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## Appeal Decision

Inquiry Opened on 27 March 2018

Site visit made on 10 April 2018

**by Clive Hughes BA(Hons) MA DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 May 2018

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**Appeal Ref: APP/P0119/W/17/3182296**

**Cleve Park: Land at junction of Morton Way and Grovesend Road,  
Thornton, Gloucestershire BS35 2HX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Welbeck Strategic Land LLP against the decision of South Gloucestershire Council.
  - The application Ref PT16/3565/O, dated 3 June 2016, was refused by notice dated 20 March 2017.
  - The development proposed is residential development of 350 dwellings, including 14 self-build dwellings (all use class C3), development of a 70 unit elderly care facility (flexible use Class C2 and/ or C3), development of up to 1,150 sq m flexible community and/ or commercial facilities (Use Classes A1, D1 and/ or D2) and associated public open space and infrastructure.
  - The inquiry sat for 6 days on 27 & 28 March; 4, 5, 6 & 10 April 2018.
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### Decision

1. The appeal is allowed and planning permission is granted for residential development of 350 dwellings, including 14 self-build dwellings (all use class C3), development of a 70 unit elderly care facility (flexible use Class C2 and/ or C3), development of up to 1,150 sq m flexible community and/ or commercial facilities (Use Classes A1, D1 and/ or D2) and associated public open space and infrastructure Cleve Park: Land at junction of Morton Way and Grovesend Road, Thornton, Gloucestershire BS35 2HX in accordance with the terms of the application, Ref PT16/3565/O, dated 3 June 2016 subject to the 48 conditions set out in the annex to this Decision.

### Procedural matters

2. The forms say that the application is in outline with all matters other than access and landscaping being reserved for future determination. At the Inquiry the Appellant confirmed that only the strategic parameters for the landscaping are to be determined now and that full landscaping details are reserved for future consideration. I have determined this appeal on that basis.
3. Notwithstanding the provisions of the first reason for refusal, at the Inquiry the Council confirmed that it was not presenting any evidence to demonstrate any conflict with criteria 1, 3 or 4 of Policy CS32 of the South Gloucestershire Local Plan Core Strategy.
4. During the Inquiry the Appellant submitted a draft Agreement under s106 of the Act and a draft Unilateral Undertaking (UU), also under s106 of the Act.

Completed, signed versions dated 17 April 2018 were submitted following the close of the Inquiry in accordance with an agreed timetable. The Council is satisfied that their provisions overcome its third reason for refusal.

### **Main issues**

5. The outstanding main issues are (i) the extent of the deficit in the Council's five-year housing land supply and the effect of this on the weight that can be attached to relevant policies in the development plan; (ii) whether the proposals would compromise the Council's vision for Thornbury; (iii) the effect of the proposed development on the character of the market town of Thornbury with particular regard to the impact of any three-storey buildings; and (iv) the planning balance: whether the adverse impacts of approving the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
6. The western boundary of the appeal site comes quite close to Hacket House, a Grade II listed building. I have therefore had regard to my statutory duty under the *Planning (Listed Buildings and Conservation Areas) Act 1990* as amended, and in particular to s66(1) which requires that I have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

### **Reasons**

#### ***The appeal site and its setting***

7. The appeal site, which is of irregular shape, has a long road frontage along the eastern side of Morton Way and road frontages to Grovesend Road to the south, Hacket Lane to the north and the A38 to the east. The site is located to the east of the built-up area of Thornbury, in the defined countryside. It appears that Morton Way and Midland Way formed strong eastern and southern boundaries to the town, but recent housing developments to the north east of the town in particular have considerably weakened this.
8. The site mainly comprises a number of fields, laid to grass, and separated by hedges interspersed with mature trees. There are two areas of ancient woodland, Crossways Wood is towards the northern boundary and Cleve Wood is on rising ground to the east. The site as a whole slopes downhill from the southeast towards the town. It is crossed by a number of public footpaths, two of which enter from Morton Way and one which runs north/ south across the length of the site from Hacket Lane to Grovesend Road.

#### ***The proposals***

9. The site has an area of about 21.97ha with a proposed developable area of 11.5ha. The rest of the land is either protected woodland or proposed to be used for open space and landscaping. There would be two new vehicular accesses from Morton Way with up to 350 dwellings of which 65% would be market housing and 35% affordable housing. The market housing would include 14 plots for self-build units. While the scheme is in outline, apart from the accesses into the site, various parameter plans have been submitted in respect of landscaping, land uses, open spaces, density and building heights.
10. Amongst other things, these parameter plans show that the housing would all be sited on land below the 80m contour and that the three-storey element

would be sited centrally, surrounded by development of up to two storeys. The single-storey part of the development would be sited on the higher ground, towards the south. The southernmost part of the site would provide an area of open space allowing for public access to land with extensive views to the west. There would be landscaped corridors either side of the retained public footpaths. The ancient woodland would be surrounded by open space/ landscaped areas and would be subject to management schemes. Allotments, with parking, secure storage and a water supply, would be provided.

11. The scheme would also include a 70-unit elderly care facility (in Use Class C2 and/ or C3) and community/ commercial floorspace of up to 1,150 sq m for uses within Use Classes A1, D1 and/ or D2. The elderly care facility would be sited adjacent to Morton Way, fairly centrally along that frontage and close to the neighbourhood square and community/ commercial buildings. If the facility includes extra care housing then 35% of these units would be affordable units.
12. The proposed off-site highway works include traffic calming in Morton Way and the provision of bus shelters. There would be financial contributions towards junction improvements to improve capacity, especially at the Grovesend Road/ A38 junction. There would be further contributions towards cycleway/ foot way improvements and cycle parking in the town centre.

### ***Planning policy***

13. The development plan includes the South Gloucestershire Local Plan Core Strategy 2006-2027 (CS) which was adopted in December 2013 and the Policies, Sites and Places Development Plan Document (PSP) which was adopted in November 2017. The emerging plans include the West of England Joint Spatial Plan Publication Document (JSP) (November 2017) which covers South Gloucestershire, Bristol, North Somerset and Bath & North East Somerset. A Consultation Document for the emerging South Gloucestershire Local Plan 2018-2036 was published in February 2018, with the consultation period running until 30 April 2018.
14. The key policies in the CS include CS5 (Location of development) which says that at Thornbury new development will be of a scale appropriate to revitalise the town centre and strengthen community services and facilities. It says that the defined settlement boundaries will be maintained. The appeal site lies outside the boundary which, at this point, runs along Morton Way. Policy CS15 (Distribution of housing) sets out the minimum delivery and provides an indicative phasing capacity. Chapter 15 relates specifically to Thornbury, which it identifies as an attractive and affluent market town. Policy CS32 (Thornbury) refers to the "Vision for Thornbury", which is set out in the supporting text, and identifies ten factors that development proposals will seek to achieve. Policy CS33 (Housing opportunity) identifies that the preferred location for a housing opportunity area is to the north of the town.
15. The key policies in the PSP include Policy PSP1 (Local distinctiveness) which accords with paragraph 58 of the National Planning Policy Framework (the Framework) in requiring development to respond to local character and reflect the identity of local surroundings. Policy PSP2 (Landscape) seeks to conserve the quality, distinctiveness and special character of the landscape. Policy PSP40 (Residential development in the countryside) sets out the instances where residential development in the open countryside will be acceptable; the list does not include developments such as that now proposed. Its supporting

text refers back to CS Policy CS5. Policy PSP42 (Self-build and custom housebuilding) is supportive of the inclusion of self-build housing in residential schemes of more than 5 dwellings in rural areas. Appendix 3 (Town centre summaries) includes a section on Thornbury.

16. The emerging plans include the JSP which, under Policy 2, identifies Thornbury as a Strategic Development Location with Policy 7.11 giving it a figure of 500 new dwellings. It is described as a sustainable location for new housing.

***The extent of the deficit in the Council's five-year housing land supply and the effect of this on the weight that can be attached to relevant policies in the development plan***

17. The Statement of Common Ground (SoCG) says that the lack of a five-year housing land supply is agreed. The differences between the parties were narrowed between the production of the SoCG and the Inquiry. These are now limited to a small difference in the supply side and a disagreement over whether the "Liverpool" or the "Sedgefield" approach should be applied to the acknowledged deficit. These differences result in the Council considering that it has a 4.54 year supply and the Appellant considering it to be 3.62 years.
18. Concerning supply, the parties produced an agreed Housing Land Position Statement during the Inquiry (ID14). The difference is now limited to just three sites, North Yate (difference 50 units); East of Harry Stoke (north) (difference 75 units); and East of Harry Stoke (south) (difference 79 units). Overall, this difference amounts to about 2% of the Council's supply figure.
19. With regard to North Yate, the Appellant's case is based upon the average time from reserved matters stage to first completion, meaning that the first houses would be delivered in 2019/20. The Council has based its trajectory on the evidence of the developers, Barratt Homes, whose recent evidence to a Public Inquiry (for a different site) is that 50 houses can be delivered in North Yate in 2018/19. In subsequent years the parties are in agreement. While I understand that Barratt Homes' delivery estimates can be on the optimistic side, on this site there would be four outlets and reserved matters applications have been submitted. There is no evidence before me that outweighs the position of the house builder and that evidence is therefore preferred.
20. The other two sites are both in respect of land at East of Harry Stoke. In respect of the northern site the Appellant again based its case on average times whereas the Council has relied upon the very recent (February 2018) evidence of the site developer, Crest Nicholson. The Council stated that barriers to development here have been overcome and this was confirmed by the developer. This would enable the site to produce houses in 2018/19 in accordance with the trajectory. While the timetable would be tight, there is no compelling evidence to suggest that it cannot be met.
21. The Council's position in respect of the southern site at East of Harry Stoke is again based upon the developer's recent evidence (February 2018). In their email Crest Nicholson say that the first housing delivery is now anticipated in 2019/20 and not 2020/21. I have no evidence to demonstrate that this evidence from the developer is not credible.
22. In respect of all three disputed sites, therefore, the detailed evidence of the Council and the respective developers is to be preferred to the case for the

- Appellant which is based upon average delivery times. By definition some sites will deliver in advance of the average delivery times and some will be slower. While the timescales are optimistic there is no evidence of sufficient weight for me not to adopt the Council's position which is based upon detailed knowledge of the sites and written evidence from the house builders themselves. Overall, however, this relates to just 204 dwellings and so has a very limited impact on the total housing supply position.
23. The differences in the parties' positions concerning Liverpool/ Sedgefield would have a greater impact on the figures. Accepting the Council's position on the three disputed sites, the difference in the shortfall in the five year supply would be 3,352 dwellings (Appellant, using Sedgefield) compared to 952 dwellings (Council, using Liverpool). This is based, in both cases, on a requirement for the period 2006-2027 of 28,355 dwellings and a buffer of 20%.
  24. The Sedgefield method is generally preferred as it makes up the shortfall in a shorter period of time (5 years rather than over the plan period). In this case the Examining Inspector for the Core Strategy endorsed the adoption of the Liverpool approach. In his Report (15 November 2013; para 96), however, he did not enthusiastically support the Liverpool approach, it seems he accepted that the higher annual requirement that would arise from the Sedgefield approach would be unrealistic as it "would require annual completion rates in excess of any of those achieved in the last quarter century".
  25. There has been only one appeal Decision since that report was published that addressed this issue. In that Decision (Charfield: CD5.2), the Inspector endorsed the approach of the Examining Inspector. However, that Decision was made in June 2015 which means that not much time had elapsed since the Examining Inspector's Report in which to ascertain whether the Liverpool approach was delivering sufficient housing. With the benefit of hindsight it is clear that while the Charfield Decision estimated the five year delivery to be 9,552 dwellings, that was overly optimistic and that the actual delivery was 7,565 dwellings.
  26. I am not convinced that a s78 appeal is the appropriate forum to determine the correct approach to dealing with the backlog; that is a matter for the Examination of the Local Plan when the Inspector will have the views of all the relevant parties. However, the clear picture is that the housing shortfall has been increasing, and this gives weight in favour of the proposals.
  27. The Framework advises that it is Government policy to boost significantly the supply of housing. South Gloucester has a persistent record of under delivery of housing. The Council does not dispute that a 20% buffer is appropriate in accordance with paragraph 47 of the Framework. In only one year since 2006/07 has the number of housing completions exceeded the requirement and the cumulative shortfall over those eleven years stands just shy of 4,000 dwellings. Therefore, regardless of whether the Liverpool or the Sedgefield approach is adopted, there is a substantial shortfall.
  28. In accordance with advice in paragraph 49 of the Framework, therefore, relevant policies for the supply of housing cannot be considered to be up-to-date. The effect of this is to significantly reduce the weight that can be given to such policies in the development plan. The parties agree that the tilted balance, as set out in paragraph 14 of the Framework, is triggered.

***Whether the proposals would compromise the Council's vision for Thornbury***

29. In his closing submissions, the advocate for the Appellant described the first reason for refusal as an "inarticulate snarl" against speculative development. It is true that the first reason for refusal describes the proposals as being speculative in nature which would not result in a comprehensively planned development. The reason alleges that this would compromise the vision for Thornbury and cites conflict with CS Policies CS32 and CS5. The site lies outside the settlement boundary in the defined countryside; the land is not allocated for housing in any adopted plan. The development is, therefore, speculative in nature. Being located within the defined countryside, it is clearly in conflict with CS Policy CS5 which, amongst other things, seeks to strictly limit new development in the open countryside.
30. CS Policy CS32 (Thornbury) says that development proposals will take account of the vision and partnership priorities for Thornbury. The policy then lists 10 criteria to be taken into account. The Council initially alleged conflict with 7 of these but pursued only 4 of them at this appeal. These remaining areas of disagreement between the parties in respect of this policy are now considered in turn.
31. Criterion 2 relates to the character and setting of Thornbury's open spaces, and this is considered in greater detail in the next issue which deals with landscaping as well as the inclusion of three-storey buildings in the proposals.
32. Criterion 7 requires the promotion of development of high quality housing and associated local infrastructure. It refers to CS Policy CS33 which identifies two preferred locations for new housing in Thornbury and the infrastructure requirements that would need to be met by them. The appeal scheme is in outline but the various parameter plans indicate that the proposals should result in a high quality, landscape-led scheme. The infrastructure sought by the Council would be provided by way of the s106 Agreement and UU; brief details of these are set out later in this Decision.
33. Concerning educational provision (criterion 8) and sustainable travel (criterion 9) the Appellant has provided all that has been required in the s106 Agreement. The Officers' Report says that there is capacity within existing schools at present but that this is likely to be taken up by previously approved development. The Council's Education Officer has not raised any objections to the proposals and the Report says that there is no indication that it would not be feasible to increase capacity in existing schools. No evidence was put forward to demonstrate that this is an unreasonable position. Concerning sustainable travel options, the package of improvements proposed by the Appellant, and included in the s106 Agreement, includes the provision of bus shelters, real time passenger information, improved cycling and walking routes, improved town centre cycle parking facilities and travel plans.
34. I have had regard to the walking/ cycling distances to the town centre and share the concerns of local residents that the distance from the town centre would mean that walking to the shops, for example, would not be likely to be the preferred option, especially when carrying goods on the return journey. However, there is a local bus service and I have noted that Thornbury Fields, to the north of the site, was allocated for housing and is a similar distance from the town centre.

35. The vision for Thornbury, as articulated in the CS, says that a vibrant town centre will provide a range of facilities. In this regard I have had regard to residents' concerns about parking facilities for those using the town centre. There are several car parks within easy walking distance of the shops. The largest of these is free, has many spaces reserved for short-term parking and is located very close to the centre. I agree with the Council that the shopping centre appears to be vibrant and that the additional housing is unlikely to increase the number or range of shops. The vacant units are almost all within a single centre and I see no reason to disagree with the Council's evidence that it is their configuration which is the main factor for their remaining vacant.
36. Nonetheless, the new residents are likely to make use of local facilities including shops and services which would be economically beneficial to the town. The vision says that the housing growth will provide for the needs of young families and the elderly. The proposed mix of sizes for both the market and affordable housing would ensure that families are catered for while the elderly care facility would provide accommodation for the elderly which would, in turn, be likely to free up larger homes for families.
37. I conclude on this first issue that there would be conflict with the development plan, and with CS Policy CS5 in particular, and that this carries weight against the scheme. The weight that this policy carries, however, has to be less than full weight in accordance with advice in the Framework. The policy cannot be considered to be up-to-date as the Council is not able to demonstrate a five-year supply of deliverable housing sites.

***The effect of the proposed development on the character of the market town of Thornbury with particular regard to the impact of any three-storey buildings***

38. The SoCG states that the viewpoints and methodology used in the Landscape and Visual Impact Assessment (LVIA) submitted by the Appellant with the planning application are appropriate.
39. The site lies within the Severn Ridges character area in the South Gloucestershire Landscape Character Assessment (SGLCA). It is dominated by the ridge line and scarp slope that overlook the Severn Levels to the west. Any release of agricultural land for housing will result in some harm to the countryside and I agree that this is an inevitable consequence of an urban extension. I also agree that what is at issue is the degree of harm and the amount of weight that can be attached to that harm.
40. At the Inquiry, though not in its reasons for refusal, the Council sought to promote the site as being a valued landscape within the terms of paragraph 109 of the Framework. I am not convinced by this argument as the landscape is ordinary. The site is pleasant agricultural land with a fair degree of public access, albeit that the public access is limited and restricted to the public footpaths. In coming to my opinion I have had regard to the conclusions of the Inspector in the Pocklington Decision (ID20) who referred to case law and Inspectors' decisions which had identified that for the purposes of the Framework the term "valued" means something more than popular.
41. That is not to say that the landscape is not valued by those who live nearby and use the footpaths. Indeed, there is no doubt, based upon the evidence of local residents, that it is valued. However, for it to be valued within the terms

of the Framework, it would need to possess something, such as physical attributes, that raise it above the ordinary. This site is attractive landscape but it does not display any unusual characteristics and is not designated in any adopted plan. For the purposes of the Framework, therefore, there is no conflict with paragraph 109.

42. From the surrounding countryside to the south and east, Thornbury appears to sit at a lower level within what was generally described as the "Thornbury bowl". This keeps the town well below the ridgeline; a factor considered important in the SGLCA. This factor was also a consideration when the site was looked at by the Examining Inspector for the South Gloucestershire Local Plan in November 2004. He commented that of the omission sites advanced by objectors, this site would possibly be the most suitable for development were the need established. He described the existing edge of Thornbury in this location as being "harsh and abrupt" and said that its development would spread the town eastwards in a way that could minimise its impact on the surrounding landscape. He concluded that provided the built development was kept off the upper, eastern slopes, above the 80m contour, development here could sit quite well within the landscape and not unacceptably impinge on wider views of the town.
43. The site rises from Morton Way to the south east, crossing the 70 and 80m contours. The housing would all be sited below the 80m contour; the Parameter Plan – Building Heights shows that only single storey development would be sited above the 77m contour and no development at all would be sited above the 80m contour. In this regard it is noticeable that there is existing two-storey housing close to Midland Way that is sited between the 70 and 80m contours, very close to the south west of the site.
44. The scheme has also been carefully designed to ensure that the existing footpaths would be retained on their existing alignments and within wide swathes of landscaping. Existing hedges, trees and the areas of woodland would be retained. In addition, a significant amount of land at the southern end of the site, above the 80m contour, would be retained as open space with public access. This part of the site offers the most extensive views over the town and towards the River Severn to the west. The northern footpath, linking Hacket Lane and Morton Way, would retain its westerly view between Crossways Wood and the new housing.
45. There are views of the site from a number of public viewpoints, but as the site is set below the ridge line the views from the west are rather limited. From Hacket Lane, where it rises up the scarp slope to the west of the site, there would be clear views of the new housing and this would result in some visual harm but in most of the views from this section of the road the site would only be visible through trees and the degree of harm would be limited.
46. The only harm identified in the second reason for refusal relates to the assertion that the height and massing of the three storey element of the development would be out of character with the historic market town of Thornbury. There are many three-storey buildings in and around the centre of Thornbury. Away from the centre buildings are generally two-storey. However, in Gillingstool around the public house and petrol filling station there is a cluster of three-storey and two-and-a-half storey buildings. They do not appear unduly out-of-keeping in this urban area.



47. There were references to the recently built care home adjacent to Midland Way which is a three-storey building. At the Whitebridge Gardens end of the site the flank elevation is particularly noticeable but not unacceptably out of scale with its surroundings which include new houses to the rear which are two-and-a-half storeys in height and substantial industrial buildings to the west.
48. The Parameter Plan – Building Heights shows that the proposed three-storey part of the new development, which would extend to around 4% of the site, would be within the centre of the site, away from its boundaries and where the existing ground levels are lower. It would be surrounded by two-storey development and is designed to provide a commercial/ community hub with three-storey flats to provide a greater density of housing and a resultant greater level of activity. This would provide a focal point for the development and its provision would ensure that there would be variety and activity within the site. It would provide the local distinctiveness required by Policy PSP1. The submitted photomontages show that the visual impact of the additional storey would not be significantly harmful in any of the identified LVIA views.
49. I conclude on this issue that the development would, inevitably, result in some harm to the character of the countryside. This would be contrary to CS Policy CS5 and PSP Policy PSP2. However, the harm would be limited and the extensive landscaping would mean that within 15 years, when the planting is established, there would be no unacceptable harm.

### ***Other planning matters***

50. The Appellant produced a Heritage Statement with the planning application and a revised version in September 2016 to take account of the Addendum to the Design and Access Statement. The listed building whose setting would be most likely to be affected is Hacket House. This is a Grade II listed building in residential use. It dates from the seventeenth century and was altered and extended in the eighteenth century. Its immediate setting comprises its garden and outbuildings; Hacket Farm lies across the road. Its significance lies in its architectural and historic interest. There is no evidence to show that it has any connections with the appeal site.
51. The nearest housing on the appeal site would be the self-build units which would be some 120m or so away. The existing hedge and trees would largely screen the new housing; additional woodland planting is proposed adjacent to the footpath in this corner of the site. While some of the agricultural setting of the building would be lost this would not impact on its significance. There would be no harm to its setting.
52. Concerning St Paul's Church, this building is on the Council's local list and appears to date from the late nineteenth century. Its significance relates to its architectural and historic interest. It has a small churchyard with its main entrance facing the appeal site. Although the site comes close to the church, most of the new housing would be completely screened by Crossways Wood. No housing is proposed on that part of the site between Crossways Wood and the church. Further planting is proposed in this gap and so there would be no harm to its setting.
53. The development would result in the loss of some best and most versatile (BMV) agricultural land. About two-thirds of the site is BMV land. However, most of the land around Thornbury is in agricultural use and, as set out in the

Officers' Report, any development around the town is likely to lead to some loss of BMV. No economic argument has been put forward to suggest any significant harm arising from any conflict with paragraph 112 of the Framework.

54. I give little weight to the prematurity argument. This did not form part of the Council's reasons for refusal and seemed to miss the point of the planning application. The application was submitted, following extensive discussions with Officers, to address the acknowledged shortfall in housing in South Gloucestershire. It was not an attempt to leap-frog the emerging plan process; it is an attempt to address past failures to provide sufficient housing.
55. I have had regard to the concerns of TRAPP'D regarding the ability of the Appellant to provide housing on this site within the first 5 years. I have taken account of the submitted timescales which show that even with a need to market the site there is a realistic prospect of housing coming on stream in years 4 and 5 which would help alleviate the acknowledged shortage.

### ***S106 Agreement/ Unilateral Undertaking***

56. The Appellant submitted an Agreement under s106 signed by the Appellant and the Council. In addition, the Appellant submitted a UU in respect of the proposed community/ commercial building on what is described, and identified on a plan, as the Community Facilities Land.
57. The s106 Agreement ensures that the scheme would deliver traffic calming measures in Morton Way, three new bus shelters and real time information in one shelter. There would also be financial contributions towards signalling and capacity improvements at the Grovesend Road/ A38 junction; capacity improvements at the B4061 and Church Road junctions with the A38; cycleway/ footpath improvements between the site and Crossways School; cycle stands in Thornbury town centre; and towards a residential travel plan.
58. There would be a financial contribution of £842,092.61 towards the provision and subsequent maintenance of outdoor sports facilities in the locality of Thornbury. Allotments, with an area of at least 2,400 sq m, would be provided with associated water supply, secure storage and car parking. The Agreement ensures the provision of 8.25ha of informal recreational open space and natural and semi-natural open space and associated landscaping. There would also be 2,300 sq m equipped play space for children and young people and 280 sq m of outdoor sports facilities.
59. It also ensures the provision and delivery of 35% of the dwellings to be affordable housing comprising 73% social rented units, 5% affordable rented units and 22% intermediate housing. The mix of house sizes, including minimum floor areas, is specified with a mix of 1, 2, 3 and 4-bed units and 8% of the units delivered as wheelchair units for social rent. The elderly care specialist accommodation and extra care housing is defined with 35% of any extra care housing to be affordable housing comprising 80% rented and 20% shared ownership units. The Agreement ensures delivery of the serviced self-build plots.
60. Concerning the areas of woodland, the Agreement sets out the mechanism for the possible transfer of Cleve Wood and Crossways Wood to a Woodlands Management Entity. A Woodlands Management and Maintenance Scheme for

the woodlands would be provided to secure the management and maintenance of the woodlands in perpetuity.

61. The UU safeguards the Community Facilities Land for a period of 10 years from the date of planning permission being granted. If, during that period, a request is made from the Council or nominated body of the Council the land will be transferred to that body. The Appellant would provide all necessary services within 1 year of that request and also provide a sum of £100,000 towards the provision of community facilities on the land. At the end of the 10 year period the land offer would expire and the land could be used for other purposes, subject to the necessary planning permission being granted. A condition ensures that the land would be maintained prior to any transfer to the Council or nominated body.

### **Conditions**

62. An agreed list of conditions (ID28) was prepared by the Appellant and the Council and this was discussed at a round-table session during the Inquiry. Some of the conditions were amended during that session. In addition to the standard outline conditions, which notwithstanding the application form include the submission of landscaping details, a condition is imposed identifying the approved plans. This is particularly necessary as not all the approved plans are listed on the Council's decision notice.
63. To ensure that the development is comprehensively planned, a phasing condition is imposed as well as a condition concerning the delivery of the self-build housing. Conditions are necessary in respect of the submission and subsequent delivery of car and cycle parking facilities and highway details in the interests of highway safety, to ensure appropriate pedestrian, cycle and vehicle access across and within the site and to ensure that every dwelling has a safe and suitable access. For the same reason, a car parking facility for the allotments is also necessary. A construction environmental management plan, together with limitations on the times of construction work, is necessary to safeguard the living conditions of nearby residents.
64. Facilities for charging low emission vehicles are necessary in the interests of the promotion of sustainable travel choices. Details of internet connection infrastructure are necessary to ensure an appropriate standard of connection is achieved. Energy strategies for the individual dwellings, the high density core of the development and the elderly care facility are required to achieve suitable energy conservation. A condition concerning noise impacts is necessary to protect the living conditions of future residents. External lighting needs to be conditioned in the interests of residents and wildlife and to protect the ecology of the site.
65. Conditions are required concerning archaeological investigation in the interests of the archaeology of the area. It is necessary to impose conditions concerning potential land contamination in the interests of the health of future residents. Details of surface water drainage need to be provided as no such details have been submitted and these need to be implemented prior to the occupation of the dwellings.
66. The development needs to be carried out in such a way as to protect various species including hedgehogs and badgers and bird boxes need to be provided to protect the wildlife of the site. The woodland needs to be managed and

protected during construction in the interests of woodland management. Trees on site need to be protected during the construction phase and details of the proposed landscaping need to be approved, implemented and maintained in the interests of the appearance of the area.

67. A pedestrian link to St Paul's Church needs to be provided to ensure a safe and convenient access. A public art plan is necessary to ensure that public art is included in the scheme. The scale of the commercial units needs to be controlled to protect the vitality and viability of existing centres. A soil handling and mitigation strategy is necessary and the areas designated as public open space need to be kept clear of construction materials and facilities in order to protect the soils. The land reserved for use as commercial/ community facilities and the elderly care facility need to be landscaped if the approved use(s) do not come forward in a reasonable time to protect the appearance of the area. Building heights need to be restricted within the 12m height zone for the same reason.
68. I have not imposed the suggested additional condition limiting the maximum height of the buildings to 2 or 2½ storeys as such a condition is not necessary for the reasons given in the text above.

***The planning balance: whether the adverse impacts of approving the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole***

69. A core planning principle, as set out in the first bullet point of paragraph 17 of the Framework, is that planning should be genuinely plan-led, empowering local people to shape their surroundings. In this case, however, the plan-led approach has not resulted in the supply of a sufficient quantity of housing in South Gloucestershire. The Council identified its minimum housing requirements in the South Gloucestershire Local Plan in 2004 but this requirement has been consistently missed, as has the subsequent requirement set out in the 2013 CS.
70. Even using the Liverpool approach to the accumulated shortfall, the Council acknowledges that it cannot demonstrate a five-year supply of deliverable housing sites. This has been the position since at least June 2015 when the Inspector in the Charfield Inquiry concluded that there was a shortfall of 515 dwellings that had arisen in the relatively short period since the adoption of the CS (December 2013). That Inspector considered that the supply was sufficient for about 4.64 years. Using the Liverpool approach that shortfall has got worse, not better, in the intervening period. If the Sedgefield approach is used the shortfall is even more serious.
71. In these circumstances, and regardless of whether the Liverpool or Sedgefield approach is adopted, the parties agree that paragraph 14 of the Framework is engaged and with it the tilted balance set out in the second indent of the second bullet point of its decision-taking section. The SoCG says that if the Council is to make up the agreed housing shortfall in the 5-year supply of deliverable housing sites, then this will require land beyond existing settlement boundaries.
72. In respect of the main issues there is some harm arising from the conflict with CS Policy CS32 and the vision for Thornbury. This particularly relates to the loss of part of the open setting of Thornbury which contributes strongly to the

- attractiveness of the town. There is some harm arising from considerations of sustainability with particular regard to the distance of the site from the centre of Thornbury and the resultant more limited choices of transport modes.
73. There is also some limited harm to the landscape character of the area arising from the development being sited outside the built confines of Thornbury and in the open countryside. This also results in harm arising from conflict with the development plan and in particular CS Policy CS5 and PSP Policy PSP2. However, that harm is significantly reduced as, in accordance with paragraph 49 of the Framework, the Council's policies for the supply of housing cannot be considered to be up-to-date. The weight that can be given to this harm is also limited as most of the harm to the affected views is quite localised. The development would not break the ridge line and from higher up the scarp slope the views over the site would be retained.
74. The only visual harm cited in the second reason for refusal relates to the height and massing of the proposed three-storey buildings. I have concluded that this harm is very limited indeed as the three-storey part of the development would be sited on the lower part of the site; would be surrounded by two-storey buildings; and three-storey buildings are to be found in a number of places around the town and so cannot reasonably be considered to be out of character. There would be further harm arising from the loss of some BMV agricultural land.
75. Turning to the benefits of the proposals, I give substantial weight to the provision of a significant quantity of market housing in an area where there is an acknowledged shortfall in supply. Thornbury is a sustainable settlement and is identified as an appropriate location for meeting some of the district wide housing needs in the CS. I also give great weight to the provision of affordable housing which is much needed in this area. This mix of tenures, including 35% affordable housing, would help promote a balanced community as sought by the Framework. Some weight is also given to the provision of 14 self-build housing plots; this is supported by PSP Policy PSP42. Further weight is given to the provision of extra care accommodation which is in accordance with the vision for Thornbury in the CS, accords with CS Policy CS20 and is cited as an aspiration of the Town Council in Appendix 3 of the PSP.
76. The emerging JSP identifies the need to substantially boost the housing supply; it describes this as a critical need and adds that the need for affordable housing is acute across the Plan area. I acknowledge that the Council is actively taking steps to address the identified housing need but the shortfall in supply has been increasing rather than falling.
77. The proposed housing would result in significant economic benefits for the area including the provision of around 247 jobs (full-time equivalent) over the lifetime of the construction phase as well as employment in the supply chain. It would inject around £16.5m into the local economy. Future residents would be likely to make use of local shops, businesses and other facilities to the benefit of the local economy. While I do not consider Thornbury town centre to be failing the additional trade would be beneficial to its vitality and viability.
78. The s106 Agreement would bring forward a number of benefits, although these would be mostly to mitigate the effects of this and, where financial contributions are pooled, other housing schemes in the vicinity. This particularly applies to the off-site highways works and the financial contribution

towards the provision of sports facilities. The bus shelters would accord with the identified need for better waiting facilities for bus passengers set out in Appendix 3 of the PSP. The quantum of open space, however, is a community benefit as it would substantially exceed the Council's policy requirements and provide a usable area of land with public access.

79. The scheme would provide long-term management and protection for the areas of woodland and there is potential for the site to provide for other ecological benefits. The community facilities would be beneficial but there is no certainty that they would be delivered; it would be up to the community to decide whether or not to accept the land and contribution towards build costs. While I acknowledge the potential benefits, these may not come forward.

### **Conclusions**

80. Overall the proposals would be in conflict with the development plan and in particular CS Policy CS5. For the reasons given, however, the weight that can be given to that policy is reduced and the conflict with it is limited as there is no five-year housing land supply and the harm to the landscape is localised. The other harms identified carry only limited weight. In accordance with the tilted balance in paragraph 14 of the Framework, I conclude that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits. The proposals therefore benefit from the presumption in favour of sustainable development as set out in the Framework. The conflict with the development plan is outweighed by the other material considerations and outline planning permission is granted.
81. I recognise that this Decision will disappoint local residents who have invested time and resources in contesting this appeal. This must be balanced against the aspirations of the Government, as articulated in the Framework, which seeks to boost significantly the supply of housing and which sets out a clear presumption in favour of sustainable development.

*Clive Hughes*  
Inspector

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Alexander Greaves of Counsel	Instructed by Tonya Meers, South Gloucestershire Council
He called	
Paul Jolliffe DipLA MLA	Associate Director, Nicholas Pearson Assoc.
Donna Whinham BSc(Hons)	Strategic Major Sites Team, South Gloucestershire Council
MA MRTPI	
Benjamin Read BSc(Hons)	Partner, Rapleys LLP
MA MRTPI	

### FOR THE APPELLANT:

Mark Lowe QC	Instructed by Dominic Lawson, DLBP Ltd
He called	
Julian Cooper BSc(Hons)	Director of Landscape Architecture, SLR Consulting
DipLD FLI AILA	
Graeme Phillips BArch RIBA	Partner, JTP
ARB AoU	
Dominic Lawson BSc(Hons)	Chairman, DLBP Ltd
DipCRP MRTPI	

### INTERESTED PERSONS:

Sarah Thompson	Local resident
Colin Gardner	Local resident
Peter Acton	Local resident
Roger Hall	Local resident
Ed Pemberton	Local resident
Trevor Hellen (on behalf of Vince Robertson)	Local resident
Cllr Maggie Tyrrell	District and Town Councillor and local resident
Ian Armour	Local resident
Leslie Forrest	CPRE
Keith Woosnam	Local resident

### DOCUMENTS SUBMITTED DURING THE INQUIRY

ID1	Opening statement for the Appellant
ID2	Opening submissions on behalf of the Local Planning Authority
ID3	Paul Jolliffe – Proof of evidence errata sheet
ID4	Statement by Sarah Thompson with enclosures
ID5	Statement by Colin Gardner (on behalf of TRAPP'D)
ID6	Second Statement by Colin Gardner (on behalf of TRAPP'D) with enclosures
ID7	Statement by Peter Acton with enclosures
ID8	Statement by Ed Pemberton
ID9	Statement by Vince Robertson (read out by Trevor Hellen)
ID10	Statement by Cllr Maggie Tyrrell
ID11	Statement by Leslie Forrest (CPRE)

- ID12 Statement by Keith Woosnam
- ID13 Briefing document for TRAPP'D by Keith Woosnam
- ID14 Agreed housing land supply position statement
- ID15 [Document replaced by ID 24]
- ID16 BNP Paribas independent assessment 2013 forecast vs South Gloucestershire AMR 2017 delivery (DLBP)
- ID17 Table: Housing delivery and supply in Thornbury (March 2018)
- ID18 Housing trajectory in adopted South Gloucestershire Core Strategy vs actual delivery 2013-2017
- ID19 Balance of housing in Thornbury and South Gloucestershire as a whole (DLBP)
- ID20 Appeal decision APP/E2001/W/16/3165930 – Land north and east of Mayfields, The Balk, Pocklington, Yorks (2 November 2017)
- ID21 Cleve Park: Three-storey area as a percentage of the scheme
- ID22 Grace Care Home, Midland Way, Thornbury: Cross sections and site layout
- ID23 Summary of five year housing supply calculations (DLBP)
- ID24 Updated Tables 25, 26 & 27 from Donna Whinham's rebuttal proof of evidence (Replaces ID15)
- ID25 Agreed plans list
- ID26 Further evidence from TRAPP'D in response to Appellant's comments on various sites and plan showing developments at/ near Thornbury
- ID27 Draft s106 Agreement – Regulation 122 Compliance Statement
- ID28 Draft conditions (as agreed by the Appellant and the LPA)
- ID29 i-Transport: Assessment Years
- ID30 Appellant's response to TRAPP'D concerning housing delivery at 12 sites
- ID31 Walking distances: i-Transport/ TRAPP'D comparisons by the Appellant
- ID32 Further representations from TRAPP'D to evidence on walking distances
- ID33 Comments on draft list of conditions by Mrs Sarah Thompson
- ID34 Closing submissions on behalf of the Local Planning Authority
- ID35 Closing submissions for the Appellant
- ID36 Site visit viewpoints and plan

#### DOCUMENTS SUBMITTED FOLLOWING CLOSE OF THE INQUIRY

- PID1 Agreement under s106 of the Act (17 April 2018)
- PID2 Unilateral Undertaking under s106 of the Act (17 April 2018)

#### PLANS

- A Drawing No 01123\_S\_01 P1 - Site plan
- B Drawing No 01123\_PP\_01 P3 – Parameter plan – land uses and access
- C Drawing No 01123\_PP\_02 P4 – Parameter pan – building heights
- D Drawing No 01123\_PP\_03 P3 – Parameter plan – open space
- E Drawing No 01123\_PP\_04 P1 – Parameter plan – residential density
- F Drawing No 01123\_PP\_05 P2 – Parameter plan – urban design principles
- G Drawing No 04677.00011.29.011.05 Rev 05 – Landscape parameters plan
- H Design and Access Statement (November 2016)
- I Design and Access Statement Addendum (February 2017)
- J Drawing No H801-300 E - Outline surface water management strategy
- K Addendum 1 Energy Statement V1
- L Drawing No H801/204 Rev C – Proposed northern site access T-Junction



- M Drawing No H801/205 Rev C - Proposed southern site access T-Junction
- N Drawing No H801/206 Rev A - Proposed Morton Way context plan
- O Drawing No H801/207 – Site access visibility envelope

### **ANNEX: List of conditions (48 conditions)**

- 1) Approval of the details of the layout, scale and appearance of the buildings to be erected, and the landscaping of the site (hereinafter called "the reserved matters") for each phase shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced.
- 2) Plans and particulars of the reserved matters referred to in the condition above, relating to the layout, scale and appearance of any buildings to be erected and the landscaping of the site, for each phase shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
- 3) Applications for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.
- 4) The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 5) Applications for the approval of the reserved matters shall be in accordance with the following parameter plans:
  - Parameter plan - building heights, 01123 PP\_02 P4
  - Parameter plan - land uses and access, 01123 PP\_01 P3
  - Parameter plan - open space, 01123\_PP\_03 P3
  - Parameter plan - residential density, 01123\_PP\_04 P1
  - Parameter plan - urban design principles, 01123\_PP\_05 P2
  - Landscape parameters plan, 04677.00011.29.011.05 Rev 05and the design principles described in the Design and Access Statement (November 2016) and the Design and Access Statement Addendum (February 2017).
- 6) The first reserved matters submitted pursuant to condition 1 shall include a phasing plan to indicate the scale and sequence of build out including the relationship of dwellings to the delivery of infrastructure. The development shall be carried out in accordance with the agreed details.
- 7) The reserved matters submitted pursuant to condition 1 shall include a detailed delivery framework for the self-build housing. The development shall be carried out in accordance with the approved strategy.
- 8) The reserved matters submitted pursuant to condition 1 shall include details of a site wide pedestrian and cycle and movement strategy identifying existing public rights of way and desire routes to the crossings and bus stops on Morton Way, to include directional signage. The development shall be carried out in accordance with the approved strategy.
- 9) The reserved matters submitted pursuant to condition 1 shall include details of site wide Highway Design Codes including a highway hierarchy detailing carriageway, footway, cycleway and shared surfaces widths and surface materials. The development shall be carried out in accordance with the approved Highway Design Codes.

- 10) A site specific Construction Environmental Management Plan (CEMP), shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of development. The CEMP as approved by the Council shall be fully complied with at all times.
- The CEMP shall address the following matters:
- Access arrangements for construction vehicles.
  - Measures to control the tracking of mud off-site from vehicles.
  - Measures to control dust from the demolition and construction works approved.
  - Adequate provision of fuel oil storage, landing, delivery and use, and how any spillage can be dealt with and contained.
  - Adequate provision for the delivery and storage of materials.
  - Adequate provision for contractor parking.
  - A lorry routing schedule.
  - Contact details of the main contractor.
  - Membership details for the Considerate Constructor Scheme.
  - Measures to deal with dust incorporating the best practice mitigation measures identified in the assessment in Section 7 and Appendix A5 of the approved Air Quality Assessment no. J2428/1/F2.
  - Pollution prevention measures to protect the water environment.
  - Lighting within the site.
- 11) Prior to the commencement of the development details of facilities for charging plug in or other ultra-low emission vehicles are to be submitted to and agreed in writing by the Local Planning Authority. The approved facilities shall be provided in accordance with a program to be agreed in writing with the Local Planning Authority.
- 12) No dwelling shall be occupied until the highway linking that dwelling to the existing public highway has been provided with street lighting, completed to base course level for the carriageway and surface course level for the footway or shared surface, all in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- 13) The Reserved Matters submissions shall include detailed plans showing the provision of car and cycle parking facilities in accordance with the standards set out in policy T7 of the South Gloucestershire Local Plan (adopted) January 2006 and the Residential Parking Standards SPD (adopted). The development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the associated buildings.
- 14) The plans and particulars submitted as part of condition 1 for the relevant reserved matters shall include a scheme of car parking for the allotments. Car parking for the allotments shall be provided in accordance with the agreed details prior to the first use of the allotments.
- 15) Prior to the submission of any reserved matters and prior to the commencement of any groundworks, including any exempt infrastructure works or remediation works, a programme of archaeological work and subsequent detailed mitigation, outreach and publication strategy, including a timetable for the mitigation strategy (phase 1), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved programme of mitigated measures (phases 2, 3) and method of outreach and publication (phase 4) shall be implemented in all respects. For the avoidance of doubt, the condition requires a four phase approach, comprising field evaluation and production of mitigation and publication strategy (phase 1), open area excavation where necessary (phase 2), watching brief (phase 3) and outreach/publication/archiving (phase 4).
- 16) Prior to the commencement of development, an investigation shall be carried out by a suitably qualified person to ascertain the extent, nature and risks contamination

may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks. Thereafter the development shall proceed in accordance with any agreed mitigation measures.

- 17) Prior to occupation, where works have been required to mitigate contaminants (under condition 16) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.
- 18) If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing to the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.
- 19) All gas fired boilers shall meet a minimum standard of <40mgNO<sub>x</sub>/KWh.
- 20) The development shall be carried out in accordance with the outline recommendations provided in the Noise Impact Assessment (R59800-Rev 2) dated 1st June 2016.
- 21) Prior to the first reserved matters application submitted, details of a Surface Water Drainage Master Plan shall be submitted to and agreed in writing by the Local Planning Authority. The master plan shall be in accordance with the Flood Risk Assessment (prepared by Cannon Consulting Engineers no. CCE/H801/FRA-05 dated May 2016) and include the results and a review of groundwater investigation at sites of proposed surface water attenuation features; details of the detailed drainage design of attenuation basin and swale features; and proposed points of connection for each parcel/phase. Development shall be carried out in accordance with the approved scheme.
- 22) No development shall take place on land to which reserved matters relate until the detailed drainage design for each plot, phase or parcel of land, incorporating sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before the plot or parcel is first occupied.
- 23) No development approved by this permission shall be occupied or brought into use until a scheme identifying the future ownership, operational and maintenance arrangements of the surface water drainage system over the lifetime of the scheme has been submitted to and approved in writing by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with agreed details.
- 24) The development shall be carried out in accordance with the Cleve Park, Thornbury Woodland Management Plan prepared by AT Coombes Associates Ltd and received by the Council on 22nd September 2016.
- 25) Prior to the commencement of development a mitigation strategy for hedgehog shall be submitted to and agreed in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved strategy.

- 26) If 12 months has lapsed since the last field survey undertaken in support of the planning application, no development shall commence at the site until the site has been re-surveyed for badgers and a report submitted to and agreed in writing by the Local Planning Authority. The report should provide details of any recorded badger activity and in that light provide details of any works subject to the licensing provisions of the Protection of Badgers Act 1992. All works are to be carried out in accordance with said report.
- 27) Prior to the commencement of development, a scheme of new bird nesting boxes/features shall be submitted to and agreed in writing by the Local Planning Authority. The scheme should include the type and location of all nest boxes and design features, to cover a variety of species including starling, house martin, swift and house sparrow. All works shall be carried out in accordance with the approved details.
- 28) Prior to development commencing, a construction method plan shall be submitted to and agreed in writing by the Local Planning Authority to prevent development affecting the ecological integrity of Cleve Wood and Crossways Wood Sites of Nature Conservation Interest (SNCI) and to accord with the provisions of paragraphs 5.2.11 to 5.2.32 of the Ecological Assessment dated May 2016 by Ecology Solutions Ltd. All works shall be carried out in accordance with the approved plan.
- 29) Prior to development commencing, a Landscape and Ecological Management Plan (Ecology Strategy) shall be submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt the plan shall accord with the agreed masterplan and include details of the existing habitat to be safeguarded (hedges, woodland), the new habitat to be created (species-rich grassland, hedges, woodland, scrub and ponds) and its management. It shall also include a programme of monitoring of all works for a period of 5 years; and a programme of implementation. All works shall be carried out in accordance with the approved plan.
- 30) Prior to development commencing, details of a scheme of street lighting shall be submitted to and agreed in writing by the Local Planning Authority. The scheme will demonstrate a sensitive design in relation to bats, ensuring dark corridors and limiting light spillage over all new and retained semi-natural habitat (e.g. open space), thereby avoiding any significant impacts on bat foraging habitat (European Protected Species). Through the provision of appropriate lux contour plans, the scheme shall demonstrate that dark foraging corridors will be maintained. All works are to be carried out in accordance with the approved scheme.
- 31) The plans and particulars to be submitted in accordance with condition 1 shall include:
- a) a plan showing the location of each existing tree on the site which has a stem with a diameter measured over the bark at a point 1.5m above ground level exceeding 75mm. The plan shall show which of those trees are to be retained and the accurate crown spread of each retained tree.
  - b) details of the species, diameter (as measured in the previous section) and the approximate height and an assessment of general health and stability of each retained tree and of each tree which is on land adjacent to the site (and to which sections c and d apply).
  - c) details of any proposed tree works to any retained tree on the site or adjacent to the site.
  - d) details of any proposed alterations in existing ground levels, and any proposed excavation within the root protection area of any retained tree on or adjacent to the site.
  - e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

All fencing to be in accordance with BS5837 2012 (Trees in Relation to Construction) and shall be erected before any works commence and retained and maintained for the duration of the construction period.

- 32) No development shall take place on land to which the reserved matters relates until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines indicating lines, manholes); retained landscape features, including trees and hedgerows and proposals for restoration where relevant. Soft landscaping works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.
- 33) All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the final dwellings on land to which the reserved matters relates or in accordance with the programme to be agreed in writing with the Local Planning Authority.
- 34) No development shall take place on land to which the reserved matter relates until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and agreed in writing by the Local Planning Authority. The schedule shall include details of individual plot ownership, areas of amenity space and of the arrangements for its implementation. Development shall be carried out in accordance with the approved details.
- 35) Prior to the commencement of the development planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities of all structural woodland planting (compartments 1a, 1b, 1c, 1d, 2a, and 2b as shown in Appendix 1 - Woodland Location Plan) shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.
- 36) Structural woodland planting areas in compartments 1a, 1b, 1c and 1d as shown in Appendix 1 - Woodland Location Plan shall be carried out in accordance with the approved details in the first planting season following the last occupation of phase 1 of the development. Structural woodland planting areas in compartments 2a and 2b shall be carried out in accordance with the approved details in the first planting season following the last occupation of phase 2 of the development.
- 37) Prior to the construction of the dwellings hereby approved, a public art plan for a unique site specific integrated scheme of Public Art (including timescales and triggers) to be implemented within the development site shall be submitted to the Local Planning Authority for approval in writing with detailed designs to be submitted and approved as part of the reserved matters. For the avoidance of doubt the submission shall be prepared in line with recommendations in the Council's Art and Design in the Public Realm - Planning Advice Note. Thereafter the artwork/s shall be installed in accordance with the details so agreed and retained as such.
- 38) The plans and particulars submitted as part of condition 1 for the relevant reserved matters shall include details of a pedestrian link from the site to St Paul's Church. The details shall be carried out as approved and the link provided before occupation

of the 175th dwelling.

- 39) The plans and particulars submitted as part of condition 1 for the relevant reserved matters shall include details in respect of the provision of internet connection infrastructure to serve the future residents of the development, including a timetable for implementation. The development shall be implemented in accordance with the agreed timetable.
- 40) No more than 1,150 sq m gross external floor areas of flexible community/commercial facilities (Use Classes A1, D1, D2) shall be constructed and occupied as part of this permission. No more than 690 sq m gross external floor areas shall be constructed and occupied for retail (Use Class A1) of which no single retail unit (Use Class A1) shall exceed 400 square metres gross external floor area.
- 41) The hours of working on site during the period of construction shall be restricted to 8am-6pm Mondays to Fridays; and 8am-1.00pm on Saturdays and no working shall take place on Sundays or Public Holidays. The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the site. Any working outside these hours shall have the prior written consent of the Local Planning Authority.
- 42) The development shall be carried out in accordance with the energy efficient measures (passive design, energy efficient features and low-zero carbon technologies) identified in the Section 2 of the Energy Statement Addendum 1 V3 Dated February 2017. Reserved matters applications shall include details of how each dwelling will achieve an energy performance significantly above building regulations (20% reduction in CO2 emissions compared to part L compliance as set out in the Energy Statement Addendum submitted).
- 43) A detailed energy strategy for serving the high density core of the development (care home, commercial centre and highest density housing) shall be submitted to and agreed in writing by the Local Planning Authority before or as part of the relevant reserved matters applications. For the avoidance of doubt, this should include a full exploration of the potential in line with the Heat Networks Code of Practice. Development shall be carried out in accordance with the agreed details.
- 44) The elderly care facility and community/commercial use buildings shall be designed with future proofing (as recommended by the Energy Statement Addendum) to allow for future connection to a potential heat network.
- 45) Prior to the commencement of development a soil handling and mitigation strategy in line with best practice measures to prevent damage to soils and allow their re-use shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.
- 46) No areas designated as public open space shall at any time be used as a site compound unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt, "site compound" for the purposes of this condition shall mean any area used for siting offices, toilets, fuel tanks, cabins, storage containers, the storage of materials, and the construction of temporary roads and hardstandings.
- 47) Prior to the first residential occupation in the second phase of development (in accordance with page 147 of the submitted (November) DAS, land reserved for flexible community/commercial uses that do not have reserved matters consent shall be made good in accordance with a landscaping scheme to be agreed in writing

by the Local Planning Authority. The development shall be carried out in accordance with the agreed details prior to the last residential occupation of phase 2.

- 48) Within the 12m height zone, as shown on Parameter Plan - Building Heights (Drawing No. 01123 PP\_02 Revision P4), no more than 35% of the area of the 'Up to 3 storeys (12m maximum ridge height from existing ground levels)' zone shall comprise buildings or parts of buildings that exceed 9m in height.