Agency	HG.16
3257/C160	Somer Valley Friends of the Earth	HG.16/A
3257/C161	Somer Valley Friends of the Earth	HG.16/D

Issues

- i) Should "and other travelling people" be inserted after "gypsies" in paragraph B7.129 and in the Policy should "substantial and" or "unacceptable and" be inserted before "substantiated".
- ii) Should specific reference be made to the Green Belt; should the number of possible sites be limited; or should the policy be deleted?
- iii) Should the policy adopt criteria from Circulars, other Government guidance and legislation?
- iv) Whether there should be specific site provision and whether the policy conflicts with Policy 35 of the JRSP.

Inspector's Reasoning

5.322 The objection by the Environment Agency has been met through the insertion of additional wording in Paragraph B7.129.

Issue i)

5.323 The heading to this section of the plan makes it clear that it deals with gypsies and other travelling people; there is no need for additional wording to be added to "gypsies" elsewhere in the text. I comment on the wording of the policy and recommend revised criteria below.

Issue ii)

5.324 Policy HG.16 is a criteria based policy and I see no reason why its application should result in a proliferation of gypsy sites throughout the countryside. Any proposal would be subject to the other policies of the plan, which include those which protect the countryside from harmful development. In particular, any proposal in the Green Belt would be subject to Green Belt policies so there is no need to make reference to it in HG.16. There is no basis for a limit to the number of caravan pitches since the Council has made no quantitative assessment of the need which might justify such a limit.

Issue iii)

5.325 Whilst it is necessary for the policy to be in accord with Government policy and the law as expressed through Acts of Parliament and High Court decisions, it would be inappropriate for detailed reference to be made to these in the policy.

Issues iv)

5.326 Policy 35 of the JRSP relates to the provision of conventional housing which would not necessarily be suitable for gypsies and other travelling people. Policy 37 was included to deal with gypsies, but that Policy has been quashed in the Courts and therefore no longer has any status. In the absence of a strategic policy, I agree with the Council that it is the advice as set out in Circular 1/94 which should be followed, having regard to the consultation draft "Planning for Gypsy and Travellers Sites" published in December 2004. Avon Travellers Support Group criticise the advice in Circular 1/94 but until there is a replacement that is the policy to which due weight should be given.

5.327 As regards the approach taken by the Council to gypsy site provision, B&NES undertook no assessment of need for gypsy accommodation to inform the policies of the Local Plan. The advice that a quantitative assessment should be undertaken of the amount of accommodation needed for gypsies was repeated in PPG12, PPG3 and the 2004 Housing Act. PPS12 requires Local Planning Authorities to have regard to the Race Relations Act and the Homelessness Act 2002 places an obligation on Local Planning Authorities to develop housing strategies. Recent alterations to PPG3 (paragraph 18) also make it clear that provision for rural affordable housing should include the needs of gypsies.

5.328 A Housing Needs Study was carried out in 2000 which considered the special needs of some groups such as the elderly, disabled and the

homeless, but no specific assessment of the needs of gypsies and travellers. From the bi-annual gypsy caravan counts, the records of unauthorised encampments and the submission of very few planning applications, the Council concludes that there is little demand for permanent or transitory sites. However, these sources have been heavily criticised and there has been no consultation with the gypsy community or research into the records to verify the Council's conclusion. The Council now admits that an assessment should be carried out, but it is clear that the Council has failed to comply with national guidance and the needs of gypsies have not been subject to the same level of assessment as those of other groups who require accommodation.

- 5.329 A resolution was taken by B&NES in July 2004 to carry out a full assessment, with the assessment ready for presentation at the Local Plan Inquiry. However, the assessment has not been carried out, and there is no programme for the work required. The Council indicated that they were waiting for guidance before undertaking such an assessment, and clearly it is too late for an assessment to inform this Local Plan which, with the preparation of a LDF under the new system, is likely to have a limited lifespan. Nevertheless, I consider that the Council should delay no further in undertaking their assessment in order to properly inform a future housing DPD. The assessment could if necessary be modified to take into account any changes required in response to advice which has yet to be issued.
- 5.330 Examples were given to me of gypsy families in need within the District, in particular four homeless families with 20 children. Furthermore it was stated that gypsies know it is easier to find sites elsewhere so tend not to try to settle in B&NES. I do not therefore accept the Council's view that there is no need to provide permanent or transitory sites for gypsies. A proper assessment of need is urgently required to assess the scale of the need, and where it might best be met. This will be required to inform the LDF and to ensure that provision is made through a locational policy. The locations most favoured by gypsies in the District are generally highly constrained by Green Belt and AONB but in these circumstances it is even more important for the Council to provide the lead in identifying suitable sites or locations. If there is a need for a site within the area constrained by Green Belt, provision should be made through the plan making process for either a limited alteration to the defined Green Belt boundary or to inset a suitable site within the Green Belt.
- 5.331 Three sites were put forward as having potential to accommodate gypsies. The sites are Council owned and subject to a number of constraints, including Green Belt. However, having visited the sites, I consider that land to the rear of the Newbridge Park and Ride should be investigated further. The site is within the Green Belt and would therefore need to be considered for removal as part of the review of the Green Belt around Bath in the preparation of the LDF. Access would need to be through the existing Park and Ride, but I see no reason why any conflict between the two uses could not be resolved. The site is well contained within the landscape, and has good access to local shops, schools and medical

facilities. It is also well served by public transport, has good accessibility to the the A4 Ring Road, and would be easy to locate.

5.332 I do not have sufficient evidence on which to make a judgement as to whether this is the most suitable site or the scale of the site which should be allocated, but must reluctantly take the view that the adoption of this Local Plan should not be delayed by further work on this matter. I accept that this is a most unsatisfactory situation, but the work will need to be carried out as part of the preparation of the LDF. The work will need to identify the level of need in the District, and the types of provision to be made. Within the relevant DPD the Council will need to identify the general areas in which new sites will be acceptable, or allocate specific sites for permanent, temporary or transitory use.

5.333 The failure to provide a locational policy in this plan will result in delay in the identification of specific sites. Therefore it is even more important that the criteria based policy provides clear, robust and positive guidance. As drafted Policy HG.16 takes a positive approach in so far as proposals will be permitted "outside the scope of policies GDS.1 and HG.4, 5 and 6", but it is then subject to a long list of criteria which are likely to make it very difficult for any proposal to comply. In particular there is no justification for requiring a proposal to be for permanent residential use when there could be a demand for seasonal or transit accommodation; criterion ii) is not clear; iii) and iv) are concerned with infrastructure which should be capable of being provided, not necessarily already on site; v) is not well defined; and vi) is too general. Bearing in mind that any proposal would be subject to all the other policies of the plan, and having taken into account the advice in the draft Circular, I recommend a reworded policy below.

Recommendation:

R5.41 Modify Policy HG.16 as follows:

line 6 be amended to reflect the deletion of Policy HG.5;

criteria i)-vi) be deleted and replaced with

"i) the site has good access to local services, facilities and public transport;

ii) it has safe and convenient access to the road network;

iii) it is capable of being landscaped to ensure that it blends in with its surroundings;

iv) adequate services including foul and surface water drainage and waste disposal can be provided;

v) there would be no harmful impact on the amenities of local residents by reason of noise or fumes from business activities."

Chapter B7 - Policy HG.17 and Paragraphs B7.134 to B7.137

There are large numbers of representations to this policy; details are listed at Appendix 1

Issues

- i) Whether reference should be made in paragraph B7.135/A to the need to identify an alternative campus to enable relocation of the Bath Spa University College from Sion Hill/Somerset Place.
- ii) Should the plan require the maintenance of rented property?
- iii) Should the plan control the proportion of student accommodation in the City and at the universities; and should the effect on permanent residential communities be taken into account?
- iv) Does the emphasis on previously developed land lead to unacceptable loss of employment land?

Inspector's Reasoning

5.334 The issues raised in respect of the expansion of the University of Bath are covered in Section 9 of my report, which deals with the proposal to take land out of the Green Belt at the University. I recommend changes to Policy HG.17 in that context and these are set out below.

Issue i)

5.335 No assessment is submitted to support the need to relocate the Bath Spa University College campus at Sion Hill/Somerset Place. In the event that the University wishes to relocate this campus to the Newton St Loe site, I agree with the Council that a full assessment would be required of the ability of that site to accommodate the relocated uses within its present boundaries. Very special circumstances must be demonstrated to justify any change to the Green Belt boundaries of the Newton St Loe site, and a demonstration that the existing site could not accommodate the new development would be a material consideration.

5.336 In the absence of a demonstration of the exceptional circumstances required by Government policy to justify an amendment to the boundary of the Green Belt, I recommend no change to paragraph B7.135/A.

Issue ii)

5.337 As the Council correctly points out, the Local Planning Authority has no control over the maintenance of houses owned by buy to let landlords. It would be inappropriate to include any such provision in the Local Plan.

Issue iii)

5.338 There is a limit to the extent to which the conversion of family housing for student accommodation can be controlled under planning legislation. Where planning permission is required, Policy HG.12 provides criteria against which proposals would be assessed, and it is supported by Policy D.2 (as recommended to be modified). Purpose built student accommodation is controlled through Policy HG.17, and other policies such as D.2. For the University of Bath, additional land is allocated at the Claverton Down campus which should help relieve pressure on the city centre.

Issue iv)

5.339 Although a proportion of previously developed land is employment land, protection is provided for its continuation in that use where necessary by the employment policies of the plan.

Recommendation:

R5.42 Modify Policy HG.17 as follows: -

in criterion (i) delete the existing wording and substitute "it is on previously developed land or other land allocated for the purpose";

delete PIC/B/45 criterion iii)c) and insert new iii)c): "within the areas identified for development for student accommodation in the university master plan (see policy GDS.1/B11)"

Not incorporate IC9.
