

Bath & North East Somerset Council		
MEETING:	Cabinet	
MEETING DATE:	12th September 2012	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2455
TITLE:	Concept Statements for MoD sites in Bath	
WARD:	Combe Down, Widcombe, Bathwick, Lansdown	
AN OPEN PUBLIC ITEM		
Appendix 1: Revised MoD Foxhill Concept Statement Appendix 2: Revised MoD Ensleigh Concept Statement Appendix 3: Revised MoD Warminster Road Concept Statement		

1 THE ISSUE

- 1.1 The MoD Concept Statements set out the Council's planning framework for the redevelopment of the MoD Sites in Bath at Foxhill, Warminster Road and Ensleigh. They are an early stage in the preparation of the Council's Placemaking Plan.
- 1.2 At its meeting in July, Cabinet considered the key issues arising from the public consultation. This report presents the revised MoD Concept Statements following consideration of the issues arising from public consultation. It also provides a response to the request made at the previous Cabinet meeting relating to the implications of further raising the sustainable construction standards applicable to the sites.

2 RECOMMENDATION

- 2.1 The Cabinet agrees that the amended Concept Statements in Appendices 1, 2 & 3 are endorsed for Development Control purposes and for incorporation into the Placemaking Plan Options.

3 FINANCIAL IMPLICATIONS

- 3.1 The preparation of the three MoD Concept Statements is being funded as part of the Placemaking Plan from the Local Development Framework budget.
- 3.2 Based on the Strategic Housing Land Availability Assessment (SHLAA) the three sites have the capacity of generating up to £9.4 million pounds in New

Homes Bonus under the current regime. The future use of any New Homes Bonus receipts arising will be considered by the Council as part of the medium term service and resource planning process in the appropriate financial year. The New Homes Bonus is an annual revenue receipt for 6 years after the delivery of new homes.

- 3.3 All of the sites generate the need for educational places. However, there are also current and projected educational capacity pressures in the city and the Concept Statements provide the opportunity to identify the contribution of the MoD sites to this issue. The consultation events have identified opportunities to address these pressures and the potential to provide additional school places to meet need. The issues raised during the consultation for each of the 3 sites have been summarised, and are discussed in more detail in section 5 below.
- 3.4 The sites are likely to receive planning permission before the introduction of CIL, therefore, the Concept Statements will need to provide clarity on the s.106 developer requirements on these sites as far as possible.

4 CORPORATE OBJECTIVES

Build a stronger economy by:

- a) optimising the development potential of the sites, having regard to the Council's planning and economic development policies for the City.
- b) supporting the objectives of the Economic Strategy and underpin the Growth Agenda

Promoting independence and positive lives for everyone and creating neighbourhoods where people are proud to live by:

- a) promoting a housing led mixed-use development of the sites which will assist in delivering Bath and North East Somerset's strategic housing and, employment objectives, including local affordable housing needs, and address wider environmental, social and community issues as outlined in the Draft Core Strategy and so contribute to its objectives.
- b) consulting with and consider local community views and needs
- c) mitigating local labour market and transportation impacts and support bids for funds to promote local employment growth

5. THE REPORT

- 5.1 Redevelopment of the MoD sites is a key part of the Core Strategy which focuses development needs on brownfield land to limit urban expansion onto greenfield sites and loss of Green Belt land. The sites are identified within the SHLAA as providing around 20% of Bath's housing land supply in the period up to 2026. Whilst the Core Strategy is under review, the size of these sites means that they will continue to play an important role in the district's housing land supply.
- 5.2 The Concept Statements are the first stage in the preparation of the Council's Placemaking Plan, a statutory Development Plan Document (DPD). Whilst the DPD will not be finalised before the disposal of the sites, their preparation has been subject to the initial stages of statutory Plan preparation, including assessment of evidence and public consultation. This will provide sufficient

planning weight to provide a basis for on-going discussions with developers on planning applications.

- 5.3 The Concept Statements are not detailed site briefs or masterplans. Instead, they set out the vision and the key development / design principles to assist developers in the formulation of proposals for each site. The Concept Statements highlight the relevant evidence base as well as what further work is required. They will assist developers in defining what is required to create a high quality sense of place whilst also optimising the development potential of each site. The Concept Statements also provide developers with greater certainty by identifying a clear process towards gaining planning permission. They set out the tools that the Council can offer to applicants to enable the delivery of a managed planning process.

Consultation Feedback

- 5.4 The MoD report to the 11th July Cabinet meeting highlighted the key issues that emerged during public consultation, and the Council's initial response to them.
- 5.5 All comments received during the public consultation are now on the Council's website. This provides a useful resource for future landowners and developers both in their assessment of the value of the sites, and in the formulation of their development proposals. These comments reflect local opinion and developers will also need to be aware of these comments in light of the detailed community engagement that they are now expected to undertake (see the Council's Statement of Community Involvement) in accordance with the Localism Act 2012. This process will help to enable higher quality development proposals, as well as creating a smoother path through the planning process.

Revisions following public consultation

- 5.6 The Concept Statements have been revised in response to the public comments received, and these are attached as Appendices to this report. Many of these revisions are relatively minor or are clarifications. However there are 4 more issues which are highlighted below.

Education

- 5.7 The impact on educational provision was perhaps the key issue arising from the public consultations. The earlier draft Concept Statements had set out the educational requirements generated by the proposed development. However the consultation process highlighted the opportunities that the MoD sites present to address the wider educational needs within the city and the potential to provide additional school places to meet this need.
- 5.8 These opportunities to address the current and projected educational capacity pressures in the city have been considered in the context of the Council's Strategy for Provision of New School Places and Options Evaluation Criteria. (see separate item on this Agenda).
- 5.9 The identification of land on the MoD sites for schools to meet both the educational needs generated by their own development and also the wider educational needs of the city is considered to be justified following consideration of the alternatives. This has included:

- An assessment of all school sites within these parts of the city, and the identification that all are either at capacity and have no additional room for expansion, or are too far away from the areas of need. This is captured in the 'Educational Option Evaluation' undertaken by the People and Communities Department
- A review of the availability and suitability of other sites within reasonable vicinity.

MoD Foxhill

- 5.10 There is a minimum requirement in the Concept Statement on developers to provide sufficient land and to fund the construction of a 210 place school and associated facilities on the MoD Foxhill site, unless alternative provision can be identified.
- 5.11 However, a range of educational options were raised during the consultation stage and developers will also be expected to demonstrate that the delivery of these options has been explored. These options range from:
- the construction of a 210 school on the Foxhill site;
 - a 630 split school site with Combe Down School; or
 - a new 630 school on the Foxhill site, with the redevelopment of the existing Combe Down School site for residential purposes.
- 5.12 Any additional capacity to meet wider community needs might require resources from the Council and other education providers. The size of school, funding and valuation package applicable is dependent on a number of factors, and will need to be resolved through the development process. It will need to take account of the Council's Strategy for Provision of New School Places and the Options Evaluation Criteria (see elsewhere on this agenda). At this stage there is insufficient justification to amend the requirement in the Concept Statement and the Concept Statement will retain the requirement for a 210 school on site. The Council will work with landowners and developers to seek an appropriate solution to this issue.

MoD Warminster Road

- 5.13 There is an identified need to provide a 210 place school in the Central and North East part of Bath, and the MoD site alone generates the need for approximately 40 school places. Due to the lack of available alternative sites within reasonable proximity of the MoD Warminster Road site and the inadequate capacity to expand existing schools, the Concept Statement has been changed to include a requirement for developers to provide sufficient land and to fund the construction of a 210 place school and associated facilities on the MoD Warminster Road site, unless alternative provision can be identified. Previously the Concept Statement only sought a contribution to educational provision from the development of this site.
- 5.14 Public consultation also highlighted the potential of the MoD Warminster Road site to address existing space deficiencies at Bathwick St Mary Primary School, and to meet the wider primary education needs of this part of city. Possible options include:
- a 210 school on the Warminster Rd site;

- transfer Bathwick St Mary's to MOD site and expand to 420 place school with the redevelopment of the existing Bathwick St Mary's site for residential purposes; or
- keep Bathwick St. Mary's on existing site and provide 210 more places on the Warminster Road site either as a linked extension or a split site 420 place Bathwick St. Mary's.

5.15 The MoD site provides a suitable and deliverable opportunity to enable the expansion of the existing primary school and achieving the construction of either a split school site or a new 420 place primary school. This is subject to the satisfaction of conditions highlighted by the Council's Strategy for Provision of New School Places and the Options Evaluation Criteria.

MoD Ensleigh

5.6 No change is proposed to the Draft Concept Statement. There is a minimum requirement on developers to provide sufficient land and to fund the construction of a 210 place school and associated facilities on the MoD Ensleigh site, unless alternative provision can be identified

Additional land adjoining MoD Ensleigh

5.18 The draft Concept Statement for this site highlighted the potential opportunity for development on the sports pitches adjoining the MoD site on land that is outside both the Green Belt and the Area of Outstanding Natural Beauty. This is only an opportunity and no allocation is made, the rationale being to enable a more sustainable and self-contained housing led scheme that can better support local facilities and public transport. This would need to be pursued through the Placemaking Plan.

5.19 This proposal was not widely supported during the public consultation, with principle concerns relating to the impact on the World Heritage Site and its setting, the open character of the area, the Area of Outstanding Natural Beauty, Beckford's Tower and its setting, the importance of this approach into the city, and traffic impacts. However, the Concept Statement also recognised these issues as being of the utmost importance.

5.20 Whilst the site is not included as part of the Concept Statement for redevelopment, it is recommended that the broad position of the Concept Statement on this issue is retained, although reworded to reinforce the issues raised during the consultation phase, and identifying that further work is undertaken to test the option of development on this adjacent land through the Placemaking Plan. The outcome of this proactive work would provide the Council with robust evidence that could inform its position when it comes to either allocating this additional area in the Placemaking Plan, or seeking to protect it from development. It would also need to ascertain the likelihood of the site being released for development.

5.21 ***Sustainable Construction*** In response to the resolution at the last Cabinet meeting to investigate increasing the sustainable construction targets, a viability assessment is underway to better understand the implications of increasing the proportion of homes to be constructed at higher levels of the Code for Sustainable Homes. The Planning Policy team is working with Transition Bath on

this issue and the output of this work will be included as part of the Evidence Base for the Concept Statements..

- 5.22 An important issue to note is that the costs associated with achieving higher levels of the Code are rapidly changing. It is therefore difficult to be accurate about the viability implications as they are very much time and market dependent. There is however a strong trend of costs reducing over time as technologies and economies of scale change, and linked to this is an increasing public awareness of the importance of carbon reduction and the financial benefits of reduced energy costs. This increased public awareness and financial benefit could translate into increased demand and marketability for homes built to these standards but there is currently little robust evidence to back this up.
- 5.23 In response to the rapidly changing economics of delivering housing built to higher levels of the Code and to the Council's corporate ambitions, it is recommended that the Council's aspiration should be for all housing to be built to Code Level 5 or above. Whilst this means that the Council's aspirations for the MoD sites goes beyond the Council's Draft Core Strategy which requires all development from 2013 to be Code 4, it is considered to be justified due to the Council's ambitious carbon reduction targets and the national and local imperative of mitigating climate change. The sites have the capability to deliver a greater contribution to national and local Carbon Reduction aspirations, and act as a benchmark to the kind of development that can be achieved.
- 5.24 It is however essential to recognise that it is currently not possible through the planning process to require this proportion of homes to be built at higher levels above Code 4 of the Code for Sustainable Homes. However it is the intention of the Council to bring forward these site specific targets in the Placemaking DPD and give greater policy weight to this issue.
- 5.25 The delivery of more sustainable homes and more sustainable communities can however be achieved in other ways such as through establishing a Community Energy Fund, or through working in partnership with other energy providers. The Council is keen to establish and work with the MoD, developers and other community groups such as Transition Bath to help deliver its ambitious Carbon Reduction targets. This will include involving community energy delivery agents such as Bath & West Community Energy.

Housing Numbers

- 5.26 Given the suspension of the Core Strategy process due to housing delivery questions and the concerns made by the Inspector over the flexibility and deliverability assumptions on housing sites, all development sites will need to be reviewed as part of a SHLAA review, including the assumptions made about the housing capacity on the MoD sites.
- 5.27 This issue regarding housing numbers was raised consistently throughout the consultation phase and whilst the Council should seek to optimise the use and development of land, it is recommended that the wording of the Concept Statements is modified with regard to the development capacities of the MoD sites to take account of concerns raised by the Core Strategy examination Inspector. This will help to ensure that other issues of acknowledged importance are given due attention, This also responds to a large proportion of

the comments made during the public consultation period into the Draft Concept Statements.

6. RISK MANAGEMENT

- 6.1 The report author and Lead Cabinet member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance.
- 6.2 It should be noted that the Concept Statements will not be formal Development Plan Documents and hence cannot be accorded the full weight of adopted Planning Policy. However their preparation, which has been based on robust evidence, has entailed comprehensive public consultation and political endorsement, is the first part of preparing the statutory Placemaking Plan which will afford them sufficient planning weight in negotiations with developers at this stage.

7. EQUALITIES

- 7.1 An Equality Impact Assessment (EqIA) has been completed. No adverse or other significant issues were found.
- 7.2 The following impacts have been identified that have a positive impact on all groups and the community as a whole.
- Positive impact for all of increased housing opportunities including affordable homes.
 - Increased housing to reinforce local centres
 - Increased connectivity to and from areas of housing, employment and neighbourhood centres.
 - Implementation of Core Strategy Policies PC43 and PC84 which will have a positive impact for all as reduces carbon emissions with benefits for health and wellbeing, and where heritage assets are made more energy efficient there will be cost savings.

8. RATIONALE

- 8.1 Preparation of Concept Statements will assist in setting out the Council's development requirements and priorities clearly and at an early stage in the disposal of the MoD sites. This provides clarity for any prospective site purchasers, reduces their commercial risk and will assist in the redevelopment process. The Concept Statements are key to ensuring high quality development that responds positively to community and corporate aspirations can be delivered in a timely fashion. The Concept Statements are an early stage in the production of the Council's Placemaking Plan, which will be adopted as a formal Development Plan Document.

9. OTHER OPTIONS CONSIDERED

- 9.1 Adoption of a statutory Development Plan Document or Supplementary Document: Whilst the Concept Statements represent the start of a statutory plan-making process, there is insufficient time available to complete the preparation of Statutory Planning Documents.

- 9.2 Preparation of a Masterplan/development brief: There was insufficient time available to pursue more detailed work on the MoD sites over and above that provided by the Concept Statements. Moreover Masterplan/development brief have limited planning weight unless prepared as an SPD. However, the Concept Statements importantly set the framework and the process for this work to be undertaken by developers working with the Council and the Community.
- 9.3 Do nothing: This will result in lack of clear planning guidance and lack of clarity of corporate priorities. This will be of detriment to the site disposal process, result in lack of clarity for developers and to guide the site disposal process and could inhibit the Council achieving its corporate objectives.

10. CONSULTATION

- 10.1 *Ward Councillor; Cabinet members; Parish Council; Town Council; Trades Unions; Overview & Scrutiny Panel; Staff; Other B&NES Services; Service Users; Local Residents; Community Interest Groups; Youth Council; Stakeholders/Partners; Other Public Sector Bodies; Charter Trustees of Bath; Section 151 Finance Officer; Chief Executive; Monitoring Officer*
- 10.2 A detailed consultation exercise was undertaken from 18th April to 31st May 2012. The Concept Statements will be incorporated into the Placemaking which will also be subject to public consultation as part of the statutory plan preparation procedures.

11. ISSUES TO CONSIDER IN REACHING THE DECISION

- 11.1 Social Inclusion; Customer Focus; Sustainability; Young People; Corporate; Other Legal Considerations*

12. ADVICE SOUGHT

- 12.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

Contact person	<i>David Trigwell Divisional Director - Planning and Transport, Planning and Transport Development (01225 394125)</i>
Sponsoring Cabinet Member	<i>Councillor Tim Ball</i>
Background papers	<i>B&NES Draft Core Strategy ID/28: Inspector's preliminary conclusions on the Draft Core Strategy</i>
Please contact the report author if you need to access this report in an alternative format	