

**Examination of the Bath & North East Somerset Council Local Plan (Core Strategy
and Placemaking Plan) Partial Update
Volume 4 Somer Valley**

Week 1 Hearing Day 2. (22.06.22)

HEARING STATEMENT



ON BEHALF OF MNRE

In connection with the examination of the B&NES Council Local Plan (*Core Strategy and
Placemaking Plan*) Partial Update.

**POLICY SSV4
Former Welton Manufacturing Site
BA3 2BE**

23/05/2022

Programme Officer: Mr. I.D Kemp
Our Ref: documents/may22/PUB&NES

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LIST OF FIGURES

Plan 1 : Existing Uses

Plan 2 : Proposed Uses

Plan 3 : Connections to Town Centre

Plan 4 : De-commissioning options

Sketch 1

Sketch 2

INTRODUCTION

In accordance with the published Guidance Note from the Inspector this Hearing Statement responds to the identified matters, issues and questions set out in the corresponding agenda (*Inspectors' Initial Matters, Issues and Questions - Undated*).

These representations focus solely upon matters to be covered on **Hearing Day 2** in **Week 1** in relation to **Volume 4 Somer Valley**.

More specifically they focus upon **Area Policies and allocations SV2 Midsomer Norton, Policy SSV2 – South Road Car Park and Policy SSV4: Former Welton Manufacturing site** (*Week 1 Hearing Day 2. 22.06.22 Somer Valley*).

A series of supporting figures are attached to illustrate key points made in the context of allocation No. SSV4 and its environs (See Plans 1 - 4).

Q.67 What is the justification for the deletion of the proposal for the redevelopment of South Road Car Park with a retail led mixed use development?

Q.68 What is the justification for the proposed allocation of a retail store of approximately 1,300 square metres at the Former Welton Manufacturing site outside of the town centre?

Q.69 Is the proposed allocation of a food store consistent with national policy as set out in paragraph 86e of the NPPF, and would Policy SSV4 be effective in ensuring that the proposed store would be well connected to the town centre?

Q.70 Would the Policy be effective in ensuring that existing businesses and facilities would not have unreasonable restrictions placed on them as a result of development permitted after they were established consistent with the agent of change principle set out in paragraph 187 of the NPPF?

PARTICIPANT RESPONSE

Q.67

The justification for deletion of Policy SSV2 relates to Council's own documented reporting regarding the availability and suitability of the South Road Car Park site.

The reasoning within their supporting evidence is summarised in new paragraph 46a and was previously presented in the context of an identified quantitative and qualitative need for retail food store within the town centre (*GVA Retail Study 2021*).

Given that the entire South Road Car Park site is within the ownership of B&NES Council they are best placed to report on related matters including the assessed impact of site redevelopment on car parking requirements within the town centre and the vitality of the wider High Street. The site has not been brought forward in over a decade despite its historic allocation.

The revised wording of Policy SV2 seeks to focus public realm and other improvements at the southern end of the High Street.

In view of the above, and other previously reported matters, the deletion of Policy SSV2 is justified.

Q.68

As confirmed in the supporting text to Policy SSV4 the sequential test has been followed to consider potential alternative sites to SSV2 (Para 61) prior to proposing the proposed allocation of a foodstore on the former Welton Manufacturing site (SSV4).

In the absence of any potentially viable town centre sites, the former Welton Manufacturing site, as an edge-of-centre site meets the requirements of the NPPF.

The inclusion of the site would meet the area's objectively assessed retail needs and also support the vitality of the town centre based on linked trips and known problems currently being experienced on the northern edge of the High Street. Based on provisional land budgeting a foodstore of approximately 1,300 square metres could be accommodated on this former industrial site.

The selection of the former Welton Manufacturing site is therefore justified having taken in to account reasonable alternatives (Para 61). There were no other identified sites meeting relevant tests under the NPPF. The NPPF sequential test has been followed to consider any potential alternative site.

In the absence of any potential town centre sites, the former Welton Manufacturing site, as an edge-of-centre site would meet the requirements of the NPPF. In view of this, and other matters, the proposed allocation of a retail store into previously allocated mixed-use site SSV4 is justified.

The proposed allocation of a foodstore of approximately 1,300 square metres on the former Welton Manufacturing site (SSV4) is justified having regard to all reasonable alternatives. The inclusion of the foodstore would also meet the area's objectively assessed retail needs.

Policy SSV4 has therefore been positively prepared.

Q.69

Based upon a full review of its suitability, viability and accessibility proposed allocation SSV4 is consistent with paragraph 86e of the NPPF and other statements of national policy.

The attached Plan 3 shows the effectiveness of the proposed connections to the northern edge of the defined town centre based upon the specific '*Development Requirements and Design Principles*' in Policy SSV4 (Combined Changes Version).

Each numbered connection corresponds with the specific SSV4 policy included in the current version of the site allocation (i.e. 1a, 1b 4 & 7).

This plan shows proposed connections via onsite (4/1a) and off site (4/1b) linkages.

These linkages are all achievable as long as the culverting clause 5 is omitted (See below). In this way the allocated site will use its pivotal location in a positive manner to improve connectivity across this part of the town to create a more active High Street. The owners are committed to the achievement of these objectives to rebalance the market share of convenience goods shopping back to the town centre to maintain its health by improving choice and competition. Improving linkages between the site and the town centre/primary shopping area will ease pedestrian movements between these locations. Having active users and public realm spaces at either end of the High Street helps to ensure economic viability and a successful shopping environment. The proposal is therefore include the new public realm Square and a retail store on the southern part of the site to create a destination at the northern end of the High Street which will complement existing town centre of the southern end. Food beverage

and leisure uses including cycle hire would be associated with the proposed public Square.

The proposals for the former Welton manufacturing site will increase foot-fall along the northern end of the High Street and bring life to the currently under used northern extremities.

Plan 3 shows that the former Welton Manufacturing site is well located and its location complies with the established definition of an edge of centre site i.e within 300 m of the primary shopping area.

Based on emerging site proposals the southern edge of the site will be within 190 m of the primary shopping area and the proposed retail store within 280m.

Connection of the SSV4 site to the High Street is anticipated by both the proposed Public Square and Station Road. The achievement of improvements to the public realm and accessibility is consistent with recent government guidance relating to town centres and retailing.

Whilst proposed allocation would be viable and deliverable over the plan period. However to ensure that delays to its implementation do not occur we would encourage the deletion of the relevant deculverting clause rather than its deferment to the decision making process.

Q.70 The policy as worded would be effective in ensuring that existing businesses and facilities would not have unreasonable restrictions placed on them as a result of the development.

Plan 1 shows existing uses on the site along with surrounding uses including existing businesses and facilities.

Plan 2 shows proposed uses on the allocation site in the context of existing businesses and facilities.

These plans illustrate that the SSV4 site would be appropriate for its intended mixed use allocation given relevant separation distances and other relevant considerations.

The potential impacts of noise from live music venue (Midsomer Norton Social Club) and local businesses (Centurion Travel) close to the allocation site are unlikely to be restricting given associated separation distances.

Plans 1 also confirms the extent of ongoing uses on the allocation site (Use Class E, B2 & B8) and adjacent sites including existing businesses and facilities such as places of worship, pubs/social clubs and sports clubs. The cessation

of these industrial and storage uses would bring about a significant improvement in the living conditions at adjacent residential properties when compared to past conditions of factory machinery use.

Plan 2 also shows the proposed uses on the site could be permitted without the requirement for unreasonable restrictions to be placed on the closest existing businesses.

The area to the north of the allocation site is earmarked for future residential. The transfer to residential uses on this site will largely be welcomed and the only potential interface with existing local business would be a distribution use on the northern boundary (Marked as No.6 on Plan 2) . This use is however 31 metres away from the boundary of the site and located on the opposite side of a former railway embankment which now forms part of a national cyclelink (The Green Way).

Other Matters

Finally as we have already expressed to you we have serious concerns in respect of '*Development Requirement/Design Principle*' No.5. of Policy SSV4 requiring the deculverting of Wellow Brook.

Unlike Clause 3 of the drafted policy regarding 'former brewery buildings', Clause 5 is not worded as a design aspiration but a specific requirement of Policy SSV4.

Attached Plan 4 shows the extent of the landtake associated with this specific '*Development Requirement/Design Principle*' No.5.

Two further sketches are included which illustrate the potential impact of the policy clause on the achievement of the east west link and the potential foodstore siting. Significant engineered links to span the extended culvert would not be realistic given their associated costs. These factors would also stifle the achievement of the pedestrian and cycleway connections (north to south).

Given that none of the affected land making up the East West corridor is development land the retention of Clause 3 would directly affect the overall accessibility and design standards which could be achieved on the site.

Our masterplanning exercise has highlighted that there are now key viability concerns associated with Clause 5 and there is also an inherent policy conflict between the potential achievement of '*Development Requirement/Design Principles*' in Clause Nos.4 & 5.

In the above circumstances we would be very keen to discuss whether there are options for seeking the complete removal of this unnecessary clause

(Clause 5) and it is was intended to be deleted as part of the previous review exercise.

In discussing this matter we are not seeking to introduce new evidence or arguments. Previous written representations have been made regarding this topic although the ongoing masterplanning exercise has brought into focus concerns over the implications for land budgeting and viability. These matters have been discussed at length with members of `B&NES Council Highways, Footpaths and Planning.

Whilst we acknowledge that it is not your role to make improvements to the Plan we would suggest that the existing clauses within the wording of Policy SSV4 represent the historic legacy from the original site allocation. Given that the policy has simply been reworded we would suggest that a full review of the policy is required. These policies pre-date the inclusion of a foodstore and improved linkages.

Given related feedback from the local planning authority it would also be reasonable to assume that these amendments would be supported by B&NES Council. The developers concerns have however been expressed about the unnecessary delays that these remnant vestiges of the former policy may provoke in the decision making process.

The owners of the SSV4 site have now secured potential occupiers for the allocation site in a difficult economic climate. Series of emerging proposals based on a realistic and robust assessment of the allocation site

Prospective developers have all questioned the justification for two provisions in the draft policy requiring the deculverting of Wellow Brook as this would place significant obstacle to the achievement and delivery of the site. As drafted this is not a design objective but more a specific policy requirement. The policy is clear and unambiguous. It relates to a previous development scenario which was not fully tested and was later found to be unrealistic even prior to the current situation.

You will be aware that the current policy has been included in previous versions of the development plan for the area. However as part of this review the retail component has expanded to encapsulate the relocated the South Road retail allocation. This has had implications for land budgeting and basic masterplanning which preclude deculverting. In these circumstances we respectfully suggest that the clause should have been omitted as part of the redrafting process.

The revised allocation has also placed significant expectation over connectivity with the town centre and this too would be impossible to deliver if the deculverting given level changes.

This would not make the site deliverable in the required form.

Given that it was historically a design aspiration to reopen the culvert we are the victim of our ambition, as we had previously attempted to deliver on deculverting. It should be noted that previous proposals to reopen the Brook brought formal objections from the Environment Agency at the applicatiuon stage given the knock on effects for the downstream sections of the brook.