

Appeal by Bloor Homes South West

Land at Sodbury Road, Wickwar, South
Gloucestershire

Appeal ref. APP/P0119/W/23/3323836

LPA ref. P22/01300/O

Statement of Common Ground on Overall Planning Matters

October 2023

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October 2023

1. Introduction

1.1 This Statement of Common Ground (SOCG) on overall planning matters has been prepared between Bloor Homes South West ('the Appellant') and South Gloucestershire Council (herein referred to as the Local Planning Authority [LPA]) in respect of a planning appeal made under S78 of the Town and Country Planning Act 1990 on land at Sodbury Road, Wickwar.

1.2 This Appeal has been made following the failure of the LPA to determine the application within the statutory determination period. The planning application submitted was for the following development:

"Erection of up to 180 dwellings, a local shop and associated infrastructure (Outline) with access to be determined; all other matters reserved".

1.3 The outline planning application was submitted to South Gloucestershire Council and validated as of 21 March 2022. The statutory timeframe for a target decision ended on 22 June 2022, an extension of time was agreed until 21 April 2023, and the application was not determined by the Council within these timescales.

1.4 Following the submission of the Appeal, the LPA reported the application to the Strategic Sites Delivery Committee on the 3 August 2023 and the Spatial Planning Committee on the 8 August 2023. Whilst the Officer reports both recommended that planning permission should be granted, both Committees resolved that, had they remained able to determine the application, they would have refused the proposed development.

1.5 Following the Committee and prior to the Local Planning Authority submitting their Statement of Case, the weightings were amended in agreement with the Chair of the Committee. There was no change to putative reason for refusal no. 2.

1.6 The putative Reasons for Refusal are as follows:

1) The adverse impacts of the proposal with regard to:

- *Less than substantial harm to South Farm – great weight*
- *Less than substantial harm to Frith Farm – great weight,*
- *Less than substantial harm to Wickwar Conservation Area – great weight,*
- *Increase reliance on car borne transport – substantial weight,*
- *Landscape Harm – significant weight*
- *Conflict with Spatial Strategy – limited weight*
- *Loss of Grade 3 agricultural land – limited weight*
- *Recreational pressure on SSSI – limited weight*

significantly and demonstrably outweigh the benefits of the proposal, which are:

- *Provision of housing – significant weight,*
- *Affordable housing – significant weight,*
- *Provision of self-build plots – significant weight,*

- *Provision of new jobs – limited weight,*
- *Other benefits (potential for a shop, redirected Public Right of Way, highway improvements and connections) – limited weight*

and therefore, applying paragraph 11(d)(ii) of the NPPF, permission should be refused.

2) The proposal development fails to provide and/or secure adequate provision for necessary on-site and off-site infrastructure. Such infrastructure shall include (but is not limited to) Affordable Housing; Public Transport; off-site highways works; Travel Plan measures; Education contributions to nursery, primary and secondary education and associated transport; Public Open Space; Community Infrastructure; A retail unit and Self-build/custom build homes. The proposal is therefore contrary to policy CS6 of the South Gloucestershire Core Strategy 2006-2027.

- 1.7 The purpose of this statement is to confirm matters of fact and matters of agreement between the Appellant and the LPA on overall planning matters, noting that separate SOCGs have been prepared on heritage, landscape, highways, affordable housing and on housing delivery and five year housing land supply. It also confirms the key remaining areas of dispute.

2. Site and Surrounding Area

Site Location and Context

- 2.1 The site lies to the west of Sodbury Road (B4060), fronting this road at the northern and southern extents, and otherwise lying behind existing built development on the Western side of Sodbury Road. Existing residential development lies opposite the site on the eastern side of Sodbury Road.
- 2.2 Wickwar lies at the north eastern edge of South Gloucestershire approximately 2.5 miles south of Charfield and 3 miles north of the centre of Yate to the south.
- 2.3 It is common ground that the Appeal Site is located outside of the settlement boundary of Wickwar. The Wickwar settlement boundary, which was last reviewed as part of the Core Strategy (adopted in December 2013), is shown at Figure 1, below. The proposed northern access point abuts the western side of Sodbury Road, opposite the settlement boundary on the eastern side of the road.

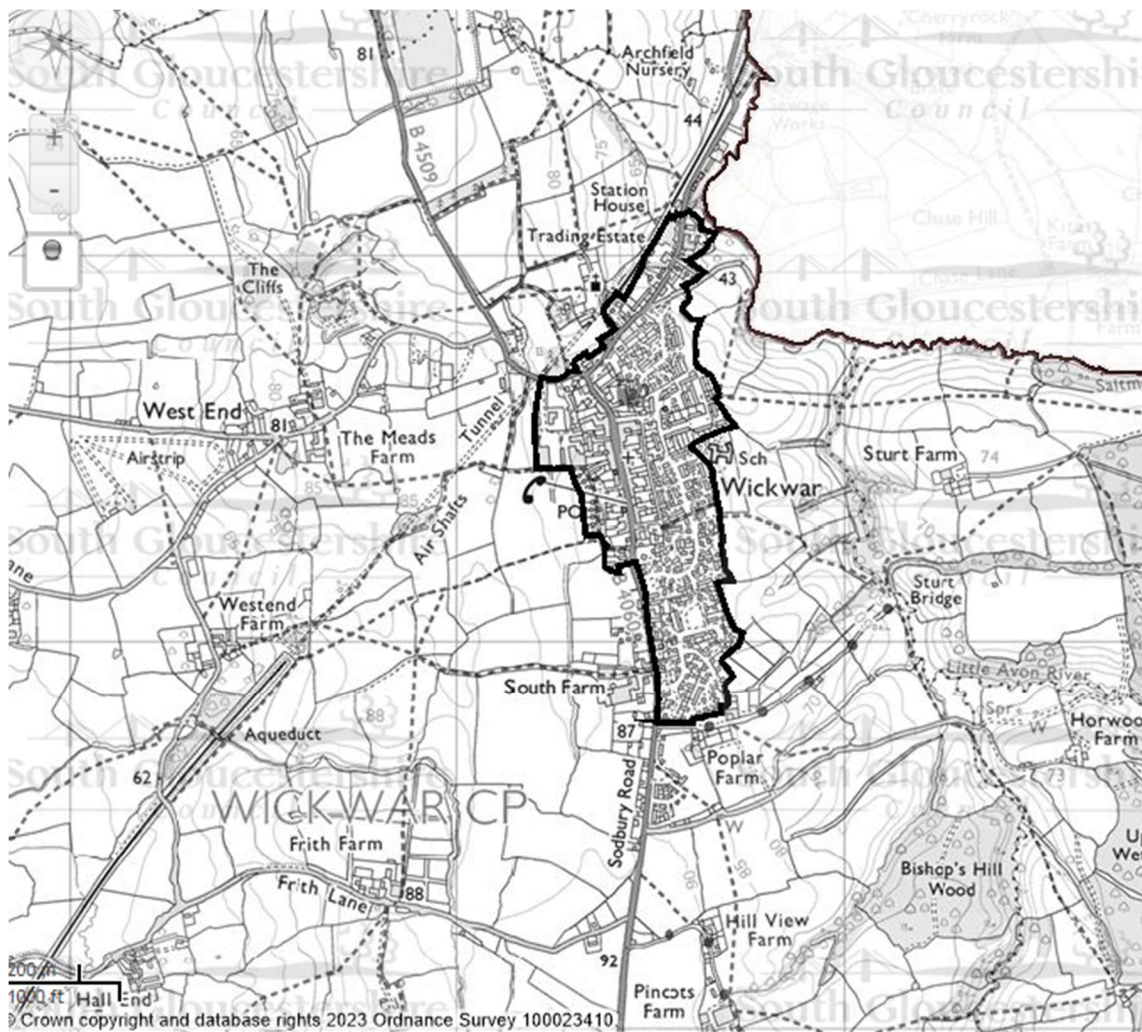


Figure 1 - Development Plan Policies Map Extract for Wickwar

Site and the Surrounding Area

- 2.4 The site is comprised of approximately 7.89ha of agricultural land, divided between 4 fields. The land has a varied topography ranging from 83m-90m AOD, whilst generally flat there is a shallow depression running north-south within the site. The boundaries are formed by a mix of hedgerow, some trees and some areas without definition. The southern boundary abuts the junction of Frith Lane. A slither of land is shown as outside of the red line boundary of the site, to be retained in agricultural use, between the proposed development site and the rear of properties fronting Sodbury Road.
- 2.5 The site is located within Flood Zone 1.
- 2.6 There are no existing public rights of way across the site but there are several nearby, as can be seen on the below image.

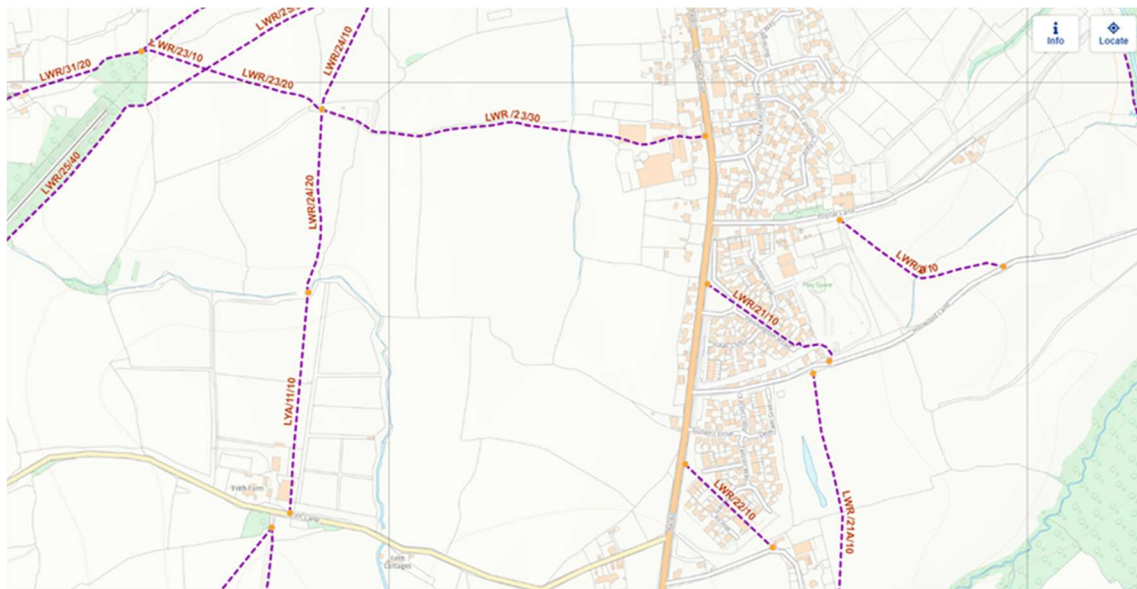


Figure 2 - Extract from the Definitive Map.

- 2.7 The site and its surroundings fall within the north-eastern extent of NCA 118 'Bristol, Avon Valleys and Ridges' National Character Area, which encompasses the City of Bristol at its core and the surrounding area to the north east, south and south west, including the Chew and Yeo valleys, Keynsham, Clevedon, Portishead and parts of the Cotswolds and Mendip Hills Areas of Outstanding Natural Beauty. The site is situated wholly within Landscape Character Area (LCA) 5 – 'Wickwar Ridge and Vale', described briefly as "a diverse undulating landscape covered with a mix of farmland, woodland and common."
- 2.8 The site does not contain any designated heritage assets. A Grade II* listed building, known as Frith Farmhouse, is located circa 440m south west of the site and the nearest listed building is a Grade II listed farmhouse, known as South Farmhouse, 28m north of the site boundary. The southern edge of the Wickwar Conservation Area is located circa 335m north of the site.

3. The Appeal Proposal

- 3.1 The appeal proposal seeks outline planning permission for up to 180 dwellings, a shop, and the creation of Public Open Space, a community play area, new planting and landscaping. The formation of two new vehicular access points to the east of the site along Sodbury Road are proposed in detail. The description of development is set out below:

“Erection of up to 180 dwellings, a local shop and associated infrastructure (Outline) with access to be determined; all other matters reserved.”.

- 3.2 All matters, except for the primary access routes from Sodbury Road, are reserved for subsequent approval.
- 3.3 The development will provide 35% affordable housing in accordance with Policy CS18 of the South Gloucestershire Core Strategy 2006-2027 (December 2013).
- 3.4 The development will also provide 5% of the housing plots for self/custom build dwellings in accordance with PSP42 of the Policies Site and Places Plan (November 2017).
- 3.5 The Application and now Appeal was supported by an illustrative concept masterplan (**CD 2.1**, and now updated at **CD 6.2**).
- 3.6 An indication of development ‘parameters’ (heights, amount, uses etc) are also detailed in the Design and Access Statement which is provided alongside this submission (**CD 2.2**), the Appellant advises that only the principle of development is being proposed for approval at this stage.
- 3.7 At the time the appeal was submitted, the application comprised of a suite of documents (some of which had been amended during the course of the determination period). The original application documents are provided in Section 1 of the Core Documents and the amended plans and documents submitted are provided in Section 2.

4. List of Plans to be Determined

- 4.1 It is agreed that the following plans are to be determined by the Inspector at this Appeal;
- Drawing no. 1001, Redline Plan (**CD 1.2**):
 - Drawing no. 7909-SK02 Rev 2.0, Proposed Southern Access Plan (**CD 2.4, Appendix C to the NRP response to Highways comments**); and
 - Drawing no. SK05 Rev A, Proposed Northern Access Plan (**CD 1.22**).
- 4.2 It is agreed that the following plans are illustrative only:
- Illustrative Framework Masterplan (Drawing No. 3002 Rev C; (**Core Document 6.2**).
 - Landscape Strategy Plan (**CD 6.7**))
- 4.3 It is agreed that at the time the application was deemed valid in March 2022 the application comprised, or was accompanied by, the following documents set out at section 1 of the Core Documents List (some of which were then amended during the determination of the application as covered at para 4.4 below).
- 4.4 It is agreed that, during the course of the application and in response to consultee comments, revised and additional documents were submitted as listed at Section 2 of the Core Documents List.

5. Planning History

- 5.1 There is no record of any historic planning applications on the site.
- 5.2 A request for an EIA Screening Opinion (application ref. P21/030/SCR) was submitted in October 2021. The Council confirmed in November 2021 that EIA is not required for these proposals, by issuing a negative Screening Opinion (**CD 4.1**).

6. Planning Policy Context

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission should be determined against relevant policies in the Development Plan unless material considerations indicate otherwise.

The Development Plan

- 6.2 The Development Plan for South Gloucestershire Council comprises:
- the South Gloucestershire Core Strategy (Adopted December 2013) (2006-2027) (**CD 4.4**); and
 - the South Gloucestershire Policies, Sites and Places Plan (Adopted June 2022) (**CD4.5**).
- 6.3 The following Development Plan policies are agreed to be of relevance to the determination of this appeal:

Core Strategy 2006-2027

- Policy CS1 – High Quality Design.
- Policy CS2 – Green Infrastructure.
- Policy CS4A – Presumption in Favour of Sustainable Development.
- Policy CS5 – Location of Development.
- Policy CS6 – Infrastructure and Developer Contributions.
- Policy CS8 – Improving Accessibility.
- Policy CS9 – Managing the Environment and Heritage.
- Policy CS14 – Town Centres and Retail.
- Policy CS15 – Distribution of Housing.
- Policy CS16 – Housing Density.
- Policy CS17 – Housing Diversity.
- Policy CS18 – Affordable Housing.
- Policy CS24 – Green Infrastructure, Sport and Recreation Standards.
- Policy CS34 – Rural Areas.

Policies Sites and Places Plan

- Policy PSP1 – Local Distinctiveness.
- Policy PSP2 – Landscape.
- Policy PSP3 – Trees and Woodland.
- Policy PSP6 – Onsite Renewable and Low Carbon Energy.
- Policy PSP8 – Residential Amenity.
- Policy PSP10 – Active Travel Routes.
- Policy PSP11 – Transport Impact Management.
- Policy PSP16 – Parking Standards.
- Policy PSP17 – Heritage Assets and the Historic Environment
- Policy PSP18 - Statutory Wildlife Sites: European Sites and Sites Of Special Scientific Interest (SSSIs)
- PSP19 – Wider Biodiversity
- Policy PSP40 – Residential Development in the Countryside
- Policy PSP42 – Self Build and Custom Housebuilding
- Policy PS43 – Private Amenity Standards

The Most Important Policies for Determining the Appeal

6.4 The parties are in agreement that the following policies are most important for determining the Appeal:

- Policy CS4A
- Policy CS8;
- Policy CS9
- Policy CS16
- Policy CS17
- Policy CS18
- Policy CS34; and
- Policy PSP1

- Policy PSP2;
- Policy PSP3
- Policy PSP11
- Policy PSP17
- Policy PSP 40

- 6.5 It is agreed that Policies CS5 and CS35 are out of date.
- 6.6 It is agreed that policy CS9 is also out of date in so far as criterion 1 of the policy (on heritage assets) doesn't make provision for a public benefits test.
- 6.7 It is agreed that policy PSP17 bullet point 2 under *Assessment of Development which affects the Conservation and Enhancement of a Heritage Asset* is inconsistent with the NPPF and so is out of date.

Other Material Policy Considerations

The National Planning Policy Framework and Planning Practice Guidance

- 6.8 It is agreed that the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG) which set out national planning policy and guidance in England are important material considerations in this case.
- 6.9 The individual technical and environmental reports provide specific reference to national policy relevant to each specific discipline.

7. Matters of Agreement

7.1 This section sets out those matters that the Appellant and LPA agree on.

Relevant Development Plan Documents

- 7.2 Both parties agree that the policies listed at paragraph 6.3 of this Statement are the relevant Development Plan policies for the determination of this appeal.
- 7.3 Both parties agree that the policies listed at paragraph 6.4 of this Statement are the most important for determining the Appeal.
- 7.4 Policies CS5 and CS34 are out of date. It is agreed that policy CS9, in so far as it doesn't make provision for a public benefit test, and that PSP17 bullet point 2 under *Assessment of Development which affects the Conservation and Enhancement of a Heritage Asset* are out of date.

Requirement for a S106 Legal Agreement

- 7.5 It is agreed that a S106 legal agreement should be completed to secure the provision of 35% affordable housing; 5% self or custom build houses the provision and management of public open space; education contributions; and any other contributions for infrastructure as necessary to make the development acceptable in planning terms.
- 7.6 Subject to the completion of a suitable S106 legal agreement, it is agreed that the Council's second putative reason for refusal would be suitably addressed, in all respect except Public Transport.

The Principle of Development at Wickwar

- 7.7 Policy CS5 sets out the Strategy for Development and states that new development within the open countryside will be strictly limited. It is acknowledged that the proposals are in conflict with this policy by virtue of the site's location outside of the settlement boundary. However, it is agreed that Policy CS5 is a most important policy for the determination of the appeal and is out of date. It is agreed that only limited weight should be afforded to the conflict with this policy.
- 7.8 Policy CS15 sets out the quantum of housing need over the plan period and explains that a minimum of 28,355 new homes are required. The strategy is to deliver this need within existing urban areas and at the growth locations identified in the table within the policy. It is agreed that Policy CS15 does not set a cap on the number of new homes. The quantum required is not expressed as a maximum. CS15 is agreed to be out-of-date but not a most important policy for the determination of this appeal.

Affordable Housing

- 7.9 It is agreed that a provision of 35% affordable housing is in conformity with Policy CS18 of the Core Strategy.

- 7.10 It is agreed that the delivery of 35% affordable housing is a benefit to weigh in the planning balance. Each party will set out in evidence the appropriate weight that it says should be afforded to the delivery of affordable housing in the overall planning balance.

Housing Delivery from The Appeal Proposals

- 7.11 It is agreed that the market homes to be delivered as a result of the appeal proposals is a benefit that should be afforded significant weight in the planning balance.

Self Build/Custom Plots from the Appeal Proposals

- 7.12 It is agreed that the total number of registered applicants on the Council's self-build register is 1,262.
- 7.13 Compared to that number of registered applicants, 429 self-build/custom plots have been delivered/have planning permission, a shortfall of 824 plots compared to the registered interest.
- 7.14 It is agreed that the 5% of the residential plots to be provided by the development will be for sale to self and custom builders.
- 7.15 It is agreed that the provisions of self-build/custom plots is a benefit that should be afforded significant weight in the planning balance.

Landscape

- 7.16 Landscape matters are set out in a separate Statement of Common Ground.
- 7.17 Whilst the Appellant accepts that there would be adverse landscape impacts from the appeal proposals, there is disagreement on the weight to be afforded to that impact. The Appellants suggest the harm attracts moderate weight whereas the Council suggests it should attract significant weight.

Impact on Heritage Assets

- 7.18 It is agreed that, in accordance with paragraph 199 of the NPPF, great weight should be given to a heritage asset's conservation.
- 7.19 It is agreed between the parties that the only designated heritage assets with potential to be affected by the proposed development are:
- Wickwar Conservation Area;
 - Grade II* listed building Frith Farmhouse, and
 - Grade II listed building South Farmhouse.
- 7.20 It is agreed that the development proposals would cause less than substantial harm to the significance of South Farm at the lower end of the spectrum.

- 7.21 It is agreed there would be no harm to the special architectural or historic interest of the Wickwar Conservation Area.
- 7.22 There remains disagreement on the level of harm to the remaining identified heritage asset at Frith Farm. This is set out under matters of disagreement. Heritage matters are also set out in more detail in a separate Statement of Common Ground.

Drainage and Flood Risk

- 7.23 Both parties agree that an acceptable drainage solution can be achieved to ensure that flood risk on site and elsewhere is managed and mitigated to an acceptable level and an appropriately worded planning condition can be imposed should the Appeal be allowed.

Highways and Locational Sustainability

- 7.24 It is agreed that the site can be safely and suitably accessed via the proposed access points from Sodbury Road.
- 7.25 It is also agreed that the proposed shop, if delivered on site, would provide a convenience retail facility which is not currently available to the village of Wickwar.

Connections to the Public Right of Way

- 7.26 In accordance with the principles of NPPF paragraph 100, it is agreed that the appeal proposals can secure a new link through the development which connects to the existing public right of way to the north of the appeal site (PROW ref. LWR/25, as shown on Figure 2 above). It is agreed that this is a benefit to weigh in the planning balance.

Ecology and Recreational Impacts

- 7.27 It is agreed that:
1. Natural England raise no objection to the proposals, subject to securing the measures set out in the Ecological Addendum (EDP, February 2023) (**CD 3.45**).
 2. The additional links proposed to the PROW are a benefit of the appeal proposals and Natural England referred to them as being 'welcomed'.
 3. The provision of a welcome pack to new residents highlighting the PROW network and accessible greenspace away from Lower Woods SSSI and Bishop's Hill Wood SSSI would be welcomed.
 4. Whilst Natural England suggest that the Gloucester Wildlife Trust may require specific onsite measures at the SSSI which the Appellant may be willing to support due to the issues with recreational pressure at the SSSI, this is not a requirement of Natural England in order to overcome any objection.

5. The Gloucestershire Wildlife Trust in its response dated 21st July 2023 (**CD 3.31**) did continue to seek for the Appellant to agree to a financial contribution to mitigate against recreational pressure on the Lower Woods SSSI and Bishop's Hill Wood SSSI.
6. The Council's Ecological Planning Advisor, Benjamin Goodger, confirmed in his final comments dated 29 March 2023 (**CD 3.5**), that he had no objection to the proposals.

Agricultural Land Quality

- 7.28 It is agreed that the site is comprised of approximately 7.89ha of agricultural land, divided between 4 fields and that this land will be lost for agricultural use as a result of the proposed development. There is however disagreement on the overall grading of this agricultural land under the Agricultural Land Classification and the weight to be afforded it its loss (please see matters of disagreement).
- 7.29 It is agreed that the NPPF paragraph 174 b) confirms that decisions should contribute to and enhance the natural and local environment by: recognising the wider benefits from natural capital and ecosystem services including the economic and other benefits of the best and most versatile agricultural land.
- 7.30 It is agreed that the NPPF defines 'Best and most versatile agricultural land' as land in grades 1, 2 and 3a of the Agricultural Land Classification.

Paragraph 11 of the NPPF

- 7.31 It is common ground that the housing requirement in the Core Strategy and the settlement boundaries that depend on it, are not compliant with the Framework and are out-of-date. Some of the policies which are the most important for determining the application in the adopted development plan are out of date.
- 7.32 It is also agreed that, as a result of the Core Strategy and most important policies out of date, the presumption in favour of sustainable development at paragraph 11 d) applies. It is also agreed that there are no policies in the NPPF that provide a clear reason for refusing the development proposed (in respect of paragraph 11 d) i. and footnote 7), and so the Appeal should be determined on the basis that it should be allowed and planning permission granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole.

Other Matters

- 7.33 In addition to the matters set out above, it is common ground between the parties that there are no reasons for refusal or matters for dispute on the following grounds:
 - On site ecological impacts;
 - Delivery of Biodiversity Net Gain, the delivery of which is agreed to be a positive benefit to weigh in the planning balance;

- Noise Impacts;
- Air Quality;
- Impacts to Residential Amenity;
- Ground contamination;
- Impacts to public rights of way; and
- Archaeology.

8. Matters Still in Dispute

- 8.1 This section sets out those matters which are still in dispute between the Appellant and LPA.

Five Year Housing Land Supply

- 8.2 There is disagreement on the amount of deliverable supply from sites in the Council's trajectory and on the overall deliverable supply in the five year period. A separate SoCG is being progressed on Housing Delivery and Five Year Housing Land Supply.

Heritage Impacts

- 8.3 There is disagreement on the degree of harm to the Grade II* listed Frith Farm as a result of change to its setting – the Council's case being that there is less than substantial harm at the lower end of the scale and the Appellant's case being that there is no harm to the heritage significance of the asset.

Landscape Impacts

- 8.4 There is disagreement between the main parties as to whether the landscape impacts of the development should be afforded significant weight (the Council's case) or moderate weight (the Appellant's case).

Economic Benefits

- 8.5 There is disagreement of the weight to be afforded to the economic benefits of the Appeal Proposals, with the Council's case being that they should be afforded limited weight and the Appellant's case being that they should be afforded significant weight in the planning balance.

Loss of Agricultural Land

- 8.6 There is disagreement on whether the Appeal Proposals would result in the loss of some Grade 3b as well as Grade 4 agricultural land (the Council's position) or only entirely Grade 4 Agricultural Land (the Appellant's position). There is disagreement on whether the weight to be given to this loss with the Council's case being that it should be afforded limited weight and the Appellant's case being that it should be affordable only negligible weight in the planning balance.

The Appropriate Financial Contribution to Bus Service Provision

- 8.7 There is disagreement over whether an effective and viable bus service can be provided for Wickwar and whether the proposal will provide a real alternative to the use of the private care and is locationally sustainable in transport terms.

The Overall Planning Balance

- 8.8 The overall planning balance in respect of paragraph 11 d) ii. and whether the adverse impacts of allowing the appeal would significantly and demonstrably outweigh the benefits is not agreed.

9. Declaration

- 9.1 This Statement of Common Ground is agreed by Turley on behalf of Bloor Home South West (the Appellant) and South Gloucestershire Council.

Signed on behalf of the Appellant, Bloor Homes South West:



Jeff Richards, Senior Director, Turley

6 October 2023

Signed on behalf of South Gloucestershire Council:



Liz Fitzgerald, Managing Director, Baker Parry

6 October 2023

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