

**APPEAL ON BEHALF OF REDCLIFFE HOMES LTD,
AGAINST THE REFUSAL OF PLANNING PERMISSION BY
SOUTH GLOUCESTERSHIRE COUNCIL FOR:**

**ERECTION OF 35 NO. DWELLINGS WITH GARAGES
AND ASSOCIATED WORKS**

LAND SOUTH OF BADMINTON ROAD, OLD SODBURY

LPA Ref: P21/03344/F

Appeal Ref: APP/P0119/W/22/3303905

**Planning Proof of Evidence by Mr Matthew Kendrick
(MRTPI) (BSc)**

October 2022

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1.0 INTRODUCTION

Qualifications, Experience & Declaration

- 1.1 My name is Matthew James Kendrick. I hold a BA (Hons) degree in Business Economics from the University of Leicester and a MSc in Planning Practice & Research from the University of Wales, Cardiff.
- 1.2 I am a member of the Royal Town Planning Institute and have over 18 years' experience, most recently for Grass Roots Planning Ltd, which I set up in 2010. Prior to that, I worked as a planning consultant for Barton Willmore as a full-time employee for four years, and for two years as a Development Control Officer in the Brecon Beacons National Park Authority.
- 1.3 I have advised on a range of projects throughout the UK, and specifically in the south-west where the issues of five-year housing land supply and accessibility of everyday services was considered. The most relevant to this appeal in my view include:
- Land at Lower Road, Stalbridge
 - Land north of Iron Acton Way, Yate
 - Trinity Lane, Chipping Sodbury
 - Land at Dancing Lane, Wincanton
- 1.4 I have visited the appeal site many times and am very familiar with the surrounding area, South Gloucestershire in general, the site's planning history and that of nearby sites, and the wider planning context.
- 1.5 I am instructed by Redcliffe Homes to pursue an appeal against the refusal of a detailed planning application (Ref: P21/03344/F), which was validated on the 14th May 2021 and was for the following description of development:
- "Erection of 35 no. dwellings with garages and associated works".*
- 1.6 I can confirm that this evidence, which I have prepared and provided in support of appeal APP/P0119/W/22/3303905, which relates to land south of Badminton Road, Old Sodbury, is true and has been given in accordance with the guidelines of the Royal Town Planning Institute. I can also confirm that the opinions expressed are my true professional opinion on the various matters discussed.

Main Issues

- 1.7 Having regard to the reasons for refusal and consultation responses received, and having sight of the LPA's Statement of Case, I agree with the summary provided in the Inspector's notes of the Case Management Conference which outlines that the main issues that apply to this appeal are:
- Whether the proposed development accords with local and national planning policies in respect of the location of the site;
 - Whether occupants of the proposed development would have reasonable access to facilities and services;
 - Whether or not the Council is able to demonstrate a five-year supply of deliverable housing sites; and
 - Whether the proposal would make adequate provision for affordable housing, traffic calming/speed reduction, public open space, education, and the library service.

Scope and Structure of this Evidence

- 1.8 My evidence seeks to cover these four main issues and is structured as follows:
- Section 2: Site Description, Development Proposals and Planning History
 - Section 3: Application of Planning Policy
 - Section 4: The Need for Housing (Open Market & Affordable)
 - Section 5: Location of the Site/Policies CS5 and CS34
 - Section 6: Accessibility of the Appeal Site
 - Section 7: Economic Environmental and Social Benefits
 - Section 8: Potential Adverse Effects
 - Section 9: The Planning Balance
 - Section 10: Summary and Conclusions
- 1.9 Additional evidence has been prepared by the following who have been involved in the application process as well as this appeal; these documents should be read alongside my evidence:
- Land Supply Evidence – Miss Coral Curtis of Grass Roots Planning; and
 - Transport Evidence – Mr David Tingay of Key Transport Consultants.

2.0 SITE DESCRIPTION, DEVELOPMENT PROPOSALS & PLANNING HISTORY

Site Description

- 2.1 The site lies to the west of the centre of the village of Old Sodbury, to the south of Badminton Road (A432). To the north is a row of allotments and beyond this a number of residential properties which front onto Badminton Road; to the west is Sodbury House (a small hotel); and Chestnut House lies to the east which beyond that is a small transport yard which has an extant permission for 9 dwellings (Application Ref: PK01/3133/F). To the south is the railway line, which is separated from the site by a steep embankment and cutting.



Figure 1. Site Location (for exact measured boundaries, please see submitted location plan)

- 2.2 The site comprises two distinct parcels – the first is a field which is currently used for grazing (although previously it has been used as a compound for the nearby railway works – the access was improved for use by large-scale HGVs, cranes and contractors). The second parcel consists of a small piece of garden land associated with the adjacent Sodbury House Hotel. A Public Right of Way (PRoW) intersects the site.
- 2.3 The surrounding context consists of a mix of residential development, small office building (Hartley House to the north of the site), and agricultural fields.
- 2.4 Old Sodbury has a number of everyday facilities and services to the east, including a church, primary school, nursery, village hall, pub, service station, which includes a small convenience store, and some small employment areas.

- 2.5 There are limited options for development in Old Sodbury as the village is constrained by a number of designations, such as the Green Belt and the Cotswolds Area of Outstanding Natural Beauty. This is shown below in figure 2:

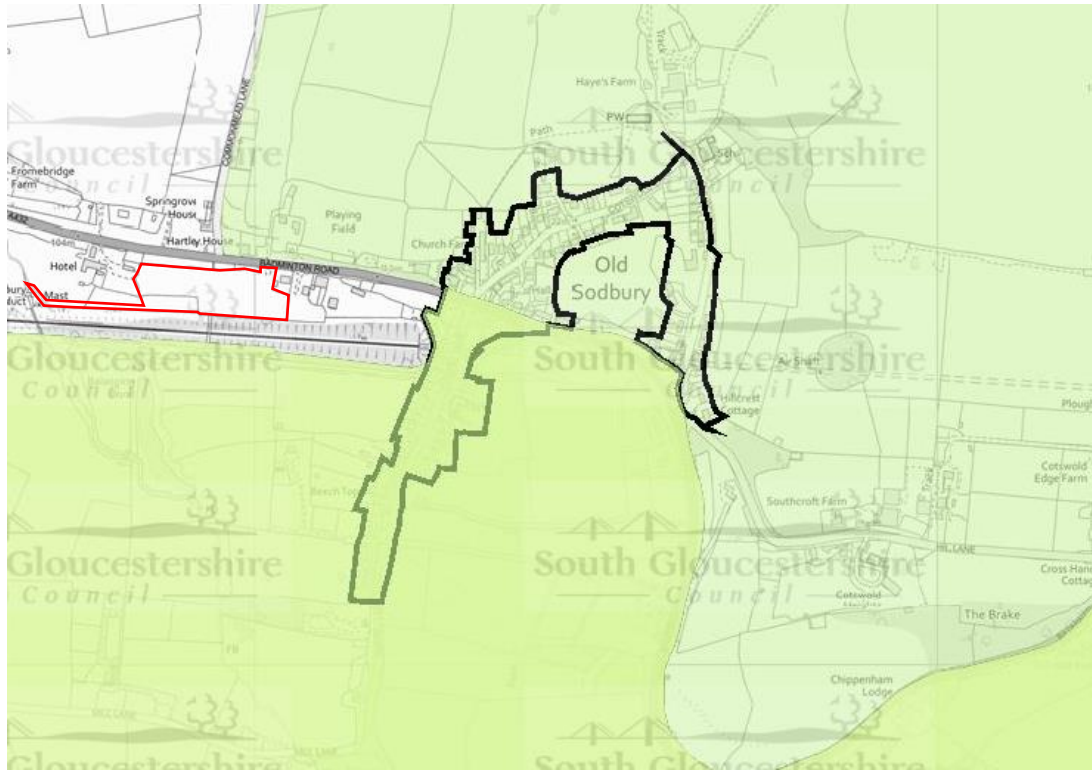


Figure 2. Extract of Core Strategy policy maps showing constraints to Old Sodbury (site location shown in red)

- 2.6 The settlement boundary for Old Sodbury does not appear to have been amended since it was defined in the 2006 South Gloucestershire Local Plan, as shown below in figure 3:

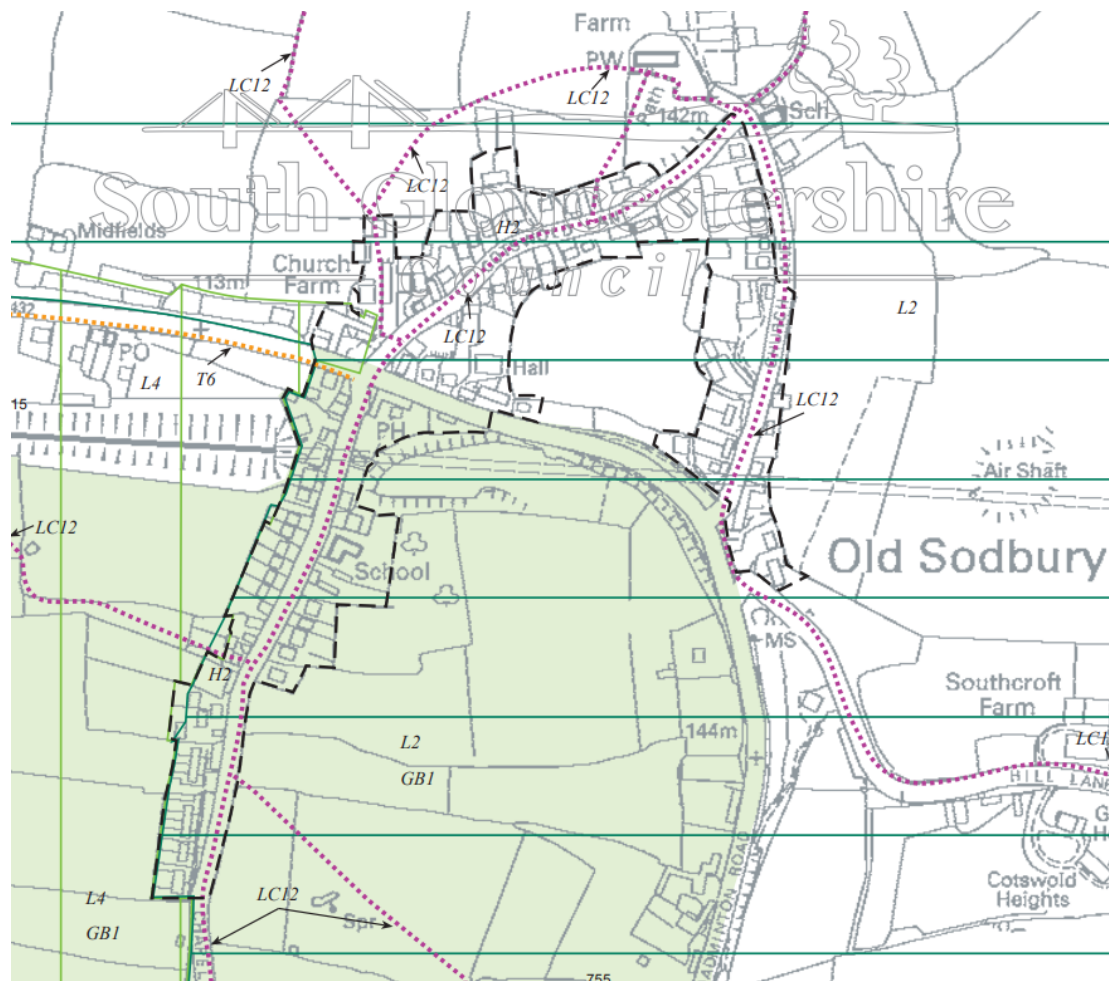


Figure 3. Extract of South Gloucestershire Local Plan 2006 Proposals Map showing Old Sodbury's settlement boundary

Development Proposals

- 2.7 The appeal proposals seek detailed planning permission for 35 dwellings and the provision of public open space, landscaping and drainage. The housing is provided in a range of house types including terraced, semi-detached and detached formats, predominantly of a size suitable for families but also some one-bed maisonettes.
- 2.8 As a detailed application a full technical pack of drawings and supporting documents were submitted to the council.
- 2.9 These final plans and documents came as a result of negotiations undertaken during the determination period. The changes made to address comments received from consultees and the case officer can be summarised as follows:
 - Amendments to the location and form of affordable housing proposed;
 - Creation of a large maintenance strip around the perimeter of the site to allow for a management company to access boundary trees and hedgerows to maintain these,

and ensure an appropriate buffer with residential properties is provided to ensure they can be maintained in perpetuity;

- The layout was amended to provide a larger buffer to the PRoW with adjacent stone wall boundary delineation to improve the appearance of this part of the site, and to more appropriately define the public/private space;
- The LVIA was updated to include a further assessment of additional viewpoints requested by the Council's Landscape Officer; and
- A previously proposed access build out into Badminton Road was removed and additional off-site traffic calming measures were put forward.

2.10 35% affordable housing will be secured as part of the s106 agreement, equating to 12 affordable homes out of the 35. 9 of these units will be social rented units, with 3 provided as shared ownership properties.

2.11 Other s106 contributions include the following:

- £123,651.46 toward provision and/or enhancement of recreational facilities in locality (nearby play area, community woodland, allotments etc.) and £80,812.94 towards future maintenance;
- Delivery of 12 affordable homes, 9 of which will be social rented units and 3 shared ownership;
- £31,671 towards the provision of Early Years Education;
- £158,910 towards Primary School Education;
- £120,420 towards Secondary School Education;
- £1,333 Library Contribution; and
- Provision of a new gateway speed calming feature and controlled crossing on Badminton Road.

2.12 In particular the gateway feature and controlled crossing on Badminton Road are proposed as a result of public consultation comments regarding excessive speeding along the A432. This in turn will provide traffic calming measures.

Planning History

2.13 The site entrance onto Badminton Road was subject to an application for works to Common Land in 2020 (Ref: COM/4239848) – this proposed the expansion of hard surfacing across the bell mouth area to create an improved access into the site for vehicles. Common Land Consent was granted by the Planning Inspectorate on the 28th October 2020.

- 2.14 Apart from this Common Land Application, the site has no known planning history as far as I have been able to identify. The previous access and engineering works that have been undertaken by Network Rail have been undertaken under statutory operators' permitted development rights.
- 2.15 The site immediately to the east of the site has the benefit of an extant planning permission (Ref: PK01/3133/F) for the erection of 9 dwellings (see layout plan below which has been overlaid on a site aerial, with the appeal site shown adjacent). A deed of variation application to amend the S106 agreement associated with this earlier consent has been made recently, to remove the requirement to deliver affordable housing in line with national policy that excludes sites of less than 10 dwellings from the obligation to deliver such housing.



Figure 4. Site Layout Plan of adjacent site overlaid on aerial, with appeal site also shown

3.0 APPLICATION OF PLANNING POLICY

Introduction

- 3.1 Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require that planning applications must be determined in accordance with the development plan, unless other material considerations indicate otherwise.
- 3.2 In this case, the relevant development plan which applies to the appeal proposals includes:
- South Gloucestershire Core Strategy (2006 – 2027) (adopted December 2013)
 - South Gloucestershire Policies, Sites and Places Plan (PSP) (adopted November 2017)
 - Affordable Housing and Extra Care SPD (adopted April 2021)
- 3.3 The LPA's decision notice refers to the following policies contained within these documents:
- Policy CS1 – High Quality Design
 - Policy CS5 – Location of Development (inc. Green Belt)
 - Policy CS6 – Infrastructure and Developer Contributions
 - Policy CS8 – Improving Accessibility
 - Policy CS18 – Affordable Housing
 - Policy CS23 – Community Infrastructure and Cultural Activity
 - Policy CS24 – Green Infrastructure, Sport and Recreation Standards
 - Policy CS34 – Rural Areas
 - Policy PSP11 – Transport Impact Management
 - Policy PSP40 – Residential Development & the Countryside
- 3.4 As set out within our Statement of Case, and as agreed in the Statement of Common Ground, upon the signing of a s106 Agreement, RFRs 3 – 7 will have been addressed. Therefore, whilst the above policies are of relevance, I do not consider that I will need to discuss, in any great detail, an assessment of the appeal proposal's compliance with policies CS6, CS8, CS18, CS23 or CS24.
- 3.5 With respect to the remaining policies, I consider that the ones which are most important for determining the application are policies CS5, CS34, PSP11 and PSP40. Policy CS1, whilst of relevance to the scheme, its relevance to the RFR set out in the LPA's decision notice is the site's ability to connect to the wider network of foot, cycle and public transport links.

The Decision-Making Framework

3.6 The starting point for decision making is the adopted development plan as Section 38(6) of the Planning and Compulsory Purchase Act sets out, unless material considerations indicate otherwise.

3.7 In applying this duty Paragraph 11 of the Framework is a very important material consideration, stating the following:

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁽⁹⁾, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁽⁷⁾; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

3.8 This paragraph does not mean you simply ignore the primary focus on the development plan as the starting point for decision making, but it alters the weight that should be attributed to the policies that are most important to the determination of an application, or appeal.

3.9 In respect to this appeal, it is my view that the most important policies relating to its determination are policies CS5 and CS34 of the South Gloucestershire Core Strategy and policies PSP11 and PSP40 of the South Gloucestershire Policies, Sites and Places Plan.

3.10 However, I consider that these policies are out-of-date for three reasons, which are independent of one another.

3.11 Firstly, it is my position, supported by the separate evidence of Miss Curtis, that SGC cannot demonstrate a deliverable 5-year housing land supply. In such a context both paragraphs 11 and 74 of the Framework clearly sets out that the tilted balance applies.

3.12 Secondly, the policies are out-of-date by virtue of them being based on an out-of-date assessment of housing needs, which was undertaken in 2009, prior to the publication of the NPPF. The Council failed to undertake a meaningful review of this matter in accordance with the requirements of the Core Strategy Inspector, which required a review/replacement plan to be in place by the end of 2018 – almost 4 years ago.

3.13 Thirdly, the plan is out-of-date because the council has been able to maintain housing delivery and land supply in spite of the development plan policies, and in particular the settlement

boundaries it contains – not because of them. This has been a result of numerous permissions granted beyond said settlement boundaries in settlements of a similar nature to Old Sodbury.

- 3.14 I will now elaborate on these reasons.

Five-Year Housing Land Supply

- 3.15 I do not agree with the Council's latest published position on this matter, as set out in their December 2021 Annual Monitoring Report. This sets out their position that they believed they had a 6.14 year housing land supply, but I am aware this is now reduced to 5.99 years to take into account current housing need and updated affordability ratios.
- 3.16 I refer to the detailed evidence of Miss Curtis (MRPTI), in respect to five-year housing land supply (5YHLS). She establishes that the authority is unable to demonstrate a supply, with the position standing at **4.44 years**.
- 3.17 A separate Inquiry held during the week commencing the 3rd October 2022, in respect to an appeal at Land West of Park Farm, Thornbury (Ref: APP/P0119/W/21/3288019), has also considered the issue of land supply. Mr Ben Pyecroft who has presented evidence on this matter in relation to that Inquiry considers the council's land supply to stand at 4.3 years.
- 3.18 Therefore, in the context of the council being unable to demonstrate a 5-year supply of housing land, paragraph 11(d)(ii) advises that the tilted balance is engaged and permission should be granted unless the adverse impact of doing so significantly and demonstrably outweighs the benefits, when assessed against the policies in this Framework as a whole.

Setting the Context – Plan Making in SGC

- 3.19 South Gloucestershire Council adopted their Core Strategy in 2013, after a protracted, two year-long Examination in Public (EiP) undertaken by the Planning Inspectorate. Whilst it was agreed that a provision of a minimum of 28,355 dwellings was acceptable by the Inspector, they made it clear that the following should be considered:

'Without a NPPF compliant SHMA the degree of reliance that can be placed upon this figure is uncertain because it is not clear what the housing needs of the wider HMA are and whether joint working between the relevant authorities would require revisions to housing targets before the end of the plan period.'

[paragraph 84 of the Inspector's report to the Core Strategy]

'I therefore consider South Gloucestershire should aim to adopt a replacement plan as soon as reasonably possible. I previously felt this should be done prior to 2021 but the timetable for the newly instigated SHMA process means this can and should be brought forward so that a review/replacement plan is in place by the end of 2018.'

[paragraph 86 of the Inspector's report to the Core Strategy]

- 3.20 As such, in line with the Inspector's requirements and in accordance with the NPPF, SGC should have had a replacement plan in place by 2018 to account for consideration of the wider Bristol Housing Market Area (HMA).
- 3.21 It was made clear by the Inspector that there was significant concern regarding the housing requirements that it set out, particularly in light of the need to consider overspill need from the Bristol City Council area, and the need for joint working to identify this.
- 3.22 As a result of this concern the Core Strategy was allowed to be adopted on the strict proviso that the plan, and the housing requirement, be reviewed at the earliest opportunity to ensure a review/replacement plan would be in place by 2018. Such a review was to be undertaken to also assess the wider HMA requirements via a new SHMA, given that the SHMA produced to support the Core Strategy was undertaken in 2009, and was therefore inconsistent with the NPPF. No such review by SGC specifically, to include a meaningful assessment of the issue relating to Bristol City's unmet need, joint working and cross border cooperation has been undertaken since this point and the review is now 4 years overdue.
- 3.23 In 2016, South Gloucestershire Council embarked on a Joint Spatial Plan (JSP) which was anticipated to set strategic policy for their administrative area, as well as Bath and North-East Somerset Council (B&NES), Bristol City Council (BCC) and North Somerset Council (NSC) – i.e. the 'West of England'. The West of England was considered to contain two strategic housing market areas, with interlinking functional and economic relationships. A SHMA was undertaken in 2015 and updated in 2018. The 2018 SHMA indicated that there was an objective assessed need of 87,000 dwellings over the 20-year plan period 2016-2036 in the 'Wider Bristol' area, with a need for nearly 14,000 in the Bath HMA. With an allowance for C2 provision, the overall housing target was considered to be 102,809 dwellings over the plan period.
- 3.24 During this time, the first version of the standard method for calculating housing need was published by Central Government which was indicating that the basic housing requirement should be 116,500 homes across the WoE (which may be further increased due to the need to boost jobs or provide additional affordable housing).

- 3.25 The JSP was submitted for examination in 2018, however due to ‘fundamental concerns’ of the Inspectors, the authorities were advised to withdraw the plan in September 2019. The Inspectorate was not in a position to reach a conclusion on whether the OAN suggested at the time was justified. Paragraph 34 of their letter (**CD8.2**) states *‘if we were to conclude that the robust OAN for the West of England is a significantly higher figure (potentially up to the 140,000 dwellings contended by a number of participants to the examination), then clearly a very substantial amount of work to the plan would need to be undertaken to reflect this’*.
- 3.26 Following the withdrawal of the JSP in December 2019, work then began on a new ‘Spatial Development Strategy’ between SGC, BCC and B&NES, as NSC withdrew from the proposals. However, it was still intended that NSC would participate in discussions because of the functioning economic relationship and the Duty to Cooperate. A further update to the SHMA was undertaken in 2021 which based its figures on the Standard Method.
- 3.27 The Spatial Development Strategy, however, has again been abandoned due to the Council’s failure to come to an agreement on the apportionment of housing and strategy for the region. The authorities are clear that they need to meet their own housing requirements, however given Bristol’s land-locked nature, and despite their efforts to deliver homes, a proportion of housing need is clearly going to be required to be delivered in SGC, B&NES and NSC.
- 3.28 Instead, Local Plans will now form the strategic planning framework for the West of England Combined Authority, and the issue of housing need will be address through individual plans. As such, there has been no full review and replacement plan in place since 2013 in SGC, nearly 10 years ago. There is currently no published Local Development Scheme which sets out a timetable for the preparation, submission, and adoption of a new Local Plan. This is the context in which SGC are making decisions in respect to applications for housing.
- 3.29 Policies CS5 and CS34 restrict development outside of tightly defined settlement boundaries. They were formulated as part of the Core Strategy process, which as set out above, was linked to a housing requirement that an Inspector had concerns with nearly 10 years ago, because it did not take Bristol City Council’s unmet need into account in any robust way.
- 3.30 The housing requirement that the Core Strategy eventually adopted, was submitted in March 2011. This was before the Framework was introduced by the then incoming government. Therefore, the Duty to Cooperate did not exist at that point, as it was yet to be formulated as policy.
- 3.31 Accordingly, the Core Strategy made no real allowance to consider the wider Bristol Housing Market Area and potential that Bristol City, with its administrative area tightly defined to a heavily urban core, could not meet its housing needs within its boundaries.

3.32 This issue was recognised by the Inspector in his report **(CD1.2)** (see paragraphs 84-87), which clearly identified that an early review was essential because the housing requirement, without a review of the wider Housing Market Area, could not be relied upon for the duration of the plan period without a commitment to an almost immediate review. This was a pragmatic way forward adopted by the Inspector where he would have been mindful of the potential substantial delay in delivering much needed housing allocations if he found the plan to be unsound and sent the Council ‘back to the drawing board’, so to speak.

3.33 Paragraph 10.10 of the Core Strategy **(CD1.1)** provided the commitment to allow the Inspector to adopt this approach, stating that:

‘To ensure sufficient land is made available to meet housing needs to the end of the plan period the Council will undertake a review of the Core Strategy/Local Plan to be completed before the end of 2018. This should be based on a revised Strategic Housing Market Assessment undertaken in conjunction with other relevant authorities in the West of England region. Regard will also be had to all available evidence sources including demographic evidence, economic conditions and forecasts. If evidence suggests that additional provision of homes will be required the review will consider the appropriate response. If additional strategic provision is required its delivery will be determined on a West of England-wide basis through the duty to cooperate. This will involve reviewing the general extent of the Green Belt. This will enable, should the further release of land for development prove necessary, land currently within the Green Belt to be assessed against other reasonable alternatives.’

3.34 The Council has clearly not met this commitment and no new development plan has been prepared on the basis of a Framework compliant assessment of housing need for the wider HMA, and the introduction of the Standard Method, which now includes an urban uplift for cities such as Bristol, has made this issue even more pertinent.

3.35 A decision maker might reasonably ask what the consequences of this are, and whether they are significant enough to warrant a departure from the adopted development plan, in the context of South Gloucestershire’s housing delivery. This is set out in table 1 below:

Monitoring Year	2018-19	2019-20	2020-21
Housing Requirement from SM	1387	1387	1387
Core Strategy Requirement	1610	1610	1610
Housing Delivery	1573	1536	1646

Table 1. Housing Delivery Performance in SGC

- 3.36 This shows that against the Core Strategy requirement performance has been broadly in line with targets, albeit it has under delivered in two of the three years. In respect of the Standard Method derived requirement the council has exceeded this over the last three years.
- 3.37 Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) requires local planning authorities to make an assessment of whether their local plan remains up-to-date at least every five years from adoption. As such, because the plan was not adopted in the last five years, SGC must have either undertaken a review of policies relevant to housing and found them not to require updating (i.e., the plan is 'up-to-date' and therefore the housing requirement is 1,610dpa), or, as it appears in the 5YHLS trajectory, consider that the plan is not up-to-date as they have used the standard method for calculating housing need. The plan should therefore not be considered up-to-date and the guidance set out above makes it clear the reasons for this. Accordingly both parties agree that policy CS15 is out-of-date.
- 3.38 SGC has exceeded its requirements as set out by the Standard Method, however this underlines a fundamental issue and failures that arise from the exact application of planning policy in regards to the standard method in this very specific and unusual scenario.
- 3.39 In basic terms, SGC, in failing to meet the requirements to review its plan by 2018 based on a wider assessment of housing need in the HMA to include Bristol City, can utilise the benefits of relying on the SM, ignoring the wider and enhanced needs it would be obliged to consider through the plan making process. As the Inspector will be aware, the number generated by the SM is the starting point in the plan making process, but the end point in decision taking.
- 3.40 This is because, as the SoCG records, the council confirms that the *'Core Strategy Housing Requirement is no longer a most important policy given that the Core Strategy is more than five years old and that the use of this figure is not relevant to consideration of the housing requirement and the five-year supply'*.
- 3.41 Pausing there a moment in respect to the consideration of whether the most important policies are out-of-date – the Council agrees that the Core Strategy housing requirement is out-of-date. It is therefore perverse to also argue that the connected settlement boundaries established in 2006 in respect of the rural settlements, are up to date, they clearly are not.
- 3.42 SGC therefore submits that instead of the Core Strategy Housing Requirement the Standard Method should be used instead when calculating land supply. On the basic application of guidance and policy that is correct and we have adopted that approach in respect to the calculation of five-year housing land supply, but it fails to take into account that a review was

required by 2018 in order to address the issue of wider needs that might be arising from Bristol. In effect such an approach ignores ‘real world’ planning issues and reality.

- 3.43 In light of this, restricting consideration of this issue to SGC alone is far too simple an analysis because it fails to take into account Bristol’s housing delivery and needs, which was the reason for the requirement to review the Core Strategy. This issue has been ignored for many years by SGC.
- 3.44 The delivery context in Bristol is therefore of relevance and highlights the consequences of failing to conduct a wider assessment of the HMA to consider if land is required in South Gloucestershire to address unmet need in Bristol. The recent delivery figures in Bristol are summarised in table 2 below.

Monitoring Year	2018-19	2019-20	2020-21
Housing Requirement from SM (includes 20% buffer)	4735	4735	4735
Housing Delivery	1666	1412	1533
Deficit	3,069	3,323	3,202

Table 2. Housing Delivery Performance in Bristol

- 3.45 These figures are not surprising as Bristol perennially struggles to meet its housing requirements, and in particular deliver sufficient family sized housing, given its tightly defined geographical area and lack of greenfield land. South Gloucestershire, much of its urban area being inextricably linked with Bristol, has a clear and much needed role to play in addressing the problem.
- 3.46 In addition to this Bristol City’s five-year housing land supply stands at 3.7 years and their Housing Delivery Test measurement is 74%, which requires the presumption to be applied in accordance with footnote 8 and paragraph 11 of the Framework.
- 3.47 These are startling figures, clearly showing there is currently no hope of Bristol meeting its own needs, and accordingly a strategic approach and cooperation with neighbouring authorities is required to address the problem. This would require nearby authorities planning to meet a proportion of Bristol’s unmet need within their neighbouring areas, which was envisioned to happen via the now defunct SDS, and JSP before it.
- 3.48 Instead, SGC’s failure to review their plan in a timely manner and by 2018 at the latest, has allowed them to avoid this significant issue. If they had undertaken a review of the issue as they committed to do, and that commitment was the only reason the Core Strategy was found sound, a wider housing market assessment would have identified an unmet housing need

arising from Bristol, and as the Core Strategy Inspector anticipated a higher housing requirement would have been adopted and would form the basis of the five year land supply assessments that are connected to this appeal. Clearly in that scenario they would not have a 5yr HLS now, as they do not have one when assessed against the Core Strategy's requirement of 1,610 dwellings per annum, which the Inspector clearly anticipated would rise to deal with the aforementioned issues.

- 3.49 This is obviously not the outcome that planning policy guidance or the Core Strategy Inspector sought to secure. In my professional opinion the failure to review the plan by 2018 renders the Core Strategy out-of-date, the council agree that the housing requirements of the core strategy are out-of-date as the SoCG sets out, but in my view it is out-of-date in a wider sense and policies that are the most important to the determination of this appeal are also out-of-date, including the settlement boundaries that the Council have relied upon in applying reason for refusal 1.
- 3.50 Finally, in respect to this matter there is also the issue of potential inconsistency with the Framework. Paragraphs 24-27 set out the Duty to Cooperate that Local Authorities must adhere to, as set out earlier the Core Strategy was developed prior to the introduction of the Framework and hence was not consistent with these requirements. The Core Strategy Inspector took the pragmatic approach of allowing the plan to proceed, albeit in its far from ideal form, subject to the review that has failed to materialise. That 4 year long failure must now be considered to warrant a conclusion that the plan is inconsistent with the Framework, and is therefore not up to date in that regard also.
- 3.51 Therefore, I consider it must be concluded that the Core Strategy is out-of-date, in particular policies CS5, CS34 and PSP40 in this case, which prevent development coming forward in otherwise appropriate and sustainable locations beyond settlement boundaries.

Consistency in Approach

- 3.52 As I set out earlier in this evidence there is also a third reason the most important policies of the plan are out-of-date, and that relates to the Council's decision making over the last 3-4 years, which has maintained a five-year housing land supply, and housing delivered generally, in spite of development plan policies, not because of them. The position taken in respect of the appeal proposals is different from the approach taken in the past as I will identify, and there is a question as to the consistency in decision making in the SGC area.
- 3.53 Within the current 5YHLS paper, there are a number of applications which have been granted either based on a lack of 5YHLS at the time of decision making, or granted notwithstanding the authority being able to demonstrate a deliverable supply. In both instances, these sites in

question have lain outside of the settlement boundaries that the council consider to be up to date in respect of this appeal.

- 3.54 The following sites that are included within the Council's current 5YHLS trajectory which were granted based on a lack of 5YHLS at the time, include the following:

Site Ref.	Application Ref.	Name of Site	TOTAL DWELLINGS IN TRAJECTORY
0190	PT15/2917/O	Land at Post Farm, Thornbury	6
0204	PT16/4774/O	West of Gloucester Road, Thornbury	130
0207	PT17/4800/O	Heneage Farm, Falfield	80
0211	P19/14956/F	Land To The West Of Stowell Hill, Tytherington	29
0216	PK17/5109/F	East of Trinity Lane, Chipping Sodbury	12
0218	PK18/1532/O	Land South Of Park Street, Hawkesbury Upton	21
0219	PK17/4552/O	Land South Of Horwood Lane, Wickwar	90
0222	PT16/6924/O	Land north of Wotton Road, Charfield, Gloucestershire, Barratt	115
0223a	PT17/0215/O	Blackberry Park, Land east of Park Lane, Coalpit Heath (Phase 1)	31
0223b	PT17/0215/O	Phases 2 And 3 Land at Park Lane Coalpit Heath	108
0227a	PT16/3565/O	Cleve Park, Thornbury	125

Table 3. Sites within the current 5YHLS trajectory that lie outside of the settlement boundary and were granted based on the LPA's lack of 5YHLS

- 3.55 A number of other permissions have been granted in spite of the council claiming that it can demonstrate a 5YHLS at the time the applications were determined.

Site Ref.	Application Ref.	Name of Site	TOTAL DWELLINGS IN TRAJECTORY
247a	P19/8659/O	Land at Crossways, Morton Way, Thornbury	69
0248	P20/12395/F	Land West of Trinity Lane, Chipping Sodbury	60
0250a	P20/24044/O	Land east of North Road, Yate - Newland Homes	84

0254	P20/15214/F	Land north of Lodge Road, Engine Common, Yate	31
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Table 4. Sites within the current 5YHLS trajectory that lie outside of the settlement boundary and were granted even when the LPA could claim a 5YHLS

- 3.56 In addition, we are aware of two other applications which have been granted where SGC claim to have been able to demonstrate a five-year housing land supply and policies were considered to be fully up-to-date. These sites are both likely to be included in the next Annual Monitoring Report paper:
- Land north of Iron Acton Way and east of Dyer's Lane, Yate (Application Ref: P19/2575/F) – 118 dwellings
 - Land at Pool Farm, Wotton Road, Rangeworthy (Application Ref: P20/06928/O) – 13 dwellings, shop and office
- 3.57 Maps of these sites, and their relationship to their respective settlement boundaries, are set out in Appendix 1 to this evidence.
- 3.58 In all of these cases the planning policy position was set out in terms similar to that in respect to Land north of Iron Acton Way and east of Dyer's Lane, Yate (Application Ref: P19/2575/F), the relevant committee report for which **(CD7.1)** stated:

5.6 Due to the Covid-19 pandemic, the Council's annual land use monitoring data collection has been delayed. However, an update to the 2020 Housing Land Supply has been published in the form of an Early Extract. The Early Extract from the Council's Annual Monitoring Report, published in December 2020, sets out the Council's five year land supply position. It states that, as the Council's Core Strategy is now more than five years old, in accordance with the NPPF, the Council has identified and updated a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing supply against its local housing need (LHN) defined using the new standard method for calculating local housing need. NPPF Paragraph 73 requires that the supply of specific deliverable sites should also include a buffer. The Council's 2019 Housing Delivery Test is 134%. As South Gloucestershire has delivered at least 85% of its local housing need, in accordance with paragraph 73 and footnote 39 of the NPPF, a 5% buffer to ensure choice and competition in the market for land is appropriate. Based on this approach, the Council can demonstrate 5.28 years' worth of deliverable housing supply against its local housing need. Accordingly, the most important policies for determining the application, including policies CS5 and CS34 are not deemed to be out-of-date through the application of footnote 7 of the NPPF.

5.7 However, as the Council's Core Strategy is more than five years old and predates the latest versions of the NPPF it is important to consider how much weight should be afforded to the policies having regard to their consistency with the NPPF and any other material considerations. An important material consideration in addition to whether the Council is able to demonstrate a five year land supply is the extent of any surplus supply of land. In the appeal decision dated May 2019 for development on land South of Gloucester Road, Thornbury the Inspector considered the Council's 5-year land supply surplus to be marginal. Another material consideration is the Government's clear objective set out in the NPPF to significantly boost the supply of housing.

- 3.59 The stance in respect to planning policy was also more recently updated as set out in the committee report connected to a recent permission for 13 dwellings, outside of the settlement boundary, at Land at Pool Farm, Wotton Road, Rangeworthy (Application Ref: P20/06928/O). The committee report connected to that site (**CD7.2**) set out the position in respect of policy as follows:

5.6 The proposed development is therefore contrary to Policies CS5 and CS34 of the Development Plan. However, as the Councils Core Strategy is more than five years old and predates the latest version of the NPPF it is important to consider how much weight should be afforded to the Policies, having regard to their consistency with the NPPF and any other material considerations. An important material consideration in addition to whether the Council is able to demonstrate a 5 Year Housing Land Supply is the extent of any surplus supply of land, and the Government's clear objective set out in para. 60 of the NPPF to significantly boost the supply of housing. The Council is currently able to demonstrate a greater than 5-year housing land supply.

5.43 The NPPF is an important material consideration. An objective of the NPPF is to significantly boost the supply of homes and it carries a presumption in favour of sustainable development. The NPPF sets out in para. 11 the situations where the balance is tilted in favour of approving development. "d) where there are no relevant development plan policies, or the policies which are most

- 3.60 It is apparent from these decisions that even in the context of the Council applying planning policies where they maintained they had a five-year housing land supply, they clearly identified the fact that the Core Strategy is over 5 years old as a reason to consider the weight to be given to policies such as CS5 and CS34. There is no reference to the failure to conduct a review of the Core Strategy by 2018 as a potential reason to apply diminished weight to adopted policies.

- 3.61 These decisions also repeatedly refer to the material consideration related to the *'Government's clear objective set out in the NPPF to significantly boost the supply of housing'* (referred to in **CDs 7.1 and 7.2**).
- 3.62 No reference is made to this material consideration, and the Framework's requirement to boost supply, in the Circulated Schedule report (**CD4.1**) associated with the appeal proposals.
- 3.63 These decisions show that the current housing supply contains sites that lie beyond the settlement boundaries that were adopted as part of the Core Strategy and referred to in policy CS34. These amount to a total of 991 dwellings, which is a considerable proportion of the Council's identified housing land supply.
- 3.64 Some of these sites were granted planning permission by the Council during a time when it was accepted that they did not have a five-year land supply. A significant proportion were also allowed when the council had said they had a five-year land supply, but thought the housing supply needed to be boosted in accordance with the Framework and therefore granted permission to supplement the supply.
- 3.65 The approach taken on these sites is inconsistent with that applied to the appeal site. While the case officer notes that the housing delivery that the site would accommodate was *'a key benefit of the proposal'* (see 5.2 of **CD4.1**), no mention is made of the material consideration of boosting supply in the area, something which the above-mentioned applications clearly identify as a reason for approval contrary to the Development Plan.
- 3.66 In conclusion, it is clear to me that the council has been maintaining a five-year housing land supply by providing housing on land that lies outside of the settlement boundaries that the Core Strategy defines and Policy CS34 refers to. These sites are contrary to the development plan and show that the supply, and housing delivery in the area over past years, has been maintained despite the development plan, not because of it. This is further clear evidence that the development plan, even putting aside the issue of the failed review which required housing requirements to be reviewed and the now application of a lower housing requirement in assessing land supply matters, is out-of-date and the most important policies relating to this appeal should be given significantly reduced weight.

Paragraph 11 (d)(i)

- 3.67 Paragraph 11 (d) of the NPPF also defines that the tilted balance may be overruled if: *'the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed'*.

- 3.68 Footnote 7 relates to this paragraph and defines that such assets include SSSIs, AONBs National Parks, designated heritage assets, area of flood risk etc.
- 3.69 The site does not lie within any of the designations that are referred to in this footnote, and a separate Statement of Common Ground has been supplied on Heritage matters that sets out that it is agreed that impacts on listed buildings are not considered to constitute a clear reason to apply paragraph 11(d)(i) in this case.

Policy PSP11

- 3.70 Policy PSP11's general aim is to locate development in locations that are, or can be made to be, sustainable in terms of their access to everyday services. The policy does not prevent development coming forward outside of settlement boundaries. It is therefore relevant to the consideration of these appeal proposals in terms of providing a direction of how a site might be consider to be accessible. However, some consideration of the policy's conformity with the policies of the Framework needs to be undertaken as advised by paragraph 48(c).
- 3.71 PSP11 is too prescriptive in respect to how far a site should be from various facilities, with its supporting text referring to the distances as only being the 'starting point of what constitutes appropriate distances'; there is no reflection of paragraph 105 of the Framework's requirement that '*opportunities to maximise sustainable transport solutions will vary between urban and rural areas*'. Therefore, I do not consider it to be fully consistent with the Framework which understands that sustainable transport solutions will be different depending on the location, and thus takes a more flexible approach to locational sustainability.
- 3.72 I therefore consider it right that development proposals be considered against PSP11's general principles, but that the distances set out in the supporting text need to be applied flexibly and react to changing travel patterns and evidence regarding the distances that people may walk and cycle.

Conclusion In Respect of The Decision-Making Framework

- 3.73 As agreed with the Council the most important Development Policies relating to the determination of this appeal include PSP11, PSP40, CS5 and CS34. I will discuss the appeal scheme's compliance with PSP11 later and it is agreed that its principles should apply irrespective of the conclusions reached in respect of the application of the Para 11(d) tilted balance, although in the context of the development plan being found out-of-date slightly diminished weight may need to be applied to that policy to allow sufficient land to come forward to address unmet housing needs.

- 3.74 Policies CS5 and CS34 of the SGC Core Strategy were formulated in the run up to the plan's submission in 2011 in order to restrict development in accordance with the Core Strategy's spatial strategy and its housing requirement.
- 3.75 I have set out clearly that that plan did not take into account the wider HMA and that is why the Inspector found the plan sound on the strict proviso that it's housing requirement be reviewed to consider this and a review or replacement plan be in place by 2018. This has not happened and the required review is now over 4 years overdue. The current Development Plan is therefore clearly out-of-date as it does not address the issue of the wider HMA and therefore its settlement boundaries and policies should be given diminished weight, including CS5, CS34 and PSP40 in this case.
- 3.76 These settlement boundaries have been ignored by SGC in many cases in any event as I have shown, and the housing supply and delivery maintained in spite of these boundaries. This is further separate evidence and reason to conclude that the most important policies are out-of-date.
- 3.77 It is therefore clear to me that the settlement boundaries and spatial strategy of the Core Strategy is no longer fit for purpose and clearly outdated.
- 3.78 Finally, the evidence of Miss Curtis also clearly identifies that the council cannot identify a five-year housing land supply of deliverable sites, highlighting that the supply currently stands at 4.44 years.
- 3.79 In summary, considering the above factors it is my opinion that the most important policies are out-of-date because:
- Of the failure to review the Core Strategy by 2018 to accommodate an assessment of the wider HMA to inform housing requirements in an area that is intrinsically linked to the wider Bristol City area – which has implications for the plan's consistency with the Framework;
 - The council has had to ignore these policies and connected settlement boundaries in recent years to ensure it can maintain housing delivery and a five-year housing land supply; and
 - The Council cannot demonstrate a five-year housing land supply.
- 3.80 Therefore the tilted balance is engaged and the appeal proposals should be granted provided that: i) no specific policies of the Framework relating to assets or areas of particular

importance provide a clear reason for refusal; and ii) the adverse effects of doing so would not significantly and demonstrably outweigh the benefits.

- 3.81 If a contrary decision is reached on the three main reasons I have set out, then it is acknowledged that the appeal should be determined in accordance with the policies of the development plan, unless material considerations indicate that it is appropriate to depart from these policies. In essence, a 'normal' balancing exercise would be undertaken outlining the extent of conflict with the development plan and how this weighs against the benefits of the scheme.
- 3.82 In either scenario, either with or without the application of the tilted balance, any decision must also take into account section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 3.83 I will now consider the key issues that represent material considerations in this case.

4.0 THE NEED FOR HOUSING (OPEN MARKET & AFFORDABLE)

South Gloucestershire Context

- 4.1 As set out within the planning statement that supported the original application, the LPA's Core Strategy was adopted in 2012 and covers the period 2006 – 2027. Policy CS5 and CS15 identify the requirement for housing over the plan period and the broad locations and distribution of development.
- 4.2 A minimum of 28,355 dwellings up to the year 2027 is expected to be provided within the administrative boundaries (1,350pa), with 22,545 of those provided from 2013 (1,610dpa).
- 4.3 According to South Gloucestershire's most recent Annual Monitoring Report (AMR) December 2021, the following has been delivered since 2013:

Year	Net Completions	Difference against target of 1,610dpa
2013/14	1,095	-515
2014/15	1,224	-386
2015/16	1,107	-503
2016/17	1,630	20
2017/18	1,599	-11
2018/19	1,573	-37
2019/20	1,518	-92
2020/21	1,650	40
TOTAL AGAINST TARGET	11,396	-1,484

Table 5. Number of Completions against the annual target of 1,610dpa (data taken from SGC's Annual Monitoring Report 2021: <https://beta-edit.southglos.gov.uk/wp-content/uploads/AMR-2021-Final.pdf>)

- 4.4 The latest AMR includes a five-year housing land supply (5YHLS) paper which sets out the LPA's anticipated rates of delivery over the next six years (up to the plan's end of 2027). This anticipates the following number of homes to be delivered:

Year	Number of Anticipated Completions
2021/22	1,491
2022/23	1,775
2023/24	2,160
2024/25	1,570
2025/26	1,728
2026/27	1,244
Total	9,968

Table 6. Number of anticipated completions set out in the latest AMR prepared by SGC

- 4.5 As such, through the completions to date, and the anticipated completions put forward by SGC, the LPA anticipate delivering 21,364 dwellings over the plan period – a shortfall of 1,181 homes up to 2027. **Therefore, the LPA will fail to meet their adopted housing requirement set out in their Core Strategy, even by their own admission.**
- 4.6 The Core Strategy requirement that was agreed in 2013 was based on a number of factors – most notably the Objectively Assessed Need (OAN) included dwellings to support the number of jobs in the area (in the aim of boosting the economy), as well as to aid in delivering some of Bristol’s market and affordable need, given there are strong interlinkages between the two authority areas, which sit within the same functioning economic area.
- 4.7 Therefore, whilst the LPA will rely on the guidance that determines that they should be using an alternative, lower housing needs figure based on the standard method, this has not been tested through examination and fails to account for any of Bristol’s need and the wider HMA. The standard method is only anticipated to be a minimum requirement and does not allow for cross-boundary cooperation, or for aspirations within a plan – for example, to increase the number of jobs, to rectify worsening affordability by boosting supply, or to allow more people to live closer to their place of work.
- 4.8 As I have set out elsewhere, the outcome that has arisen from the application of the SM as the new housing requirement against which SGC now test its delivery and land supply targets, was clearly not the outcome anticipated by the Core Strategy Inspector when it was agreed that the plan could be found sound subject to an immediate review of the housing requirement based on further analysis of the wider HMA, and that review was to be completed by 2018.
- 4.9 In my view therefore, there is a clear need for market and affordable housing which was agreed and set out in the Core Strategy, and the authority should be aiming to meet this target. The standard method for calculating housing need fluctuates year on year, and is not an appropriate final target that authorities should be trying to comply with as it does not make any meaningful allowance for the issues facing the wider HMA, namely the unmet need arising for Bristol City.
- 4.10 It is my professional opinion that simply ignoring the need for the review of the Core Strategy in the context of the wider HMA, and applying the standard method, is an inappropriate way to undertake the planning functions of the SGC area. Simply put, it is a plan that avoids reality, and a plan to fail. To see why, we must examine the wider context of the HMA.
- 4.11 It is recognised that the sub region consists of SGC, Bristol City, Bath and North East Somerset (B&NES) and North Somerset Councils, and that this comprises the wider Bristol

HMA and separate HMA of Bath. Currently, the four local plans of these authorities aim to deliver the following number of dwellings over their plan periods:

- B&NES: 13,000 – 2011 – 2029 (722 per annum)
- Bristol: 26,400 – between 2006 – 2026 (1,320 per annum)
- South Gloucestershire: 28,355 between 2006 – 2027 (1,350 per annum)
- North Somerset Council: – 20,985 between 2006 – 2026 (1,049 per annum)
- **Total: 88,740 dwellings (4,441 per annum)**

4.12 Each of these plans was adopted between 2011 – 2013 (with NSC’s housing requirement challenged and rectified in September 2015). Since this time, the authorities have attempted to produce a regional plan for the West of England to plan strategically and holistically for the area, as well as to distribute Bristol’s unmet need. The JSP identified that there was a need for 102,200 dwellings between 2016 and 2036; the authorities planned for 105,500 dwellings across the four authority areas, as follows:

Local Authority	Housing Supply Proposed in JSP	% of Overall Supply
Bath and North East Somerset Council	14,500	13.7%
Bristol	33,500	31.7%
North Somerset	25,000	23.7%
South Gloucestershire	32,500	30.8%
Total	105,500	100%

Table 7. Housing Supply proposed in the JSP

4.13 Therefore, the initial evidence prepared by the authorities was seeking to increase the overall number of dwellings to be delivered for the wider region to 5,275 dwellings per annum – already a significant increase over and above the local plan requirements set by their respective development plans. The JSP was found to be unsound; whilst the Inspectors did not come to a final conclusion on housing need given they were yet to hear evidence in relation to affordable housing, concerns were raised over the quantum of development proposed within the plan.

4.14 As I have set out, after the failure of the JSP, the West of England Combined Authority sought to produce a Spatial Development Strategy that would have examined the housing requirement in light of the JSP Inspectors’ concerns and apportion it to address the unmet needs of Bristol City. I have been party to discussions with the leader of SGC, Cllr Toby Savage, who made it clear that the council ‘would not shy away’ from addressing the cross-boundary issues of the area and accept some of Bristol’s unmet need as part of the SDS process. Unfortunately, the SDS is also now abandoned and strategic planning in the West of

England region seems to be at an end, with the authorities now having to pursue their own individual plans, but without a clear direction as to unmet need arising from Bristol and its apportionment.

4.15 Going forward, the standard method will now be the minimum starting point for each of the local authorities for producing their new individual Local Plans. According to the latest housing need and affordability ratios, the following numbers will need to be considered from the outset:

- B&NES – 741dpa
- Bristol – 3,376dpa
- South Glos – 1,388dpa
- North Somerset – 1,392dpa
- **Total – 6,897 per annum**

4.16 This represents a sizable step change in delivery for the wider HMA of an additional 2,456 dwelling per annum, a 55% increase based on the scale of development that the development plans for the area currently accommodate.

4.17 Turning specifically to Bristol City's need, and South Gloucestershire's, one of the key failings of the JSP was that housing need was not apportioned to individual local authorities but instead a 'bottom-up' approach was adopted. This identified a level of supply based on individual sites available within each authority area, in order to meet the overall requirement identified across the entirety of the WoE area.

4.18 This included an assessment of 'urban potential' within Bristol City which identified a number of brownfield sites which could provide land for new dwellings **(CD8.7)**. Allocations were also reviewed to see if an uplift in homes could be provided for by increasing densities, as well as new allocations within the Green Belt. The number of homes put forward by the Councils at this time was that 33,500 dwellings (equating to 1,970 dwellings per annum between 2020 – 2035) **(CD8.8)** could be delivered within Bristol City, through maximising these types of sites.

4.19 Taking those figures at face-value, Bristol City Council were aiming to deliver 33,500 homes up to 2036 based on available supply within the administrative areas. No other evidence was presented by the Councils at the time to demonstrate that a level of supply higher than this could be achieved and this figure was considered to be a maximum. As an aside, it should also be noted that the level of supply identified by BCC was challenged by third parties during the JSP examination and undermined by significant amounts of evidence which showed that it was not realistic. Accordingly, the ability to deliver 33,500 dwellings based on the evidence available is questioned and it is my view that the level of supply is likely to be much lower.

- 4.20 However, even when assuming that this figure is realistic, Bristol City is now required to meet a minimum need of 3,376dpa (equating to 67,520 dwellings over the next twenty years), which would require a significant amount of land becoming available over and above the 33,500 homes identified previously. I am not aware of any potential brownfield land within the city's limits that could realistically deliver an additional circa 34,000 dwellings over the new plan period. Instead, it seems reasonable and realistic that the WoE authorities will need to work together to distribute Bristol City's unmet need within the neighbouring authorities and this was the intention of both the JSP and the SDS.
- 4.21 Even based on a simple equal proportion of dividing the overall spill need across B&NES, NSC and SGC, each authority would need to take an additional circa 11,000 dwellings (an additional 550 dwellings per annum) to aid Bristol in meeting its own housing needs.
- 4.22 As such, it is my view that, whilst SGC considers that the 1,610 per annum figure set out within their Core Strategy is no longer relevant and should be reduced, this flies in the face of available evidence and the Core Strategy's Inspector's requirement to review the plan by 2018.
- 4.23 In conclusion, no one can currently say what the scale of uplift to the SM housing requirement baseline will be to address the Duty to Cooperate and cross boundary issues, which predominately relate to Bristol City's unmet needs. However, in my view, the evidence I refer to above is clear and an exact quantum is not necessary in respect to the determination of this appeal, because what is clear is that a significant uplift to deal with the issue will be required. This assertion is supported by both the Core Strategy Inspector, who considered the review by 2018 was required to consider the scale of the uplift, and the Inspectors who dealt with the examination of the JSP.
- 4.24 Therefore, in terms of open market housing I consider that the evidence points to the need to significantly boost delivery above the levels that SGC are currently accommodating and planning for. Their decision making that I reference at paragraphs 3.52 – 3.66 of this evidence, which has allowed for development to come forward outside of settlement boundaries even when a 5yr HLS has been established, is the correct approach to boost supply. The appeal site would deliver 35 dwelling to further boost supply towards a figure that deals with the wider HMA needs and is a substantial benefit of the scheme that is clearly needed now, not in the distant future when SGC finally review their plan.

Affordable Housing Delivery

- 4.25 The provision of affordable housing, and the related need, is also a strong material consideration in the assessment of this appeal. I have examined the delivery of affordable housing across both South Gloucestershire and the wider WECA area, given the interlinks between the authorities, as well as future need, and how affordability has worsened in the unitary area over time.
- 4.26 The currently adopted Local Plans within the WoE area relied on a joint Strategic Housing Market Assessment (SHMA) (**CD8.3**), produced in 2009. This set out the following in respect to unconstrained need across the authority areas:

Table 4.11 Annual Total housing requirements of households in need

Average 2009 – 2021	B&NES	Bristol	North Som	South Glos	Mendip	West Wilts	WoE
1) Total annual net need social rented (Table 4.9)	786	1176	735	727	271	317	4014
2) Total annual net need intermediate (Table 4.10)	61	351	169	176	54	69	879
3) Total annual net need	847	1526	904	903	324	386	4893
4) % split social rented/intermediate	93/7	77/23	81/19	80/20	83/17	82/18	82/18

Figure 5. Extract of 2009 SHMA

- 4.27 Affordable Housing Delivery is set out in the various Annual Monitoring Reports prepared by the Councils. I have extracted the completions data from each AMR and assessed this against the level of unconstrained need for each authority area that is set out in figure 5 above, and provided the deficit against this need. The results are summarised in table 8 below:

Authority	Level of Need	Year														Total
		2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	
B&NES	847	106	80	65	93	-14	244	137	120	185	178	166	192	278	329	
		-741	-767	-782	-754	-861	-603	-710	-727	-662	-669	-681	-655	-569	-518	-9,699
BCC	1,526	488	443	583	553	402	365	290	102	240	180	199	184	220	304	
		-1,038	-1,083	-943	-973	-1,124	-1,161	-1,236	-1,424	-1,286	-1,346	-1,327	-1,342	-1,306	-1,222	-16,811
NSC	904	126	192	266	148	110	42	211	166	154	126	138	155	96	75	
		-778	-712	-638	-756	-794	-862	-693	-738	-750	-778	-766	-749	-808	-829	-10,651
SGC	903	75	215	291	281	340	269	223	298	326	263	360	368	624	565	
		-828	-688	-612	-622	-563	-634	-680	-605	-577	-640	-543	-535	-279	-338	-8,144
Total																-45,305

Table 8. Affordable Housing Delivery in WOE area against the level of unconstrained affordable housing need identified in the SHMA

- 4.28 Accordingly, against the level of unconstrained affordable housing need identified in the 2009 SHMA, in terms of delivery since 2006 there has been a deficit of over 45,000 affordable homes in the WoE, with 8,144 of those in South Gloucestershire.
- 4.29 It is acknowledged that this level of affordable housing delivery would be unrealistic and as such I have also assessed the level of delivery against the proposed affordable housing

requirements for each local authority as set out in their adopted plans. For clarity, the following requirements have been used:

- Bath & North-East Somerset Council – 3,290 dwellings between 2011 – 2019, equating to 183 dwellings per annum;
- Bristol City – 6,650 dwellings between 2011 – 2026 (15 years), equating to 443 affordable homes per annum;
- North Somerset Council – Annualised target of 150 affordable homes per year, set out within the Core Strategy; and
- South Gloucestershire Council – There is no target for affordable homes set out within the Core Strategy, however based on the projections put forward in the document (paragraph 10.8), the Council sought to deliver an average of circa 460 affordable homes per annum.

4.30 The table below compares the level of delivery against the targets that were set out in the various development plans:

Authority	Policy Target	Year															Total
		2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20		
B&NES	183	106	80	65	93	-14	244	137	120	185	178	166	192	278	329		
		-77	-103	-118	-90	-197	61	-46	-63	2	-5	-17	9	95	146	-403	
BCC	443	488	443	583	553	402	365	290	102	240	180	199	184	220	304		
		45	0	140	110	-41	-78	-153	-341	-203	-263	-244	-259	-223	-139	-1,649	
NSC	150	126	192	266	148	110	42	211	166	154	126	138	155	96	75		
		-24	42	116	-2	-40	-108	61	16	4	-24	-12	5	-54	-75	-95	
SGC	460	75	215	291	281	340	269	223	298	326	263	360	368	624	565		
		-385	-257	-181	-191	-132	-203	-249	-174	-146	-209	-112	-104	152	93	-2,098	
															Total	-4,245	

Figure 6. Affordable Delivery set against Adopted Plan Targets

4.31 Accordingly, there has been a deficit of over 4,000 affordable homes within the WoE area since 2006 – a significant shortfall even when assessed against the lower development plan figures, rather than the unconstrained need figures that figure 5 above presents. The deficit in South Gloucestershire amounts to 2,098 affordable homes – this is a significant and serious shortfall which can only be addressed by increased affordable housing delivery.

4.32 Turning then to future need for affordable homes, the last SHMA tested at examination was in 2009, over 13 years ago. Since this time, a series of new SHMAs have been prepared to support the preparation of new plans, including the JSP and SDS, as well as individual Local Plans. Over the years, the various SHMAs have identified the following levels of unconstrained need across the four authority areas.

4.33 In 2015, the SHMA Volume 1 prepared in support of the Joint Spatial Plan identified a total need of 29,100 affordable homes in the Wider Bristol HMA, and additional 3,100 dwellings required in BATHNES over the plan period 2016 – 2036. This equated to an affordable need of 32,200 dwellings over the plan period.

4.34 In 2018, the updated SHMAs indicated an overall need of 26,900 affordable homes in the Wider Bristol HMA, with 3,300 in the Bath HMA, over the 20-year plan period. There was therefore a period where the overall number of affordable homes reduced with a total of 30,200 identified at this time.

4.35 However, the most recent SHMA published in 2021, in support of the new SDS, identified the following in respect to affordable housing need:

- Bath & North East Somerset: 4,169
- Bristol City: 18,873
- South Gloucestershire: 6,165
- North Somerset: 4,923
- **Total – 34,130 affordable homes required between 2020 – 2035**

4.36 There has therefore been a clear under provision of affordable homes within the WoE area over the last 15 years, with significant levels of new affordable homes required up to 2035. Over the next 15 years, South Gloucestershire should be seeking to deliver a minimum of 411 affordable homes per annum, a figure which has only been met in two out of the last fourteen years.

4.37 One can also consider the number of households on the waiting list year on year. Based on statistics published by the Department for Levelling Up, Housing and Communities (DLUHC), there are currently 4,059 households in need in South Gloucestershire at March 2021, this increased from 4,024 the previous year, and 3,804 at March 2019. Updated housing register data from the council has been requested but has not received to date.

4.38 In my view, as a result of this lack of delivery within South Gloucestershire, affordability has worsened. Based on the house price to workplace-based earnings ratio produced by the Office of National Statistics (Table 5c), since the plan period started in 2006, affordability in South Gloucestershire has worsened by 30.7%, and since the plan was adopted (2013), by 16.6%. These figures are shown below in table 9:

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
6.19	7.15	7.06	6.05	6.84	6.62	6.93	6.94	7.04	7.45
2016	2017	2018	2019	2020					
8.29	8.01	8.19	8.75	8.09					

Table 9. Table 5c) “Affordability ratios calculated by dividing house prices by gross annual workplace-based earnings. Based on the medium and lower quartiles of both house prices and earnings in England and Wales” – figures taken for South Gloucestershire

- 4.39 When compared to the rest of the south-west, affordability has only worsened by 9.7% since 2006, well below the 30.7% experienced in SGC. Table 10 summarises the data for the wider South West area.

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
8.02	8.29	8.03	7.24	7.76	7.61	7.59	7.53	7.78	8.17
2016	2017	2018	2019	2020					
8.53	8.85	8.92	8.77	8.80					

Table 10. Table 5c) “Affordability ratios calculated by dividing house prices by gross annual workplace-based earnings. Based on the medium and lower quartiles of both house prices and earnings in England and Wales” – figures taken for South-West England.

- 4.40 This shows that affordability is worsening in South Gloucestershire at a faster rate compared to the surrounding region.
- 4.41 I have also considered house prices specifically in the Chipping Sodbury & Cotswold Edge ward (where the site resides) and how the value of such properties has increased over the last 10+ years.

2011	2012	2013	2014	2015	2016
243,000	245,000	245,000	247,950	250,000	299,950
2017	2018	2019	2020	2021	2022
334,000	340,000	350,0500	381,000	394,500	399,950

Table 11. Median House Prices in Chipping Sodbury & Cotswold Edge ward (Ref: Median House Prices by Ward: HPSSA Dataset 37 (ONS.gov.uk) – Table 1a (Median Price paid by ward, England and Wales, year ending Dec 1995 to year ending June 2021). Each price taken at the end of March).

- 4.42 The average house price has therefore increased by nearly 65% in the last 11 years (between 2011 – 2022) and in real terms by 31% (once accounting for inflation, which averaged 2.6% a year – data taken from the bankofengland.co.uk (this calculated that a house worth £243,000 in 2011 would cost £304,586 in March 2022). Similar figures for South Gloucestershire as a whole identified that the average house costs £300,000 in 2022 across the administrative area, whereas this was £184,000 in March 2011, equating to a 63% rise (HPSSA Dataset 9).
- 4.43 When compared to the rest of the South West, and England, average house prices have increased by 49% and 47% respectively over the last 11 years. Figures for this data are set out below:

2011	2012	2013	2014	2015	2016
190,000	185,000	188,000	192,000	205,000	218,995
2017	2018	2019	2020	2021	2022
234,000	245,000	250,000	255,000	282,000	283,750

Table 12. Average house prices in the south-west of England. (Ref: House Prices by Ward: HPSSA Dataset 9 (ONS.gov.uk) = Table 1a (Median Price paid by Region and Country, year ending Dec 1995 to year ending June 2021). Each price taken at the end of March.)

2011	2012	2013	2014	2015	2016
183,000	180,000	185,000	190,000	200,000	215,000
2017	2018	2019	2020	2021	2022
225,000	235,000	240,000	247,500	275,000	270,000

Table 13. Average house prices in England. (Ref: House Prices by Ward: HPSSA Dataset 9 (ONS.gov.uk) = Table 1a (Median Price paid by Region and Country, year ending Dec 1995 to year ending June 2021). Each price taken at the end of March.)

- 4.44 This evidence clearly identifies that the picture in South Gloucestershire is one of worsening affordability in the area, compared to the rest of the south-west region and England as a whole.
- 4.45 While not usually accurate, as they often suppress the real level of need in an area, Council's hold waiting lists of applicants for affordable housing. In 2020 it was confirmed that **(CD8.4)** there were 541 households on the register who would consider moving to Old Sodbury to meet their housing needs, 3 of which wanted the settlement as their first-choice location.
- 4.46 In conclusion, it is clear to me that the evidence is compelling: affordable housing delivery in SGC, and the wider HMA, needs to be significantly increased to deal with backlogs in delivery and to address the worsening affordability problem in SGC itself, which is worse than the regional and national averages, which have been extremely high themselves.
- 4.47 The delivery of affordable housing on the site would address this acute problem and meet favourably with policies CS17 and CS18. It should therefore be considered a substantial and compelling benefit in favour of the appeal proposals.

Housing Delivery in Old Sodbury

- 4.48 Further examination of delivery in Old Sodbury has been undertaken. For the purposes of this investigation, two boundaries have been used – the identified settlement boundary of the village, and a further boundary which encapsulates the appeal site and other permitted sites and existing housing in the local area.

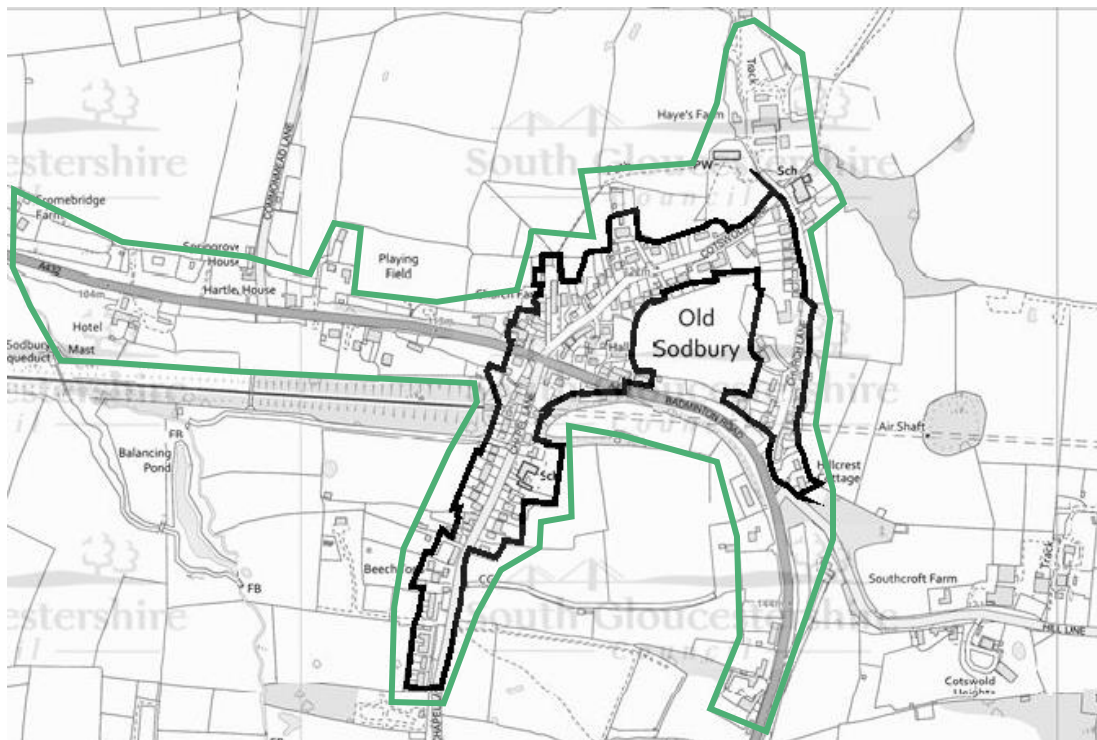


Figure 7. Map of applications between

- 4.49 Our analysis of the council’s planning application register suggests that apart from the site that lies directly adjacent to the appeal site, limited new housing has been delivered in the settlement in recent decades. In respect to the adjacent site we are also aware that there is currently no drainage solution for this site, and they have approached the appellant about draining surface water through the appeal site. These discussions have not progressed and therefore there is currently no prospect of housing being delivered within the settlement, and even if the adjacent site does come forward it is unlikely to deliver affordable housing.
- 4.50 Paragraph 79 of the NPPF states that *“to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby”*.
- 4.51 It is evident that the level of housing delivered in Old Sodbury over the last few decades has been extremely low. This will have prevented the delivery of affordable housing, which is likely to have underplayed registered need in my experience of the issue because people in housing need (residents living with family members for example) won’t register for housing in their village, where they see no development coming forward to deliver affordable housing products.

4.52 As I will go on to explain, Old Sodbury has a range of services and facilities and has a vibrant community. Provision of housing here will not only meet affordable housing need but also help sustain these services and facilities, such as the local pub and shop, which perennially fail in other locations in the UK because of a lack of footfall – accordingly locating development here in my view would meet favourably with paragraph 79 of the Framework.

5.0 LOCATION OF THE SITE/POLICIES CS5 AND CS34

- 5.1 The Council's RFR1 sets out that they consider that the location of the site conflicts with policies CS5, CS34 and PSP40. For ease of reference the RFR reads:

The site is situated outside the existing urban area and it is not within a defined rural settlement; it is therefore in a location where development should be strictly controlled. The proposed development would conflict with the spatial strategy of the District: the amount of development cannot be considered limited. The proposed development is therefore contrary to policy CS5, and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy PSP40 of the South Gloucestershire Local plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework February 2021.

- 5.2 The Inspector has helpfully provided a summary of the key issues in this case also, with the first listed referring in my view to the substance of RFR1. Specifically, this main issue reads:

'whether the proposed development accord with local and national planning policies in respect of the location of the site'.

- 5.3 I will now consider the policies in this context.

Policy CS34

- 5.4 Primarily this policy was constructed to restrict development outside of settlement boundaries to a small range of uses such as agricultural worker's dwellings, affordable housing exception sites, etc. Whilst I consider that this policy is out-of-date for the reasons set out previously, I have assessed the development against the various elements of the policy as set out.
- 5.5 Criterion 1 of Policy CS34 refers to development needing to: *'protect, conserve and enhance the rural areas' distinctive character, beauty, wildlife, landscape, biodiversity and heritage'*. Consideration of this element of this policy needs to be made with regard to the fact that the council raises no landscape, ecology or heritage objection to the scheme. Therefore, it is difficult to conclude that there is any significant conflict with this element of policy CS34.
- 5.6 Criterion 2 refers to the national policy of protecting the best and most versatile agricultural land from development as required by paragraph 174 of the Framework. As I will explain later the site is grade 4 agricultural land so this element of the policy is positively addressed.

- 5.7 Criterion 3 refers to the value that rural areas have in respect to the setting of urban areas. There is no allegation of landscape harm or an issue of coalescence made in respect of this case and therefore I do not consider that any conflict with this element of the policy can be identified.
- 5.8 Criterion 4 requires that the Green Belt and AONB be protected from inappropriate development. The appeal site is one of the few sites in Old Sodbury (see figure 2) that does not lie within these designations and the council do not evidence any harm on either area.
- 5.9 Criterion 5 refers to the maintenance of settlement boundaries until they are reviewed through either neighbourhood plans, the PSP DPD or a replacement Local Plan. Old Sodbury is a ward of Sodbury Council; this council has not submitted an application to designate a Neighbourhood Area under Article 5 of the Neighbourhood Planning (General) Regulations 2012 (as amended).
- 5.10 The PSP Plan did not review settlement boundaries for the reasons given at paragraph 1.18 of that document:
- ‘A strategic development plan document for the West of England, the Joint Spatial Plan, is being progressed to determine the overall housing number for the West of England and South Gloucestershire over the period 2016-2036. Therefore, housing allocations and a review of settlement boundaries are to be progressed in a new Local Plan, which is due for adoption in 2019. The new Local Plan for South Gloucestershire will be directly informed by the housing requirements and policies set out in the Joint Spatial Plan. Once the new Local Plan is adopted it will replace this PSP Plan and the adopted 2013 Core Strategy.’*
- 5.11 It therefore set out that no new housing allocations (only allocations from the 2006 Local Plan that were previously ‘saved’ were carried forward formally in the PSP), or changes to the settlement boundaries were to be made as part of that plan.
- 5.12 Finally, I have referenced a series of sites where development has been found to be acceptable beyond the settlement boundaries that have largely remained unchanged since 2006.
- 5.13 In light of these considerations, while the site lies outside of the settlement boundary the conflict with the plan in this regard because of the age of the settlement boundaries and its out-of-date nature relative to any established and tested housing requirement is extremely limited.

- 5.14 Criterion 6 refers to affordable schemes being acceptable via the rural exceptions policy CS19 or allocated as an affordable-led scheme in the PSP. This is obviously not relevant to the scheme as the site is not proposed as a rural exceptions scheme, and the PSP Plan did not allocate any sites. It does however highlight the need to address affordable housing need in rural areas, something that has not happened in Old Sodbury, which the appeal scheme will go some way to address.
- 5.15 Criterion 8 refers to encouraging contributions towards the delivery of appropriate technology such as high-speed broadband to encourage home working. Fibreoptic broadband exists in Old Sodbury and the proposed house types are designed with home working in mind, with additional socket and phone connections and lighting provided to one of the bedrooms so it can be used as a home office (in respect of the house types that do not have a specific study).
- 5.16 The appeal proposals make provision to create public open space which will include semi natural and natural open space and significant new tree and hedgerow and grassland planting. These areas are all set out on the plan annexed to the S106 and therefore their delivery is assured. As mentioned elsewhere the PRoW that runs through the site will also be protected and enhanced. Therefore, I consider that the proposals meet favourably with criterion 10 of policy CS34.
- 5.17 As I outline later a detailed flood risk assessment and drainage strategy, that adopts SUDs and other best practice principles, was submitted with the application and agreed with the Council and LLFA. Criterion 12 is therefore also fully complied with.
- 5.18 Criterion 7 refers to protecting rural employment sites, which is not relevant to the appeal scheme and no.'s 9, 11 and 13 are not relevant to the appeal proposals.
- 5.19 In conclusion I consider that the appeal proposals meet favourably with the majority of policy CS34. There is some conflict with criterion 4 of the policy in locational terms; however I have demonstrated elsewhere that the settlement boundaries are clearly out-of-date and the Council's own decision making has ignored them in respect to similar scaled settlements. Therefore any conflict with the element of the policy has to be given very minor weight in my view.

PSP40

- 5.20 This policy adds to CS34 in terms of defining that development outside of settlement boundaries should be restricted to a small number of development types such as agricultural worker's dwellings. The appeal proposals are for open market and affordable housing, the

open market element of this would conflict with policy PSP40. Again, my comments regarding the out-of-date nature of these settlement boundaries apply here also.

Policy CS5

5.21 RFR1 outlines that the council considers that the development conflicts with the spatial strategy for the area, specifically set out in policy CS5. In brief summary this policy sets out the following strategy:

- That most new development will take place within the northern and eastern fringes of Bristol;
- At Yate and Chipping Sodbury new development will be of a scale appropriate to achieve greater self-containment;
- At Thornbury, new development will be of a scale, appropriate to revitalise the town;
- The Severnside area will accommodate a range of new employment uses; and
- Rural areas will be empowered to shape their future through neighbourhood planning.

5.22 In response to this, both Mr Tingay and I consider that the appeal site would be located where Chipping Sodbury is easily accessible by walking, cycling and public transport. Old Sodbury also forms a ward of Chipping Sodbury and is functionally linked to it. The scale of the development is not so large as to skew the self-containment of the settlement and therefore development here complies to a certain extent with the second element of the spatial strategy that CS5 sets out.

5.23 However, even assuming that an alternative conclusion is drawn that the site and the settlement has no link to Chipping Sodbury, of relevance to the appeal site, being located outside of the Green Belt, is CS5's reference to:

- (a) small scale development may be permitted within the settlement boundaries of villages defined on the Policies Map*
- (b) defined settlement boundaries will be maintained around rural settlements and reviewed in the Policies, Sites and Places DPD or a replacement Core Strategy/ Local Plan or Neighbourhood Plan. A review of the approach to the distribution of housing in the rural areas will be undertaken which will include engagement with the local community and other stakeholders/parties*

5.24 Putting aside the settlement boundary issue, the above clearly recognises that some development in the smaller settlements of SGC, which have settlement boundaries, was intended and the plan review was to further explore the distribution of additional housing in these areas. In effect, the decision-making process I have outlined in Section 3 has distributed

additional housing to these locations (such as to Tytherington and Rangeworthy) as it was envisioned the Plan Review would do.

5.25 Accordingly, I consider that not only can a conclusion be drawn that the appeal proposals are generally in accordance with the spatial strategy in terms of locating development at, and supporting, Chipping Sodbury - development in the smaller settlements with settlement boundaries was envisioned anyway.

5.26 By examining the past delivery of housing in the various distinct parts of the spatial strategy, this can also give us a clue as to how much harm may arise through any departure from the strategy. For example if development has been heavily skewed towards one part of the spatial strategy, which might overload infrastructure there, or undermine the viability for delivering other parts of the strategy, then there may be justification to restrict development that skews it further.

5.27 Table 14 below sets out the distribution of housing that CS15 outlines, which is obviously linked to the spatial strategy that CS5 sets out. I have added in the respective percentages for each component to show how the supply breaks down relative to the spatial strategy.

		2013/14- 2017/18	2018/19- 2022/23	2023/24 - 2026/27	Total 2006 - 2027	% Proportion of Allocated Supply (22,740)
Completions 2006-2013					5,810	
North & East Fringes of Bristol Urban Area	Existing Local Plan Allocations	4,175	2,885		7,060	71%
	Potential housing sites, including infill development	1,165	250		1,415	
	New Neighbourhoods					
	East of Harry Stoke	370	900	730	2,000	
	Cribbs/Patchway	1,265	2,400	2,035	5,700	
Rest of South Glos	Potential housing sites, including infill development	805	160		965	4%
	NN at Yate	795	1,090	815	2,700	12%
	Thornbury	800			800	4%
Small Site Windfall Allowance		750	750	600	2,100	9%
Total available supply (excluding completions, and inc. 20% buffer for the first five- year period) 2013 - 2027*		10,125	8,435	4,180	22,740	100%
Total including completions 2006 - 2027					28,550	

Table 14. The Council's Housing Targets Established by CS15

- 5.28 I have then considered the level of delivery that has occurred in SGC, relative to each element of the spatial strategy (this data has been collated from the Council's Annual Monitoring reports):

Area	AMR Period										% Proportion of Allocated Supply
	2020-21	2019-20	2018-19	2017-18	2016-17	2015-16	2014-15	2013-14	2012-13	Total	
North Fringe	384	450	655	448	541	301	607	598	398	4382	36%
East Fringe	441	387	388	688	575	405	523	162	227	3796	
Yate & Chipping Sodbury	272	267	107	96	243	231	48	224	83	1571	7%
Thornbury	213	258	144	176	179	76	73	23	6	1148	5%
Elsewhere	340	156	279	192	154	137	74	116	160	1608	7%
Total Completions	1650	1518	1573	1599	1692	1150	1325	1123	874	12,504	

Table 15. Housing delivery relative to the Spatial Strategy

- 5.29 It can therefore be seen in table 14 that the council anticipated at least 4% of its housing requirement would come forward in the smaller settlements of 'the rest of SGC' beyond Yate/Chipping Sodbury and Thornbury, and some of the windfall allowance is likely to have come forward in those areas as well, meaning 4% is the minimum in my view. Table 15 shows that in these areas 7% has in fact been delivered, which is not surprising given the larger scale development that have been allowed at these settlements (see my reference to the Tytherington, Falfield, Wickwar etc. sites).
- 5.30 In my view this level of deviation (maximum additional 3%) does not indicate that there is a significant problem with operation of the spatial strategy, which seeks to maintain a sustainable pattern of development. It remains that sites need to be assessed in terms of their accessibility, but that is a different policy test related to the application of PSP11 which I will cover in the next section of my evidence.
- 5.31 In conclusion I consider that the site, being functionally linked with Chipping Sodbury, is an acceptable scale of growth complementary to both that settlement and Old Sodbury. However, even if the link to Chipping Sodbury were to be ignored, the level of growth that has been occurring in the smaller settlements even if the 35 dwellings proposed as part of this appeal were to be included does not skew the strategy to a degree that represents any material conflict with this policy given the conclusions I have reached regarding the detail of policy CS34.

Other Evidence

5.32 While work was being undertaken at the WECA level for a joint spatial plan, SGC has also been undertaking work on its Local Plan. This includes ‘Local Plan Phase 2’ Consultation undertaken in March 2022 **(CD1.7)**. This consultation examined the potential strategy for Urban Areas, where the Council think underutilised land might be repurposed to provide additional housing and outlines a *‘desire to investigate the potential for an appropriate level of sustainable, small and medium scale growth, in and around the wide range of rural villages and settlements in South Gloucestershire’*. Within this document the Council go on to state that *“we think that unless there are significant constraints or sustainability issues, all of our rural villages and settlements should be considered, to determine the role they could play in our strategy for the sustainable growth of homes and jobs”* (Page 176).

5.33 This consultation was supported by an evidence base that included a report prepared by ARUP on accessibility that I refer to elsewhere **(CD8.5)**. The Local Plan Phase 2 document states in respect to this evidence the following at pages 186-187:

“With a view to developing a strategy for growth, we have undertaken some technical work to inform our thinking about which villages and settlements might be appropriate to consider for growth through this pathway. This work has up to this stage focussed around a number of key themes such as: accessibility; an audit of facilities and services; and evidence of existing planning designations, including environmental and historic environment constraints, and agricultural land. This work has also drawn upon some of the evidence we prepared and published previously in 2020.

This output of this work is an initial list of villages and settlements which we think, based on the evidence we’ve considered to date, might be considered to be more sustainable when considered against these themes, and therefore potentially more appropriate to investigate for growth to be delivered through the Local Plan.”

5.34 Old Sodbury is then listed at page 188 as a settlement that has been selected to be investigated for growth and the council also defines some initial groupings of settlement types and indicative growth ranges for these. These groupings include *‘functionally connected smaller villages and settlements’* that are described as: *‘settlements that lie in close proximity to our larger villages, market towns and main urban area, which benefit from good sustainable access to key services and facilities in these places’* where the council considers development of up to 100 dwellings as being appropriate and *‘smaller accessible villages and settlements’* which have a level of access to some key services and facilities and are suitable for a small amount of growth. In the latter category the council sets out that it considers a scale of growth of 5-25 dwellings to be appropriate.

- 5.35 As I will go on to explain, Old Sodbury has good sustainable access to facilities and services, including those in nearby Chipping Sodbury, the Town Centre of which is just 2150m from the site. It is also a ward of Sodbury Town, with the town council having jurisdiction over the village, maintaining public areas and street furniture within it. It is clearly functionally related and therefore being considered for a scale of development that exceeds that proposed as part of the appeal proposals.
- 5.36 Even if the functional link is ignored, the lower category of settlement is still expected to provide a scale of growth (25 dwellings) not dissimilar to that now proposed.
- 5.37 This evidence clearly shows that the council are anticipating growth in the smaller settlements, potentially at a significant scale in places with similar characteristics to Old Sodbury. This clearly shows that any impact on a spatial strategy associated with growth of this scale at Old Sodbury, would not be significantly adverse or inappropriate.

The Framework

- 5.38 The Framework provides further policy guidance as to the appropriate location of development.
- 5.39 Paragraph 79 outlines that: *‘To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby’*. I see no conflict with this policy as the appeal proposals will clearly enhance and maintain the vitality of Old Sodbury, providing additional residents to support the range of services and facilities it provides.
- 5.40 Paragraph 80 seeks to avoid decisions that create *‘isolated homes’* but as set out in other parts of this evidence the site is well connected to services and facilities and nearby Chipping Sodbury, it also directly abuts a site with extant consent for 9 new dwellings as well as existing housing in the village. It is clearly not an isolated site in the context of this paragraph of the Framework.
- 5.41 Paragraph 105 is relevant to the consideration of location and the spatial strategy in the context of sustainable access. It recognises that significant scale development should be located where it is or can be made sustainable, in the next section I will set out why I believe this to be the case in respect of the appeal site. Nonetheless para 80 goes on to recognise that in rural areas, opportunities to maximise sustainable transport solutions are likely to vary

between urban and rural areas. Even if my evidence on the matter is not fully accepted, in locational terms this paragraph is of relevance.

- 5.42 Paragraphs 110 and 112 set out the requirements to maximise the use of sustainable transport which are relevant to the consideration of the location of the site, but I consider this issue against policy PSP11 in the next section of this evidence.

Conclusion

- 5.43 In respect to this main issue I conclude that the appeal proposals broadly comply with both local and national planning policies in respect to its location.
- 5.44 Both the Framework and local policy clearly anticipates and encourages development in rural settlements to support their role, function and vitality. Further, the council's decision making and its emerging strategy for the Local Plan seeks to support such settlements through new housing growth to a greater degree than that envisioned by the Core Strategy, including an increased focus on settlements that are functionally linked to larger centres – which is the case here.
- 5.45 However, I have also assessed the spatial strategy that the Core Strategy sets out in Policy CS5 and have found no significant material conflict with it.
- 5.46 In principle therefore, the location of development here is not incompatible with national and local planning policy, but the issue needs to be considered in connection with the question of whether sustainable access can be provided from the site. That is the next issue I will turn to consider in this evidence.

6.0 ACCESSIBILITY OF THE APPEAL SITE

- 6.1 Reason for Refusal 2 (RFR2) sets out the Council's concerns that the appeal site is unsustainable in terms of its accessibility to key services and facilities. As a result, they believe that future occupants of the site would '*have to rely heavily on travel by the private car*'.
- 6.2 Having considered this reason in detail I believe this issue breaks down into the following considerations:
- Are appropriate everyday facilities available within walking and cycling distance of the site;
 - Would the walking and cycling routes in the areas deter travel by walking or cycling; and
 - Is there a bus stop within a suitable walking distance of the site and is the service it provides suitable to promote public transport use.
- 6.3 The evidence of Mr Tingay is also relevant to the consideration of this issue, in so much that it examines the site's accessibility and other transport related factors. I defer to him on matters of highway safety and transport policy and but consider this issue specifically with reference to the applicable planning policies and his evidence.

Availability of Everyday Services and Facilities/Compliance with Policy PSP11

- 6.4 Policy PSP11 seeks to ensure that development is appropriately located to ensure that opportunities to maximise non-car forms of transport to access '*key services and facilities*'.
- 6.5 PSP11 3.i. requires that '*safe, usable walking and, or cycling routes, that are an appropriate distance to key services and facilities*' are available. It then defines key the services and facilities which are replicated here for ease of reference.

Key Services and Facilities	Appropriate Walking and Cycling Distances
Retail (comparison) shops and services and/or Market towns and Town Centres (Defined in policy CS14 of Core Strategy)	1,200 Metres
(Weekly) Superstore or supermarket	
(Day to day) Smaller food (convenience) shops	
Local health services	800 Metres
Pharmacy	
Dedicated community centres (defined by South Gloucestershire Council)	800 Metres
Post Offices	800 Metres
Public Houses	800 Metres
Secondary school	3 Miles
Primary school	2 Miles
Major employers Designated Town Centres and Safeguarded Employment Areas (Defined in Policy CS12 of Core Strategy)	2,000 Metres

Figure 8. Extract of supporting text to PSP11

- 6.6 It should be noted here that these distances are referred to in the supporting text to the policy as a 'starting point'. I have outlined earlier how paragraph 105 of the Framework requires flexibility between urban and rural locations; to apply the above distances rigidly would, in my view, be inconsistent with the Framework. Therefore, careful thought needs to be given where slight exceedances to these distances are appropriate.
- 6.7 The evidence of Mr Tingay sets out that of the Key Facilities listed in figure 8 five facilities (small convenience store/garage, public house, primary school, village hall and nursery) lie within a distance that meets the guidance distances set out in Policy PSP11, out of the 11 listed; although it should be noted that two, Chipping Sodbury Town Centre (a Market Town) and the nearest designated employment area (Hatters Lane) lie just beyond (150m) the distances set out for those respective facilities.
- 6.8 While there is no major employment area within the village, there are a number of individual employment premises, all of which offer some local job opportunities well within the 2km distance PSP11 refers to:
- Offices and catering equipment supplies in Hartley House opposite the site;
 - Fusion Hair and Beauty Training School;
 - Cotswold Service Station;

- Racing profiles – Motor Engineering;
- JS Engineering Steel Construction Company;
- Bourn Tube Systems Steelwork;
- Landcare Tree Nursery; and
- Visionflor – flooring suppliers.

- 6.9 In terms of employment access, Mr Tingay's evidence identifies that the average commuting distances prevalent in the area, both for walking and cycling, far exceeds the 2km distance to employment areas that PSP11 refers to. This is a strong material consideration that suggests that slightly further distances to such areas are appropriate in assessing the issue of accessibility.
- 6.10 In light of these considerations, it is my experience this level of access to facilities, within easy walking distance, offers good opportunities to access everyday things when compared with similar semi-rural areas.
- 6.11 However, the council's reason for refusal 2 seemingly questions whether the routes to key facilities are safe and useable. Accordingly, Mr Tingay has assessed this issue, as he did in preparing his transport statement that supported the original development. This sets out that the routes either to the east towards the Primary School, Nursery, Shop, Pub and Village Hall, or to the west to other facilities in Chipping Sodbury are all provided with footways that are predominately illuminated, albeit there is a small percentage of the westerly route that isn't. His conclusion is that both routes are usable and are not of a condition that would deter use, neither are unsafe and collision data records no incidents involving pedestrians, and just one minor incident with a cyclist which was caused by driver error.
- 6.12 Even if a contrary view were to be taken regarding the above, policy PSP11 requires a decision maker to also consider strand 3.ii.
- 6.13 Strand 3.ii makes it abundantly clear that in the event that a site is located where not all of the listed Key Services and Facilities are available within these defined distances, residential development can still be considered to be acceptable if it meets the requirement that the policy sets out in terms of access to public transport facilities. This is to facilitate access to further facilities afield – with the supporting text referring to supermarkets and employment areas.
- 6.14 Mr Tingay's evidence makes it clear that a bus stop lies 40m from the centre of the site in respect of the westbound stop and just 20m eastbound. This is in full compliance with policy PSP11's requirement as set out in supporting text that bus stops should '*normally be within 400m*' of residential development.

- 6.15 His evidence then goes on to set out the service level that these bus stops provide, which significantly exceeds the requirements of PSP11 that are defined at paragraph 5.24 of **CD1.3**.
- 6.16 Therefore, the appeal proposals comply with criterion 3 of policy PSP11, which primarily relates to locating residential development in accessible locations.
- 6.17 Criterion 1 of PSP11 requires that: ‘appropriate, safe, accessible, convenient, and attractive access is provided for all mode trips arising to and from the proposal’. In terms of the cycle and walking modes both Mr Tingay and I have assessed that as set out above and find that the proposals comply in that regard. In respect to safe, convenient and appropriate access for vehicles, discussions were held with the highways officer Myles Kidd during the application process and amendments made to remove a proposed build out and increase the proposed traffic calming measures. Subject to the s106 agreement that secures these measures, there is no objection to the proposed site access and criteria 1 of policy PSP11 is positively addressed.
- 6.18 As no bus stops are proposed as part of the development due to its size and presence of existing stops, criterion 2 is not relevant to the consideration of this appeal. No commercial development is proposed so criteria 4 and 5 are also of no relevance.
- 6.19 The Transport Statement that supported the planning application (**CD5.9**) sets out trip generation and distribution figures based on TRICS. These were considered by the Council and no concerns were raised regarding the proposed development’s impact on the highway network, or highway safety in general. Accordingly, I understand that no conflict with criterion 6 is alleged.
- 6.20 The highway works that will be delivered via the S106 agreement are not considered to have the potential to create or exacerbate traffic congestion or have an unacceptable highway safety impact. Further details of the works themselves will be provided via S278 agreement and will be safety audited to ensure this. Therefore, I see no conflict with criterion 7 of policy PSP11.
- 6.21 Emergency access has been allowed for in the layout proposed and therefore criterion 8 is complied with.
- 6.22 Finally, criterion 9 requires that Transport Assessments and Travel Plans accompany ‘potentially significant transportation impacts’. I do not consider that the scale of the appeal site warrants this but nonetheless the application was supported by a Transport Assessment and a travel plan will be secured via condition.

Conclusion

- 6.23 Policy PSP11 was purposely written to apply a two-stage approach to the consideration of the accessibility of a proposed residential development.
- 6.24 The first considers whether sufficient everyday facilities lie within a reasonable distance of a site, linked to it by safe and useable footpaths/routes. As both Mr Tingay and I have outlined the site is within a suitable distance of a good proportion of the everyday facilities that PSP11 refers to, with the policy not defining that all such facilities need to be within the distances outlined for a development to be considered acceptable, and the routes to them consist of footways that are on the whole illuminated with no evidence to suggest they are unsafe.
- 6.25 Chipping Sodbury Town Centre offers a wide range of shops and services; the town also offers a wide range of employment opportunities to supplement those I have identified that exist in Old Sodbury itself. As I have outlined, the distance to these areas is only 150m over the guidelines, but even if this marginally longer distance puts future residents off walking or cycling Mr Tingay's evidence has clearly set out that the bus service that would serve the site substantially exceeds the service level that policy PSP11 considers to be acceptable.
- 6.26 In light of the above factors, I do not consider that the appeal proposals conflict with policy PSP11, in fact they meet favourably with it.

Other Available Evidence

- 6.27 I consider that the council's own emerging evidence base that they have prepared in connection with their Local Plan supports my conclusion that Old Sodbury is an accessible location, and sustainable in those terms, to accommodate residential development of a scale proposed.
- 6.28 In Spring 2022 the Council undertook consultation on a document linked to their emerging Local Plan, entitled '*Phase 2 Urban, Rural and Key Issues*'. this was underpinned by an evidence base that included an assessment by a '*Interim Sustainable Rural Villages and Settlements Ranking Methodology*' Paper **(CD8.5)** authored by Arup. The purpose of this paper was to assess the relative sustainability merits of a series of settlements that the Local Plan is exploring as potential locations for non-strategic scale housing growth.
- 6.29 While the weight attributed to the emerging local plan is very limited given that it is in its infancy, the evidence base still remains relevant and I consider this document to hold some weight when considering whether a settlement is accessible or not.

- 6.30 Pages 15-17 of CD8.5 set out the methodology that the Arup report adopts which includes an assessment of the availability of various facilities in each settlement and the level of public transport service available. The methodology builds on previous evidence base work undertaken by SGC in the form of the Data and Access profiles prepared in November 2020 and generally remain relevant other than they do not take into account the increasing use of electric bikes that make cycling more accessible to a wider proportion of the population, and make longer distances easier to achieve – over 2km for access employment for example - and the interim methodology paper prepared by Arup sets a distance of 2km-5.6km for cycling. We note that there are three safeguarded employment areas within this distance of Old Sodbury's settlement boundary (Hatters Lane, Bowling Hill and The Ridge), as well as one town centre (Chipping Sodbury High Street), but for some reason the final scoring applied does not reflect this.
- 6.31 The Arup assessment considered a wide range of settlements in SGC, including very large villages such as Frampton Cotterell and Winterborne, to very small villages such as Hallen and Shortwood.
- 6.32 It applied the methodology to each of the settlements identified and appendix B to the paper outlines that Old Sodbury scored 6 and was in the upper half of the assessment ranking when compared with the other settlements assessed. However, in my view the methodology should better consider the fact that in the case of Old Sodbury it is functionally related to Chipping Sodbury and both a key employment area and Chipping Sodbury Town Centre lie just 150m above the 2km threshold the current methodology adopts. Even ignoring these points, Old Sodbury scored better than other settlements where comparable residential development has recently been permitted by SGC, such as the following:
- Charfield – Scored 5
 - Rangeworthy – Scored 5
 - Hawkesbury Upton – Scored 4
 - Wickwar – Scored 4
 - Tytherington – Scored 3
 - Falfield – Scored 1
- 6.33 In conclusion, the independent evidence base work prepared on behalf of SGC identifies that Old Sodbury is a sustainable location for housing growth, when compared to the other settlements within the area. I will briefly discuss development has recently been found to be acceptable and granted planning permission.

Comparable Decisions in SGC

- 6.34 While appeal decisions from around the UK can be found that show various developments being allowed in settlements of a similar size and accessibility profile to Old Sodbury, the same can be said for decisions that show development being refused. I will therefore not trouble the Inspector with a wide range of such decisions because, as we all know, every site must be considered on its merits and the weight attributed to an individual appeal decision in another part of the UK cannot be considered to be very great.
- 6.35 However, decisions made in the same authority area, against the same development plan policies, is an important material consideration as it shows how an individual authority has applied such policies and should provide a guide as to how they should be applied in a consistent way.
- 6.36 As I go onto discuss below, SGC has allowed a series of sites on unallocated land, beyond settlement boundaries, when applying the current development plan policy framework. Some of these decisions relate to settlements of a similar scale and nature to Old Sodbury and I would like to briefly consider them in respect to the question of consistent decision making in SGC, and specifically the application of PSP11.
- 6.37 To aid the consideration of this issue, reference should be made to the evidence of Mr Tingay, as I asked him to comment on the relative accessibility merits of these other settlements.

Sites at Tytherington

- 6.38 Tytherington is a village of comparable size with Old Sodbury. It is noted that the Arup report ranks its sustainability credentials below that of Old Sodbury.
- 6.39 SGC granted planning permission on the 30th July 2021 for 29 dwellings on the western edge of Tytherington (site location at Stowell Hill Road can be found in Appendix 1). The most recent permission followed an earlier outline consent (Ref: PT17/2331/O) granted 21st September 2018; this decision was made in the context of the Council being unable to demonstrate a five-year housing land supply, however the position in respect to policy PSP11 was set out at paragraph 5.39 of the Officer Report **(CD7.5)**: *'This policy is considered to carry significant weight in the determination of this proposal'*.
- 6.40 Paragraph 5.40 outlines that some key services and facilities are lacking in the village, and that residents would rely on the private car if a suitable bus service was not available. At paragraph 5.43 the bus service is summarised, and it is assumed that it was accepted this was compliant with the requirements of PSP11.

- 6.41 Another application was permitted in the village for 28 dwellings on land at Duck Street (Ref: PT17/2240/F) on the 6th July 2018. In respect to accessibility and compliance with policy PSP11, the case officer summarised the issue in their committee report **(CD7.4)**, at paragraphs 5.62-63, as follows:

Tytherington has limited access to goods and services. However, within the village is a shop, post office, public house, and village hall. It is noted that there are no health facilities within the recommended walking and cycling distance nor major employers. Tytherington is within the travel distance of 5 primary schools and 2 secondary schools.

Concern has been raised that the lack of goods and services is a constraint to development as development without sufficient access to goods and services should not be considered sustainable. The market towns of Thornbury and Yate are approximately 2.3 and 4.7 miles respectively from the village; Bristol city centre is approximately 11 miles from the village. While there may not be a full range of goods and services within the village, there is sufficient provision for sustainable daily living and convenience shopping and leisure. Public transport provision is discussed in a later section but the provision of goods and services is considered to be sufficient so much as it does not act to constrain development of this scale.

- 6.42 The Council's Transportation Team also took a different approach to that taken in respect to the appeal scheme. At paragraph 5.79 they note that there is not a full range of key facilities and services in the village, and therefore PSP11 requires that an appropriate bus service is available. The bus service is assessed at paragraph 5.80 and found to be compliant – there is no further comment on whether it could be improved, it is a simple assessment of whether the bus service meets the requirements of PSP11. A different approach to the consideration of this matter has been taken in respect to the appeal proposals.
- 6.43 Therefore, while these applications were determined in the context of a land supply deficit, it is clear that in both cases PSP11 carried significant weight. The village has a limited range of facilities and services, less than Old Sodbury in my view, and that of Arup's, and a bus service was considered to be required to make development acceptable. The bus service was assessed and identified as providing the minimum requirements that PSP11 outlines and therefore compliance with policy PSP11 accepted. These conclusions are inconsistent with the approach applied at Old Sodbury.

Land at Heneage Farm, Falfield

- 6.44 Application PT17/4800/O was granted by SGC on the 19th December 2017 for 85 dwellings on the northern edge of the small village of Falfield.
- 6.45 Falfield has an extremely limited range of services and facilities supporting it, primarily consisting of a small convenience store which includes a post office. It is noteworthy that the Arup assessment (**CD8.5**) scores the settlement just 1 in terms of its sustainability credentials.
- 6.46 The committee report connected to this site at Heneage Farm, Moorslade Lane (**CD7.6**) again identifies that PSP11 carries significant weight at section 5.2. The bus service provision was also considered but no conclusion confirmed in respect to compliance with policy PSP11. It was confirmed that safe routes to school did not exist. At the end of section 5.7 (page 71 of **CD7.6**) it is confirmed that: *'It is considered that in terms of its sustainable credentials, this constitutes a harm when evaluating the planning balance'*.
- 6.47 However, it was considered that this harm did not outweigh the benefits of housing delivery in the context of the tilted balance being engaged.

Land South of Park Street Hawkesbury Upton

- 6.48 Planning permission PK18/1532/O for 21 dwellings was issued by SGC on the 28th June 2018. Again when the council applied policy PSP11 they concluded that while there were some facilities available in the village, *'a bus service is required for the location to be considered sustainable'* (see paragraph 5.109 of **CD7.3**).
- 6.49 The bus service provided at Hawkesbury Upton was found to comply with the requirements of PSP11 and therefore paragraph 5.111 confirms that: *'while future residents may have a predominant reliance on the private car as the main means of transport, Hawkesbury Upton is not solely car dependent. Provision of public transport is sufficient for the site to be considered broadly sustainable'*.
- 6.50 Hawkesbury Upton has a more limited range of services and facilities than Old Sodbury, does not have Chipping Sodbury within walking and cycling distance, and scored just 4 in the Arup assessment. Both this site, and the appeal site, meet the requirements of PSP11 in terms of bus provision. Therefore the conclusions drawn in respect of application PK18/1532/O are inconsistent with that applied to the appeal site.

Land at Pool Farm, Rangeworthy

- 6.51 Planning permission was granted for 13 dwellings and an office/retail building under application P20/06928/O very recently, on the 19th May 2022, on an unallocated site where the tilted balance was said not to apply.
- 6.52 In my view Rangeworthy provides a similar range of facilities to Old Sodbury, although it does not have any shop, unlike Old Sodbury. This is borne out in the Arup Assessment which applies a score of 5 to Rangeworthy, compared to Old Sodbury's 6. Rangeworthy however does not offer a pedestrian/cycle link to a larger town in the same way that Old Sodbury does in respect of Chipping Sodbury. It does refer to Yate being close by, but this clearly isn't walkable from Rangeworthy being circa 3km distant from the site and with no continuous footway linking the two settlements.
- 6.53 The report notes that the Framework recognises opportunities to maximise sustainable transport solutions will vary between urban and rural areas (para 5.11) and states that in this case it is inevitable that there would be some reliance on private motor vehicles.
- 6.54 While the planning application proposes a shop element to a larger class E building there is no mechanism related to the application that ensures its delivery. While bus provision is not discussed in the officer report, the highways officer's consultation response (**CD7.2**) outlines that the village '*does have suitably frequent and timed public transport...*'
- 6.55 In respect of accessibility, the case officer concludes at paragraph 5.12:
- 'the Council's Highway Officer does not object to the application. The location of the site is such that there would be opportunities for the occupiers of the development to walk, cycle and use public transport to access key services and facilities. The development is therefore in accordance with PSP11, and it is considered that the site is in an accessible location.'*
- 6.56 It is very difficult to compare this site with the appeal site and not conclude that an inconsistent approach in respect to the application of PSP11 is in evidence.
- 6.57 In conclusion, it is obvious to me that PSP11 has not been applied in a consistent way when these other decisions are examined, made in respect of settlements of a similar nature and scale to Old Sodbury. In these other cases PSP11 has been applied fairly consistently, with an assessment of the key facilities and services made; in all cases above, a deficiency was identified so public transport links have been considered under the second string of PSP11 paragraph. These assessed public transport links are then considered in a binary way, either their provision meets the requirements of PSP11 rendering these applications acceptable on

accessibility grounds, or not. In the case of the appeal proposals, a different approach was applied, it was concluded that the bus service meets the requirements of PSP11, but they could be better.

- 6.58 That is not a reasonable, equitable or appropriate approach to take to the application of development plan policy. These circumstances clearly highlight that the appeal proposals were incorrectly determined in respect of policy PSP11, and it should have been concluded that there was no conflict with this policy as its requirements are clearly met as both Mr Tingay and I clearly identify.

7.0 ECONOMIC, ENVIRONMENTAL AND SOCIAL BENEFITS

Delivery of Housing

- 7.1 As I have set out earlier in this evidence there is a pressing need for housing in the area, with affordable housing need being particularly acute. The appeal proposals will deliver 23 open market and 12 affordable units to meet this needed, a not inconsiderable contribution to this problem.
- 7.2 There is also a 5 yr HLS deficit as the evidence of Miss Curtis outlines – addressing that to ensure that the council has the best chance of delivering sufficient housing to meet its needs, even its significantly underplayed needs identified by the SM, is a significant benefit of these proposals.
- 7.3 The site is to be built out by Redcliffe Homes who are a local housebuilder based in Chipping Sodbury. The application is made in detail and Redcliffe would anticipate commencing development on the site within 1 year of any permission being granted. They have a proven track record of delivery and therefore the site will deliver its full balance of housing within the next five-year period, making a significant contribution towards the land supply deficit that Miss Curtis has identified.
- 7.4 Given the pressing need for both open market and affordable housing I have identified, in my view, substantial weight should be attributed to the benefits associated with the delivery of open market housing, and very substantial weight in respect to affordable housing on the site, and this should weigh heavily in favour of permitting the application.
- 7.5 If the most important policies that I describe in Section 3 are not found to be out-of-date, these benefits will remain, albeit the contribution of housing land towards a 5 yr HLS deficit would no longer be a factor, and this would mean the benefits are slightly reduced.

Traffic Calming

- 7.6 The S106 includes a range of highways measures that have been discussed and agreed with the highways authority, these primarily include:
1. New uncontrolled pedestrian crossing of the Badminton Road, including pedestrian refuge island;
 2. Provision of a new gateway feature to the village; and

3. A new signal-controlled crossing within the centre of the village of Old Sodbury, in close proximity to the Dog Inn.

- 7.7 Item 1 above is, in my view primarily to provide convenient and safe access to the nearby bus stops for residents of the appeal site, and of the adjacent site, if that site were to be built out. Therefore, the wider benefits are limited.
- 7.8 However the other two improvements will in my view secure wider benefits for the existing community. This is because the Badminton Road currently experiences speeds that are in excess of the national speed limit that applies here, with section 2.10 of the Transport Statement **(CD5.8)** outlining that the speed surveys undertaken '*identified that the average 85%ile vehicle speeds were 40mph for westbound movements and 36mph for eastbound*'. This issue was highlighted in the public consultation undertaken as part of the application and in third party responses to the application itself.
- 7.9 Item 2 is proposed to better delineate the entrance to the village and make it legible for vehicle users travelling through, thereby better highlighting that they are entering a lower speed environment, without having to resort to heavily engineered features such as speed bumps. The uncontrolled crossing mentioned above will also link with the gateway feature to slow speeds as the Technical Note 3 **(CD5.10)** prepared by Key Transport highlights, with statistics that support these measures' effectiveness.
- 7.10 Item 3 will provide a new signal-controlled crossing in the centre of the village, in a location that links in with the Cotswold Way, which is a heavily used long distance footpath. Currently the Badminton Road, which is a trunk road and subject to speeding, severs the village to a certain degree and residents only have the choice of uncontrolled crossing points. This proposal will provide an improved crossing that might be favoured by users with young children, a mobility issue or the elderly amongst others and will aid in stitching the village together more effectively. The traffic lights will also act to reduce speeds through the village. While some of the residents of the appeal site are likely to use this crossing it will also be of use to all existing residents.
- 7.11 Therefore, I conclude that the traffic measures proposed have wider benefits than simply making the appeal proposals acceptable. They will deal with an acknowledged problem and make the village as a whole more attractive to pedestrians, and as such, I attribute moderate weight to this benefit.

Sustainable Construction

- 7.12 An energy statement was submitted in support of the application that set out how the development would be meeting Policy PSP6 requirements in terms of energy efficiency and carbon reduction.
- 7.13 Redcliffe adopt a fabric first approach to this issue which ensures that insulation and air tightness are at the highest possible levels. It then supplements this with air source heat pumps. Electric vehicle charging points are also proposed to all dwellings in excess of current policy requirements.
- 7.14 Agreed condition 11 set out in then SOCG secures further details in respect of the specification of the heat pumps that will be installed to meet the policy requirement.
- 7.15 These measures will ensure that the proposed dwellings are highly energy efficient and minimise their CO2 impacts in terms of ongoing energy requirements.

Public Right of Way

- 7.16 A public right of way runs through the site and is currently unsurfaced and is often waterlogged and muddy. While only a minor benefit because of the small linear stretch of pathway involved, the development will surface and provide drainage to this route making it more attractive to walkers during times of inclement weather.

Economic Benefits

Jobs in Construction

- 7.17 During the construction phase, jobs will be created both directly on the development itself and in the supporting supply chain. A number of recent studies have sought to quantify the number of direct jobs created by house-building activity across the UK. The House Builder's Federation estimated in 2005 that for each dwelling built, 1.2 full time jobs were created. However, as well as direct jobs (i.e. those employed on-site), jobs are also created indirectly, through for example, the construction industry's large supply chain. In addition to this, there is induced employment (i.e. jobs supported by the spending of wages/disposable income of construction and supply chain workers, in the local area in shops, cafes, pubs etc). More recent research undertaken by Lichfields **(CD8.6)** indicates that the scale of employment supported by house-building is more likely to be equivalent to between 2.4 and 3.1 jobs created per dwelling. Based on this research therefore it is anticipated that the appeal

scheme has the potential to generate between 84 and 108 jobs during construction of the housing proposed on this site.

- 7.18 As Lichfields' research notes, house building also generates tax revenues by house builders and their supply chains. At a national level, this includes Stamp Duty Land Tax, which is usually charged on all purchases of property and land. Likewise, corporation tax is levied on housebuilders' profits and tax is paid through National Insurance and PAYE contributions. At a local level, revenue streams include Council Tax and Business Rates, and the New Homes Bonus scheme.
- 7.19 New housing will bring new residents to the area, who will spend money on goods and services in the local area. This includes "moving in" costs and "one-off" costs associated with furnishing a property, as well as further spending through their occupation of the property. This all goes towards supporting shops and services in the local area and helps support the associated jobs.

Sustaining Local Services

- 7.20 Paragraph 79 of the Framework recognises that: *'to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities'*. I consider that the appeal proposals would meet favourably with this objective.
- 7.21 The provision of 35 dwellings would, if the average household size of the UK is taken into account (2.4 persons per dwelling), provide 84 new residents for the village who will send their children to the local school, buy goods in the nearby convenience store, eat and drink in the pub and spend money in other nearby shops and services.
- 7.22 As we have set out, the close proximity of the nearby bus stops and regularity of the service available from them means that some residents are likely to use the bus service. This will enhance its financial sustainability.
- 7.23 In conclusion the additional residents, and the expenditure they will bring, will sustain these services in the longer term, and, as some responses to the public consultation undertaken in connection with the site identified, revitalise an aging population in the settlement.

Conclusion

- 7.24 In summary, I consider that the development will deliver the following significant and tangible benefits:

- Delivery of housing land to meet the council's identified housing requirements and assist in addressing the five-year housing land supply deficit;
- The social benefit of providing an appropriate mix of open market and affordable housing to meet identified needs in the right location, being accessible to everyday facilities and services as well as employment opportunities;
- Providing housing in a location where the use of public transport, walking and cycling are realistic travel options for future residents, while also strengthening pedestrian linkages in the village through the provision of new pedestrian crossing points;
- Addressing an existing speeding problem that affect the village by providing highways works designed to reduce speeds;
- Improving the surfacing of the public right of way that runs through the site; and
- The creation of between 84 to 108 jobs during the construction of the housing.

8.0 POTENTIAL ADVERSE EFFECTS

- 8.1 Against the benefits I have identified in the previous section are the potential adverse effects that may apply to the development. I consider these in this section but these are outlined with no prejudice to my conclusion that significant adverse effects cannot be demonstrated to outweigh the benefits, even if a 'normal' planning balance were to be undertaken, rather than the 'tilted' balance. I do this to model a potential worst-case scenario in the event that a contrary view were to be taken by the decision maker.

CO2 Emissions

- 8.2 In considering policy PSP11, if my previously mentioned evidence in respect of the appeal proposal's compliance with this policy is not accepted, we must consider the potential adverse effects that should be balanced against the benefits I have outlined.
- 8.3 There is no allegation, or evidence to support, a proposition that the development of housing on the appeal site would generate a volume of traffic that would have a negative effect on the local highways network, or create a highways safety issue.
- 8.4 Therefore, the potential adverse effects of increases in car borne traffic relate to the impacts on the environment arising from increased CO2 emissions connected to the internal combustion engine. However, such impacts in my view would be limited in respect of the appeal site for two reasons.
- 8.5 Firstly, if residents of the appeal site were to drive instead of walk, cycle or use the bus the length of their trips are likely to be short given the close proximity of Chipping Sodbury and Yate. As CO2 emissions obviously correspond to journey lengths the emissions will therefore be lower than compared with a more peripheral site, such as Hawkesbury Upton, Falfield etc that I have discussed elsewhere.
- 8.6 Secondly, the advent of Electric Vehicles is changing the extent and profile of CO2 emissions associated with new housing development. Data taken from the RAC's website shows below the level of electric cars that are now on the UK's roads, which demonstrates a significant shift and upward trend since 2010:

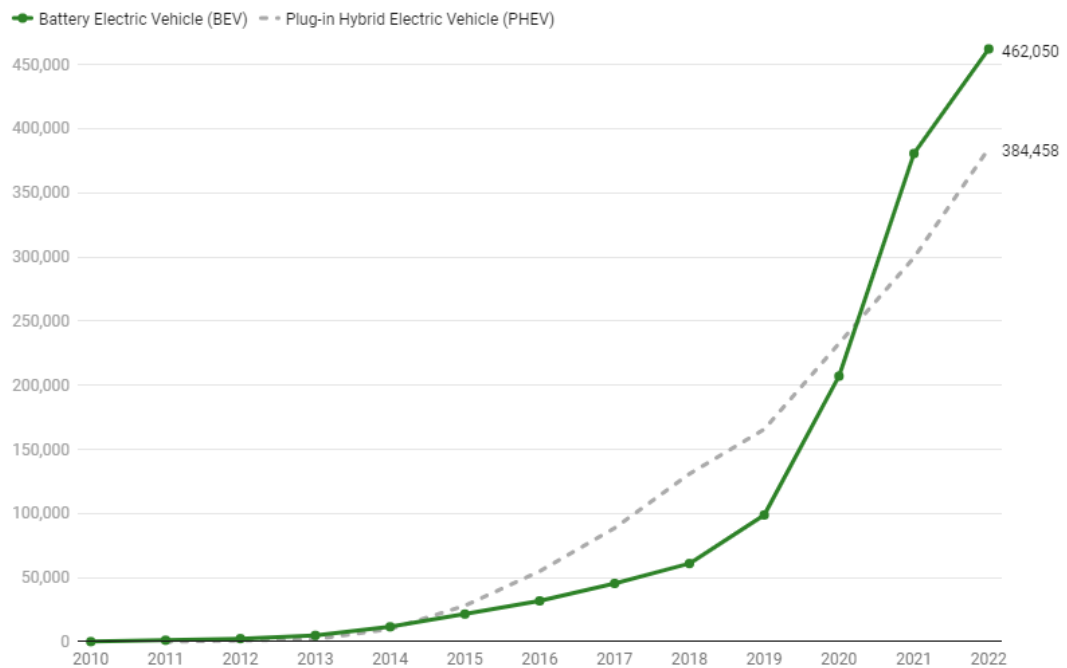


Figure 9. Trend showing number of Electric Vehicles on the UK's roads between 2010 and 2022 (source: <https://www.rac.co.uk/drive/electric-cars/choosing/road-to-electric/>)

- 8.7 Given the Government's intentions to ban the sale of new petrol and diesel cars from 2030, and hybrid sales banned from 2035, it is clear that there will only be a positive upward trend in the sale and ownership of Electric Vehicles.
- 8.8 Furthermore, the traffic volumes that were set out in the Transport Statement that accompanied the planning application represent a worse-case scenario and does not take into account the proportion of people that may be working from home, which has intensified following the COVID-19 pandemic. The level of movements therefore, and the carbon emissions anticipated from potential trips that could not be undertaken via public transport, walking and cycling, would be much lower than currently envisaged.
- 8.9 I acknowledge that even with EVs the energy requirements still need to be generated somehow and this may have a CO2 impact if coming from a gas or coal fired power station, but it is far more likely to be via renewable energy sources (or potentially on individual plots as the battery technology for individual households improves and allows householders to store solar energy rather than export to the national grid) than compared to the petrol or diesel driven engine.
- 8.10 In light of these considerations the CO2 impacts of any resulting car journeys from the development would be low, and any adverse effects associated with this issue should be classed as minor in the planning balance.

Heritage

- 8.11 A Statement of Common Ground has been prepared between the Council and the Appellant in respect to this issue. This sets out that the primary interest of the adjacent listed buildings, Hartley House, and Spring Grove House (both Grade II listed) relates to their architectural character, detailing and structure, with their setting beyond the immediate roadside setting in respect to Hartley House, being of limited significance.
- 8.12 It is agreed that in the context of giving “great weight” to conservation of the relevant assets, the harm to these buildings, arising from the appeal proposals, would be less than substantial and at the lower end of the spectrum of significance in respect of the impact on Hartley House and then very lowest in respect of Spring Grove House.
- 8.13 Consideration has also been given to a nearby non-designated heritage asset, The Old Post Office. No significant adverse impacts on this asset, resulting from the appeal proposals, has been identified.
- 8.14 Accordingly, the agreed position is that the conclusion of the heritage ‘weighing up exercise’ is that the low level of harm does not outweigh the benefits of the scheme and does not constitute a ‘clear reason for refusing the development proposed’ in the context of paragraph 11(d)(i) of the Framework.
- 8.15 In a worst-case scenario I would conclude that the heritage effects would be minor to moderate adverse at worst.
- 8.16 This conclusion would be consistent with that reached in respect of the similar sites that I refer to in this evidence, which are summarised in Table 16 below for ease of reference:

Site Name	Application Reference	Summary of Heritage Impacts	Outcome
Land to the West of Stowell Hill Road, Tytherington	PT17/2331/O and PT18/6206/RVC	“The proposed development would still cause harm to the setting of The Manor House and the Tytherington Conservation Area. In accordance with the Framework, the proposals would result in less than substantial harm towards the lower end of the spectrum to the significance of the Grade II Manor House and Tytherington Conservation Area.”	Permitted
Land at Duck Street, Tytherington	PT17/2240/F	“Development would fail to preserve or enhance the special character and appearance of the conservation area or the setting of listed buildings. This would be contrary to the statutory duty in the Planning (Listed Buildings and Conservation Areas) Act 1990. However, the level of harm (solely in heritage terms) is considered less than substantial and the harm identified should be weight against the public benefit of the development in the overall planning balance.”	Permitted
Land at Heneage Farm, Falfield	PT17/4800/O	“In summary officers have concerns regarding the impact of the changes that are taking place as part of the development to the north of the site, from the changes to Moorslade Lane and from the Park and Share. It is considered that these will individually and collectively have a harmful impact on the setting of the listed building contrary to Policy CS9 of the Core Strategy and PSP DPD Policy 17. Taking into account the guidance in the Framework, the level of harm would be less than substantial but it is harm nonetheless. As such as set out in the principle section above the tilted balance as set out in Paragraph 14 does not apply unless the paragraph 134 test is satisfied. Under paragraph 134 of the Framework, the harm to the significance of a designated heritage asset must be weighed against the public benefits of the proposal, having special regard to the great weight given to the protection of heritage.”	Permitted
Land South of Park Street,	PK18/1532/O	“...there is some limited harm to the conservation area and non-designated heritage assets.”	Permitted

Hawkesbury Upton			
Land at Pool Farm, Rangeworthy	P20/06928/O	<p>“In summary, as discussed above, by reason of scale and siting the proposals would cause limited harm to the setting and in turn significance of the Grade II* assets identified. Consequently, and in accordance with the Framework, officers consider that the proposals would result in less than substantial harm towards the lower of the spectrum to the significance of the Grade II* Rangeworthy Court and the Grade II* Holy Trinity Church.”</p> <p>It should be note that in this case Historic England raised specific concerns regarding the application. These concerns were never addressed thorough amendments to the scheme.</p>	Permitted

Table 16. Summary of Heritage Issues on Comparable Sites

Landscape

- 8.17 The Council’s landscape officer was consulted as part of the planning application process and made comments that requested that further viewpoints be considered as part of the LVIA and that a buffer zone to the surrounding trees and perimeter hedgerows be provided to ensure that they are protected in perpetuity.
- 8.18 An updated LVIA, including an analysis of the additional viewpoints was considered by SGC’s landscape officer, who confirmed that in respect of the majority of the new views taken from the AONB the site was not visible. While comments were raised by the landscape officer regarding particular details of the layout, no objection has been raised by the council in respect to a significant adverse landscape impacts, or specifically adverse impacts on the AONB, and further changes to the layout were not sought.
- 8.19 The site does not fall within a designated landscape and there has been no suggestion that it consists of a valued landscape as referred to in paragraph 174 of the Framework. The Cotswolds AONB lies to the east and north of the site, but the additional viewpoint added to the analysis of views taken from that area and no objection in terms of any adverse impact on that asset has been identified.
- 8.20 It is my opinion that the development has been well designed to respect the landscape and planting has been sensitively located to filter views of it. Of particular note is the substantial corridor provided which will allow existing trees and hedges to be protected and new planting

to be introduced to provide a very robust landscape buffer. The buffer will be managed by a management company and it will also prevent homeowners from cutting down the perimeter vegetation or carrying out work in their gardens that would affect root protection zones.

- 8.21 While the finer detail of the landscaping will be secured via condition, a strategic landscaping plan (Ref: 133351/50151) has been provided to show the general extent of new planting that will be provided.
- 8.22 The case officer, and landscape advisor, considered the technical evidence associated with the application, which include a thorough LVIA, and the council concluded that there would be no conflict with policy CS9 of the Development Plan. I agree with this conclusion as does the appellant's landscape architect who produced the LVIA.
- 8.23 Notwithstanding this, there will always be a landscape effect associated with the change in character of a greenfield site to housing, and that will have an impact. I consider that such an impact could only be minor in nature in the absence of any detailed evidence or landscape objection that cites a significant impact on specific highly sensitive viewpoints or designated area.

Design and Layout

- 8.24 The layout and architectural designs that are proposed for the site have been prepared by a well-regarded firm of architects and master planners, PAD Design. The plans have been informed by pre-application consultation, public consultation, technical assessment work on matters such as drainage, landscape, arboriculture, heritage, ecology and highways and discussions with SGC's Urban Design Officer as part of the application process.
- 8.25 The submitted Design and Access Statement outlines how the design has evolved and has been guided by the vernacular of the local area. The density of the development reflects that found in the local area and the semi-rural nature of the site.
- 8.26 The Council's circulated schedule report confirms that the design is acceptable subject to the application of a condition requiring that final detailed materials be agreed, and that these should be carefully selected and coloured to be muted in tone to ensure the visual impact of the development is acceptable. The SoCG sets out such a condition which is agreed between the parties.
- 8.27 It is therefore concluded and agreed with the council that the development meets favourably with policies CS1, CS16 and CS17 in design terms.

Ecology

- 8.28 The planning application was supported by an Ecological Impact Assessment which was considered by SGC's ecologist and further information in respect to Newts was requested.
- 8.29 This was submitted in the form of a Great Crested Newt Method Statement, which is intended to inform the completion of a detailed Construction Environmental Management Plan (CEMP) and Landscape and Ecological Management Plan (LEMP) – both of which would be secured by the suggested conditions 7 and 8, set out in the agreed SoCG.
- 8.30 The council confirmed (in the ecologist's final response dated 14/01/2022) that following the receipt of this information, and subject to conditions, the appeal proposals are considered to be acceptable in ecological terms and no adverse impacts in this regard are identified.

Trees

- 8.31 The submitted arboricultural report set out the trees that are to be removed on site to accommodate the development, and the development has been sensitively designed to minimise this loss, including the retention of mature trees adjacent to the proposed surface water attenuation basin.
- 8.32 The small loss of one tree and a small section of hedgerow will be more than compensated for through the provision of significant amounts of new tree planting, including an allowance for tree lined streets in accordance with paragraph 131 of the Framework.
- 8.33 Subject to the application of tree protection measures that are to be secured by condition no adverse impacts on trees will arise, and that position is agreed with the council.

Drainage

- 8.34 The application was accompanied by a Flood Risk Assessment and Drainage Strategy that has been considered by the Council and the Lead Local Flood Authority. The site lies within flood zone 1 which is an area of the lowest flood risk and there is no concern in respect to then site being at risk of fluvial or surface water flooding.
- 8.35 The surface water drainage strategy has been considered, as well as proposals for foul drainage which have been discussed and agreed with the statutory undertaker and no objection to the proposal in either regard have been raised. Finer detail of the drainage scheme is to be provided via condition.

- 8.36 The Council has therefore confirmed that the development is acceptable in drainage terms, subject to the aforementioned condition, and no adverse impacts on drainage or conflict with policies CS1 and CS9 can be identified.

Noise

- 8.37 Given the proximity to the mainline rail line to the south of the site, and trunk road to the north, a detailed noise survey was undertaken and supported the application. The Council's EHO considered this and confirmed that there was no objection to the scheme on the basis of noise if the report recommendations were followed.
- 8.38 Condition 4, as set out in the SOCG covers this matter and in my view ensures no adverse impacts can arise as a result of this matter.

Social Cohesion

- 8.39 Third party objections referenced concerns that allowing the development would have a negative impact on community spirit and the local school.
- 8.40 There is no evidence to support these concerns. In fact I take a contrary view, as explained in the previous section the development will bring new residents, some of which will get involved in the local community, and the majority are likely to use local facilities and services, thereby sustaining them.
- 8.41 The local school is a valuable asset and the new dwellings are of a type likely to attract families who would utilise this. Paragraphs 7.94 – 7.100 of the submitted planning statement discussed the issue of capacity and long-term viability of the school, outlining that there was capacity and additional pupils would assist in securing the school's future. I also considered the catchment area of the school and showed that even if capacity was reached it would be preferable in sustainability terms if school children local to the village were accommodated, rather than those who come from further afield.
- 8.42 Therefore, I conclude that no adverse impacts on social cohesion can be evidenced, and in fact the contrary is the case, with benefits associated with this issue as I gave previously allowed for in the preceding section.

Loss of Agricultural Land

- 8.43 It has been confirmed that the site consists of grade 4 agricultural land and is therefore not the best and most versatile. It is also not productively farmed and is severed from wider land

holdings by the railway to the south, road to the north and existing development east and west. It is therefore impractical to farm as part of a larger holding.

- 8.44 The National Planning Policy Framework (para 175 footnote 58) states that where a significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of higher quality. The Council's own decisions on unallocated agricultural land beyond settlement boundaries shows that additional land is required to meet even the low housing requirements currently relied on, which arises from the barrow application of the Standard Method, without any reference to the wider HMA. Therefore, development on agricultural land is required and lower grade land such as the appeal site should be utilised in preference to BMV land.
- 8.45 Accordingly, there is no adverse impacts associated with the loss of this field for agricultural purposes and in fact a minor benefit could be attributed to the utilisation of the site in preference to higher grade land.

Conclusion

- 8.46 As I have set out above, while a number of queries were raised during consideration of the planning application, these were robustly addressed through the application process. The only outstanding matter that was not addressed related to the accessibility of the site which I have discussed at length in Section 6 of this evidence. However, even if an adverse impact were to be attributed to this issue I have set out why I consider that could only be a minor adverse effect in any event. Mr Tingay has also provided evidence as to the development's compliance with policy PSP11 and CS8 in terms of the accessibility dimension of sustainability.
- 8.47 I have considered the potential outcome that some landscape impacts are identified given the site's greenfield nature, although that would run contrary to the findings of the Council, myself and the appellant's landscape architect. In the event that some harms were to be identified and have concluded such harm would be minor in nature given the lack of significant impact on any designated or specifically valued landscapes.
- 8.48 I have highlighted that any conflict with the Spatial Strategy that policy CS5 defines needs to be considered in the context that the council's own position that their housing requirement is out-of-date. As such the spatial strategy which was formulated to address that housing requirement is also out-of-date, particularly when the need to review the wider HMA by 2018 is taken into account (see Sections 3 and 4).

- 8.49 Other issues that RFRs 3-7 refer to are addressed through the agreement of a suitably worded S106. This is in agreed draft form awaiting signing and will be submitted to PINs in advance of the Inquiry. Therefore, no adverse impacts in connection with the issues referred to in these RFR can be sustained.
- 8.50 Therefore, I conclude that the only conceivable adverse effects that could apply to the appeal proposals include a minor impact in respect for CO2 emissions arising from increased car use and a minor impact on the landscape. The less than substantial heritage harm, at the lowest end of the spectrum, could also be considered to be a minor adverse impact.

9.0 THE PLANNING BALANCE

- 9.1 I have considered the planning balance in a series of stages: firstly, do the appeal proposals comply with the development plan; secondly, do material considerations indicate that permission should be granted in any event and finally, what does the effect of a lack of a five-year housing land supply, failure to review the Core Strategy by 2018 and inconsistency in decision making have on the planning balance.

Assessment against Development Plan Policies

- 9.2 Having regard to the Section 70(2) of the Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004, that determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. This is repeated within the NPPF, at paragraph 47.
- 9.3 Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development, which means *“approving development proposals that accord with an up-to-date development plan without delay”*.
- 9.4 However, as I have demonstrated in Section 3, the relevant policies which relate to housing are out-of-date for a number of reasons. I have identified those policies most relevant and also out-of-date as being policies CS5, CS34 and PSP40.
- 9.5 I conclude that the spatial strategy as set out in policy CS5, the minimum housing targets that are defined in policy CS15 and the settlement boundaries defined in the Core Strategy and referred to in policies CS5, CS34 and PSP40 should be afforded no significant weight in determining this appeal; nor should they have been given any weight by the Council. Therefore, any conflict with policies CS34 and PSP40, and the settlement boundaries they refer to should be given minimal weight in my view.
- 9.6 In terms of other Development Plan policies, which are relevant, and as we have demonstrated above, the development accords with the relevant policies as follows:
- CS1: High Quality Design – the design and layout has been produced by a well-regarded firm of architects and responded to comments received at pre-application, public consultation and application stages. Amendments to the scheme were made during the processing of then application to address comments made by the Urban Designer and other officers and the design is considered to represent a well thought out and designed scheme. The Council raised no concerns in this regard.

- CS6: Infrastructure and Developer Contributions – the agreed S106, which is due to be signed shortly, provided for extensive contributions towards off-site recreational, education and library infrastructure. It also secures highway works that will be beneficial to the village as a whole.
- CS8: Improving Accessibility – the development meets favourably with policy PSP11 that sets out various requirements for accessibility and public transport access, the evidence presented identifies that new residents will be overly car dependent.
- CS16: Housing Density – the density proposed strikes an appropriate balance between making the best use of land and the site’s context and no objection has been raised by the council to the adopted density.
- CS17: Housing Diversity – the scheme provides a range of housing types and tenures that meets positively with this policy’s requirements.
- CS18: Affordable Housing – the agreed S106 and layout ensures the development will deliver 12 much needed affordable homes. These are appropriately distributed throughout the site in accordance with the Council’s clustering policy and designed to the requisite space standards;
- CS23: Community Infrastructure and Cultural Activity – the S106 secures contributions towards library services.
- CS24: Green Infrastructure, Sport and Recreation Standards – on-site POS has been provided for in line with these standards.
- PSP1: Local Distinctiveness – the proposed design of dwellings has positively considered the local vernacular and character and details of this are set out in then submitted design and access statement.
- PSP2: Landscape – the proposed layout has been landscape led and amendments made to provide improve screening to the development in accordance with the landscape officer’s requests. No landscape objection has been raised by the council.
- PSP3: Trees and Woodland – as explained the loss of trees and hedgerows has been minimised and many more trees and hedgerows will be planted as part of the details landscaping scheme that is to be secured via condition. The landscape strategy plan shows how space has been allowed to achieve this.
- PSP6: Responding to Climate Change and High-Quality Design – The application was supported by an energy statement that shows how Redcliffe Homes will meet the requirements of this policy via fabric efficiency and on-site renewable measures.
- PSP8: Residential Amenity – the layout allows for sufficient separation distances and orientation to avoid overlooking and other amenity concerns.
- PSP16: Parking Standards – the proposed development provides parking to serve the proposed housing in line with these standards.
- PSP17: Heritage Assts and the Historic Environment – As set out in the SoCG it is agreed that any harm to nearby heritage assets is less than substantial and at the

lowest end of the spectrum of such harm. Therefore, there is no significant conflict with this policy.

- PSP19: Wider Biodiversity – The application sets out how impacts on various protected species will be avoided and how ecology mitigation and enhancement measures have been incorporated into the development. The council agree that ‘*in terms of the impact upon ecology the proposed development is acceptable*’.
- PSP20: Flood Risk, Surface Water and Watercourse Management – the submitted FRA and drainage strategy is agreed with the council and LLFA and demonstrate compliance with this policy.
- PSP37: Internal Space and Accessibility Standards for Affordable, Dwellings – all the affordable dwellings meet these standards and a specific unit was introduced to provide a high-quality wheelchair friendly property into the scheme after discussion with the council’s affordable housing department.
- Policy 43: Private Amenity Space Standards – all the proposed homes meet these standards.

9.7 Accordingly, there is no conflict with these other development plan policies that suggest adverse effects that would weigh against the benefits of the scheme.

Material considerations

9.8 While I contend that there is no significant material conflict with the development plan policies, it is also the case that even were compliance not accepted, the appeal proposals should be assessed against the “unless other material considerations indicate otherwise” strand of the legislation and NPPF.

9.9 As NPPF paragraph 212 confirms, “*the policies in this Framework are material considerations which should be taken into account in dealing with applications*”. In accordance with paragraph 11(d)(ii), and Core Strategy policy CS4a, the assessment of material considerations should analyse the benefits of the development against the potential adverse effects. It should also be carried out in compliance with the presumption of sustainable development set out in the Framework and the need for the planning system to fulfil roles to support the three dimensions of such development, namely: social, economic and environmental roles.

9.10 This balancing exercise needs to attribute weight to each benefit and adverse effect and the extent of this needs to be made by the decision-maker based on the evidence relating to each consideration. I have come to my own balanced view in this regard to make my own assessment.

9.11 I have set out the benefits in Section 8, but in summary these include:

- Delivery of housing land to meet the council's identified housing requirements and assist in addressing the five-year housing land supply deficit;
- The social benefit of providing an appropriate mix of open market and affordable housing to meet identified needs in the right location, being accessible to everyday facilities and services (thereby increasing footfall and their viability) as well as employment opportunities;
- Providing housing in a location where the use of public transport, walking and cycling are realistic travel options for future residents, while also strengthening pedestrian linkages in the village through the provision of new pedestrian crossing points;
- Addressing an existing speeding problem that affect the village by providing highways works designed to reduce speeds;
- Improving the surfacing of the public right of way that runs through the site;
- The creation of between 84 to 108 jobs during the construction of the housing; and
- Use of poor-quality agricultural land in preference to best and most versatile.

9.12 One of the fundamental objectives of the NPPF is to boost the supply of housing as part of the presumption in favour of sustainable development. Delivering sufficient housing is confirmed as an important element to achieving sustainable development because it fulfils the social role in providing people with an affordable place to live, the economic role by providing jobs in construction and homes in accessible location to employment, and the environmental role by providing housing in a location where the reliance on the private motor car can be minimised and public transport and walking/cycling maximised.

9.13 To assist in the assessment of the planning balance I have weighted the various benefits identified; this is based on my assessment of the various issues as either substantial, moderate or minor. I have also colour coded them according to these weightings to aide assessment in much the same way that many planning authorities tabulate issues as part of a sustainability assessment. The results of this weighting exercise are set out in table 17 below.

Benefit	Sustainability Role	Weight	Comments
Delivery of housing land to meet housing requirements, both in SGC and wider HMA and assist in addressing the five-	Social/ Economic	Substantial	Assessed as substantial in light of need to address shortfalls that will have occurred due to the failure to review the Core Strategy by

year housing land supply deficit			2018 and need to address 5yr HLS deficit.
Providing affordable housing to meet identified needs	Social/ Economic	Very Substantial	Very substantial weight given the unmet need that has been evidenced and large number of households on the housing register.
Highway improvements to provide speed calming and signalized controlled crossing	Social	Moderate	Currently the village suffers from excessive speeding and the proposed development will deliver highways works to improve this situation that will benefit all road users and residents of the village. The lack of a signalized controlled crossing currently severs the village and the crossing will provide a much improved crossing point at its most used point, again providing wider benefits than just to mitigate the appeal proposals impact.
Providing jobs in construction.	Economic	Moderate	This benefit is self-explanatory as the construction industry plays an important role in the economy.
Delivery of open market and affordable housing, in an accessible and sustainable location. Increased footfall sustaining existing services and facilities.	Social / Environmental	Minor	A range of key services and facilities lie within easy walking and cycling access of the site. This combined with good existing public transport provision means that sustainable means of transport can be maximized. The settlement has been assessed as more sustainable in the Arup report, when compared to alternatives where development has been granted planning permission. New residents will support existing services and facilities, allow for the potential for new ones and enhance viability.
Financial contributions	Social/ Environmental /Economic	Minor	Contributions toward education, sustainability measures, libraries,

			community/leisure/sports facilities, will bring benefits which will reach beyond the development alone.
Use of land of lower agricultural quality (as opposed to use of higher quality agricultural land)	Economic / Environmental	Minor	Minor benefit because the site is low quality agricultural land and therefore should be used in preference to higher quality land.
Surfacing improvements to the PROW	Social/ Economic	Minor	Hard surfaced path will replace that which is currently ill defined and often muddy

Table 17. Summary of the benefits of the appeal scheme

- 9.14 I would strongly contend that there are no adverse impacts that would significantly and demonstrably outweigh the substantial benefits of the proposed development. However, if the Inspector were minded to disagree and apportion some degree of harm in respect of accessibility, landscape impact or heritage I have considered this theoretical approach to allow subjective analysis of that outcome. I would, however, reiterate, this exercise is undertaken on the context of my view that no adverse effects can be attributed to the appeal proposals for the reasons set out in my evidence and that of Mr Tingay.
- 9.15 In simple terms, taking the analogy of a pair of weighing scales, if the benefits I have identified are on one side and the Council's alleged concerns (i.e. (i) increased reliance on the private car and the CO2 impacts that would arise from that, (ii) effect on the spatial strategy/settlement boundaries), plus the other potential landscape and heritage impacts, it is almost inconceivable as to how these could significantly and demonstrably outweigh the considerable benefit the appeal proposals would deliver. Table 18 illustrates this; although in my view such adverse impacts would be completely unfounded for the reasons I have set out. Indeed, as set out above, in my view positive weight should be attributed to the sustainability of the location and its access to everyday facilities as a benefit, but purely for the purposes of this exercise, I have attributed no positive weight to the sustainability of the location, assuming a worst-case scenario.

Benefit	Weight		Weight	Adverse Effect
Providing Open Market and Affordable Housing	Very Substantial	Tipping Point	Moderate/Minor	Less than substantial Heritage harm has been identified, but taking a proportionate approach moderate-minor harm is identified having special regard to

				desirability of respecting the setting of the nearby assets.
Addressing 5yr HLS and Housing Needs	Substantial		Minor	Conflict with Spatial Strategy
Providing jobs in construction	Moderate		Minor	Reliance on the private car increasing CO2 emissions
Highway safety and pedestrian linkages improvements	Moderate		Minor	Landscape Impact
New residents supporting existing services facilities and creating potential for new ones	Minor			
Financial Contributions	Minor			
Use of land of lower agricultural quality (as opposed to use of higher quality agricultural land)	Minor			
PROW improvements	Minor			

Table 18. Illustration of the Balancing Exercise in the event our case is not accepted in respect to identified main issues, and other subsidiary issues

- 9.16 From the table above, it is difficult to see how the adverse effects could outweigh the benefits. NPPF Paragraph 11(d)(ii) is clear that even where there are adverse impacts, those adverse impacts would need to significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As such, any adverse impacts would therefore need to be given very substantial weight to require the dismissal of the appeal in the context of the decision making framework that I have identified in Section 3.
- 9.17 Such an assessment and conclusion is similar to many others that have been made by planning Inspectors throughout the UK. The first example of which relates to a residential site granted consent via appeal at Wentworth Drive, Oldmixon **(CD6.7)**, a scheme where the development would result in some harm to the character and appearance of the area and there would be some reliance on private vehicles harm was identified. Here the Inspector concluded at paragraph 49 that:

‘Whilst I have noted that some harm would result to the character and appearance of the area and that some reliance on private vehicles may result, the overall harm arising from these respects is relatively limited. It cannot be said that the harmful impacts of development would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole. As a result, the proposal constitutes sustainable development to which the presumption in favour applies and planning permission should be granted’.

- 9.18 My position is also supported by a SoS Decision in respect to a site at Burgess Farm, Worsley, Manchester **(CD8.6)** where the Secretary of State concluded that even when it was accepted that: *‘there are substantial environmental disbenefits to the development of this site including the loss and countryside that is valued by residents and the impact on the rural setting...’*(paragraph 28), permission was still granted because: *‘the proposals do, on balance, represent sustainable development, and he does not consider that the adverse impacts of allowing the development outweigh the benefits to be gained. He therefore considers that there are material considerations in favour of the development that outweigh the conflict with the development plan’* (paragraph 29).
- 9.19 It is also my view that even if the three factors I have identified as reasons as to why the most important policies of the development plan are out-of-date are disregarded (as set out in Section 3 of my evidence), the appeal proposals still warrant permission. In that context a ‘normal’ planning balance would be undertaken and a departure from the development plan warranted as the material considerations identified would allow for such an approach.
- 9.20 As Table 17 shows, the benefits, which are material considerations in the ‘normal’ balance, clearly outweigh the adverse effects and in my view represent material considerations that warrant the approval of the appeal proposals irrespective of the conclusion regarding paragraph 11d)i) of the Framework. SGC’s land supply is marginal at best, something that has been noted by previous Inspectors, and the Framework requires that LPAs boost the supply of homes (paragraph 60). SGC themselves have set out in respect to a number of other applications I have referenced in evidence that even when they have considered that a 5yr HLS exists and development plan policies are to be given full weight, these material considerations justify departing from the development plan.
- 9.21 The only difference in this case is the contention that the appeal proposals conflict with policy PSP11. However, I have clearly shown how PSP11 is positively addressed in this case with a range of everyday services and facilities being available within walking and cycling distance and a good public transport service located within a very short walk of the site – this conclusion matches those of the council made on a plethora of similar sites in the SGC area.

Conclusion

- 9.22 I have demonstrated in my evidence that the relevant policies relating to housing delivery (i.e. policies CS5, CS34, PSP40) are out-of-date and that paragraph 11(d)(ii) is engaged for three reasons, and therefore planning permission should be granted unless the adverse impact of doing so significantly and demonstrably outweighs the benefits. My analysis concludes that even if weight were to be attributed to all of the potential minor adverse effects that could theoretically be applied to the appeal proposals, they could not conceivably outweigh the range of benefits of the proposals.
- 9.23 I have also considered a scenario that all three reasons I have given for the most important policies being out-of-date are not accepted. Even in that scenario I consider that the benefits of the scheme I have identified are material considerations that justify a departure from the development plan, and the potential adverse effects of the development do not outweigh these benefits, even if the 'normal' planning balance were to be applied.
- 9.24 I have set out that the appeal proposals represent sustainable development by fulfilling the three roles the planning system must fulfil, I have shown that no potential adverse effects outweigh the presumption in favour that both the Framework and the development plan set out.
- 9.25 For these reasons I conclude that the appeal proposals should be allowed.

10.0 SUMMARY AND CONCLUSIONS

- 10.1 In conclusion, my evidence demonstrates that the appeal proposals offer a sustainable and appropriate location for development, that accords with the core principles of the Framework, and the adopted Development Plan – the most relevant policies of which include CS5, CS34, PSP11 and PSP40 in respect of this appeal.
- 10.2 There is some conflict with specific policies of the Development Plan, particularly in respect of Policies CS34 and PSP40 where they refer to development beyond settlement boundaries, which in the case of Old Sodbury were established in 2006 – 16 years ago. The council also reference conflict with the spatial strategy set out in policy CS15 but I have considered that and find any such conflict to be extremely limited, if there is any material conflict at all.
- 10.3 I have clearly established that there are three reasons why the development plan is out-of-date, all of which are compelling. Only one of my reasons needs to be accepted to come to the conclusion that the most relevant policies are out-of-date and should be given little or no weight in the determination of this appeal.
- 10.4 It has also been established, and agreed with the council, that there is no clear reason for refusing the appeal proposals in respect to its potential impact on the various areas and assets that are listed under footnote 7 of the Framework. Therefore, strand i) of paragraph 11d) of the Framework does not apply.
- 10.5 Accordingly, in compliance with paragraph 11d) ii) of the Framework the appeal proposals should only be refused if the adverse impacts associated with them significantly and demonstrably outweigh the benefits, in my opinion, there is no conceivable way this could occur in this case.
- 10.6 It is well established in case law, specifically in judgements handed down by Justice Holgate and Lord Gill (**CD6.9**), that applying any form of significant weight to such policies would render pointless the operation of the tilted balance set out in paragraph 11 of the NPPF. Lord Gill's words are worth reiterating here: "*The message to planning authorities is unmistakable*", namely the "*rigid enforcement of such policies may prevent a planning authority from meeting its requirement to provide a five year supply.*"
- 10.7 The plan led approach and the primacy of the development plan should never be ignored, but it needs to be recognised when this approach is failing and actions taken to look more positively at development. In this is clearly the case as the urgent review that was mandated in 2013 and required to be completed by 2018 has patently not happened and a 4 year delay

in meeting this deadline, with no credible timescales by which this significant issue will be remedied, is a complete failure on SGC's part. I recognise that this has arisen because of the failure of two strategic plans for the area and point no blame at the planning officers of the Council in respect of this; the failure has been entirely a political problem borne out of an inability of politicians of differing political parties to be able to work together. Irrespective of the reason, unfortunately a failure it is, that renders any suggestion that the development plan is up to date incredible and without foundation when the reality of the housing market and supply situation in the area is given any detailed analysis.

10.8 The Council have relied on policy PSP11 in their reason for refusal but both my evidence, and that of Mr Tingay, shows that the appeal proposals meet favourably with the requirements of this policy. Old Sodbury offers sustainable access to a good range of key services and facilities that would justify the provision of housing here in any event, but furthermore as PSP11 allows, the presence of a bus service that far exceeds the requirements of PSP11 makes it even more an appropriate a location for the scale of housing proposed. The council officers have simply incorrectly applied this policy in this case and the fact that a bus service could be better is not a reason to refuse an application, nor is it a failure to meet the requirements of PSP11.

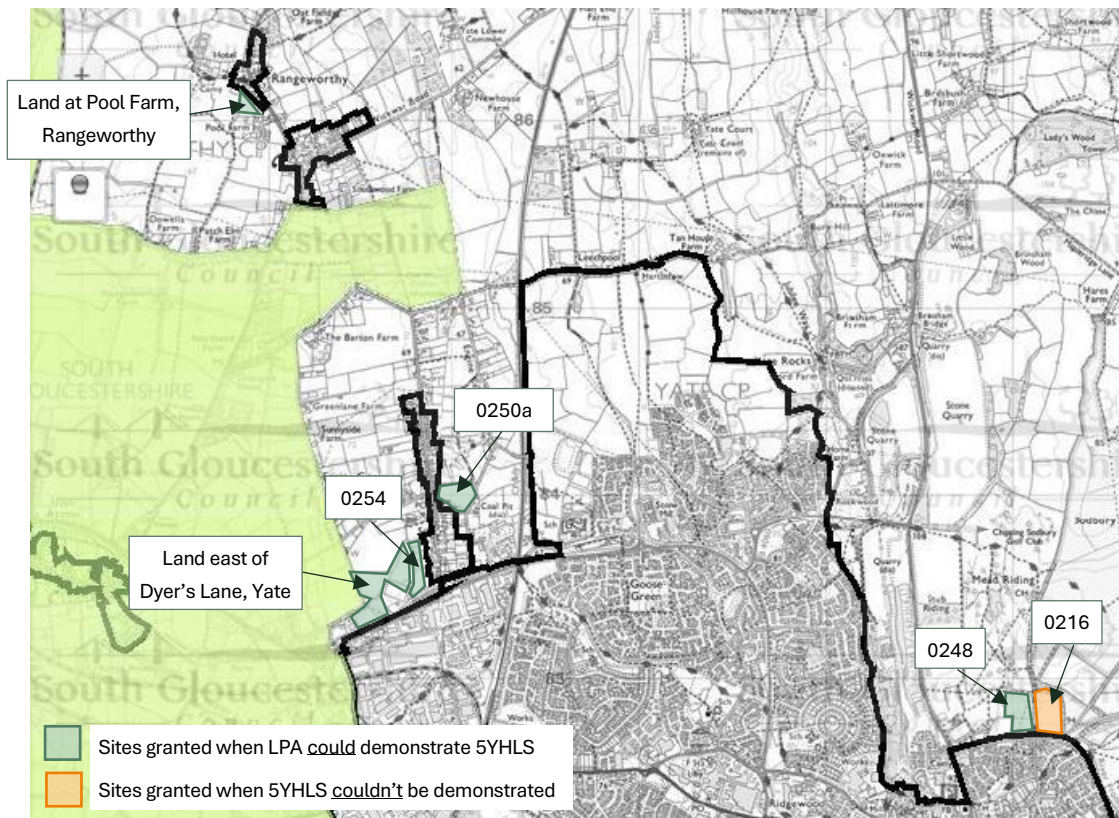
10.9 I have also provided a range of examples of other sites, in locations similar to the appeal site where planning policies, and specifically have been applied in a different, more positive way. There are no circumstances that relate to Old Sodbury that justify the different, and inconsistent approach that has been taken.

10.10 There are substantial benefits to the scheme which are summarised as follows:

- Delivery of housing land to meet the council's identified housing requirements and assist in addressing the five-year housing land supply deficit;
- The social benefit of providing an appropriate mix of open market and affordable housing to meet identified needs in the right location, being accessible to everyday facilities and services (thereby increasing footfall and their viability) as well as employment opportunities;
- Providing housing in a location where the use of public transport, walking and cycling are realistic travel options for future residents, while also strengthening pedestrian linkages in the village through the provision of new pedestrian crossing points;
- Addressing an existing speeding problem that affect the village by providing highways works designed to reduce speeds;
- Improving the surfacing of the public right of way that runs through the site;
- The creation of between 84 to 108 jobs during the construction of the housing; and
- Use of poor-quality agricultural land in preference to best and most versatile.

- 10.11 I have assessed the potential adverse effects and do not consider that any can be identified that would significantly and demonstrably outweigh these substantial benefits.
- 10.12 Therefore, I conclude that the development proposed is inherently sustainable and there are no adverse impacts which would significantly and demonstrably outweigh the benefits of granting planning permission when assessed against the policies in the Framework when taken as a whole, the development plan and whilst taking into account all other material considerations. In fact I do not consider the benefits would be outweighed even if a normal balancing exercise were to apply here, because the material considerations warrant a deviation for the development plan in any event.
- 10.13 On this basis, I respectfully request that the appeal is allowed and planning permission granted.

Appendix 1 – Permitted Sites in Rural Settlements

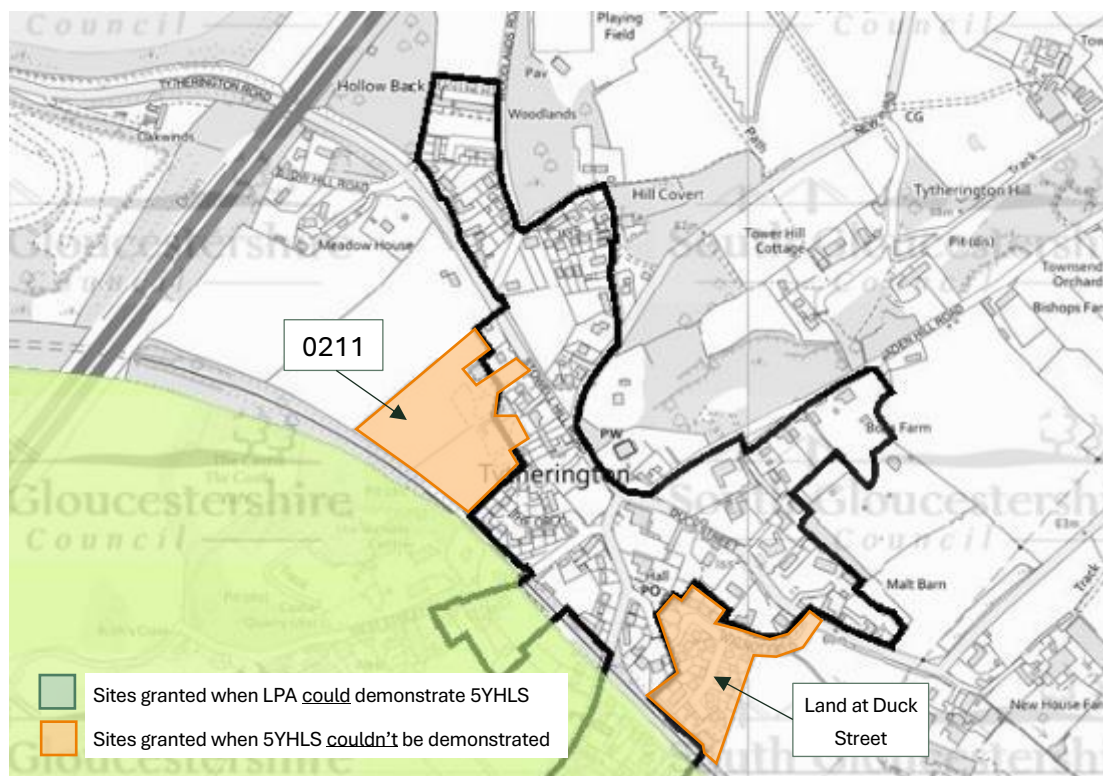


Ref: 0216 – Land east of Trinity Lane, Chipping Sodbury (Ref: PK17/5109/F)

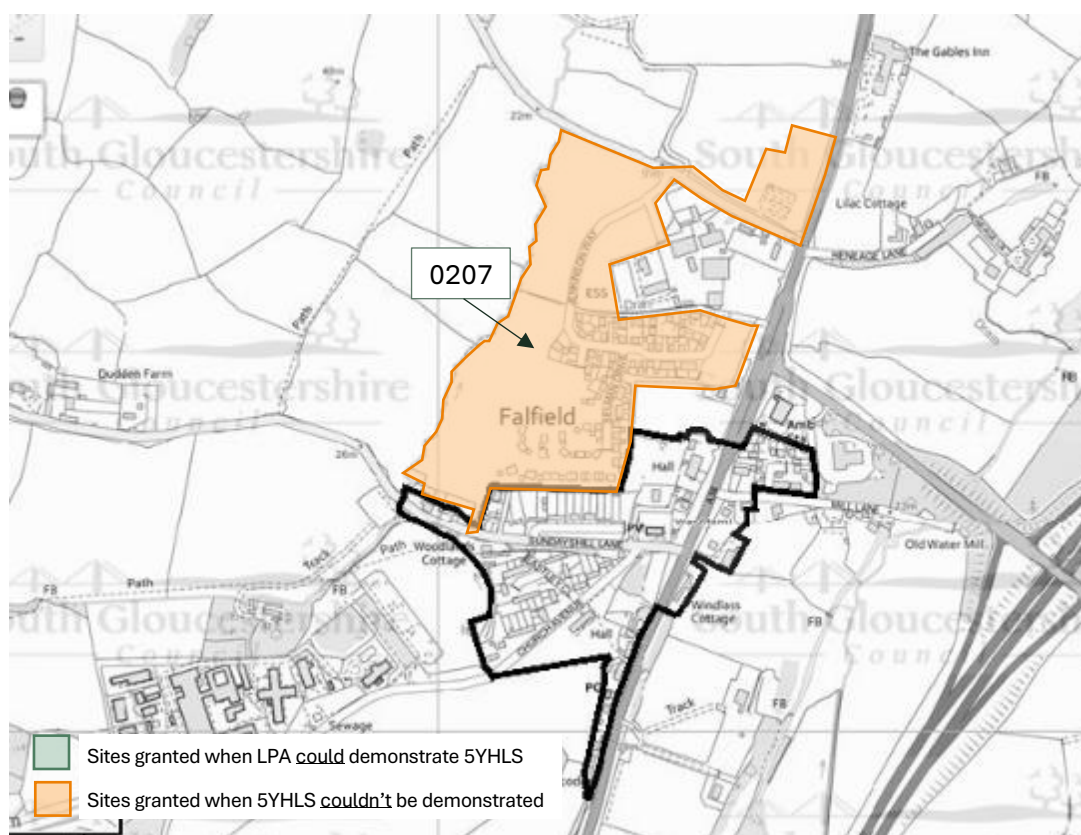
Ref: 0248 – Land west of Trinity Lane, Chipping Sodbury (Ref: P20/12395/F)

Ref: 0250a – Land east of North Road, Yate (Ref: P20/24044/O)

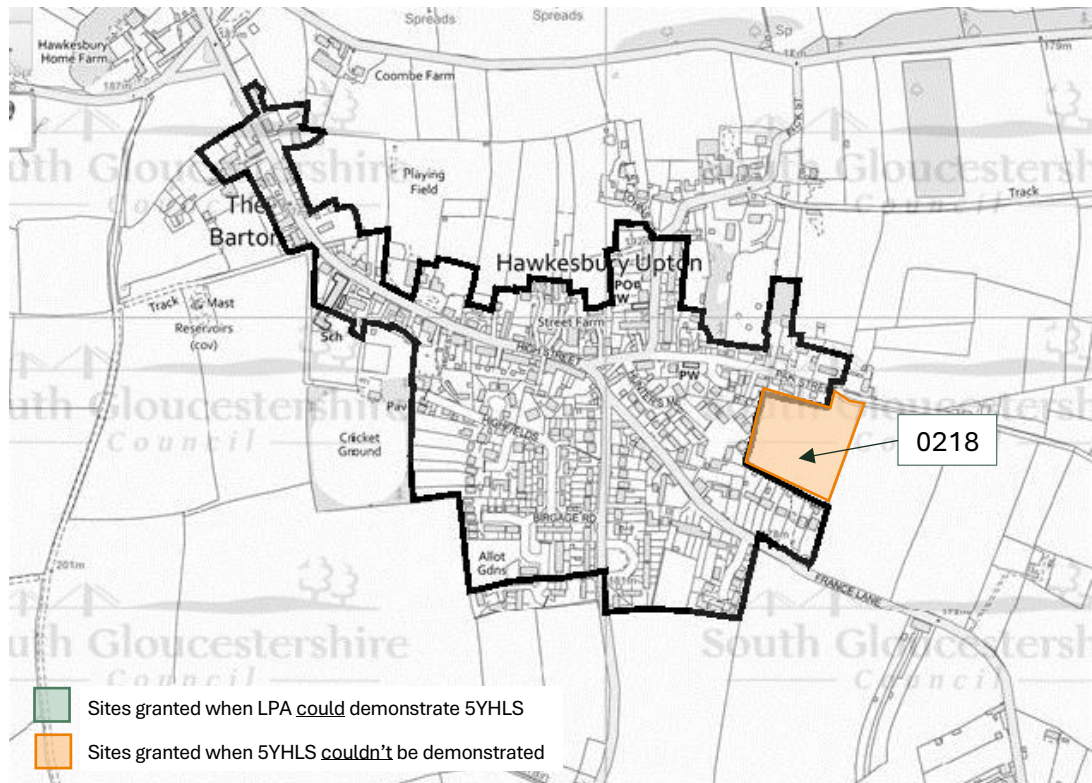
Ref: 0254 – Land north of Lodge Road, Engine Common, Yate (Ref: P20/15214/F)



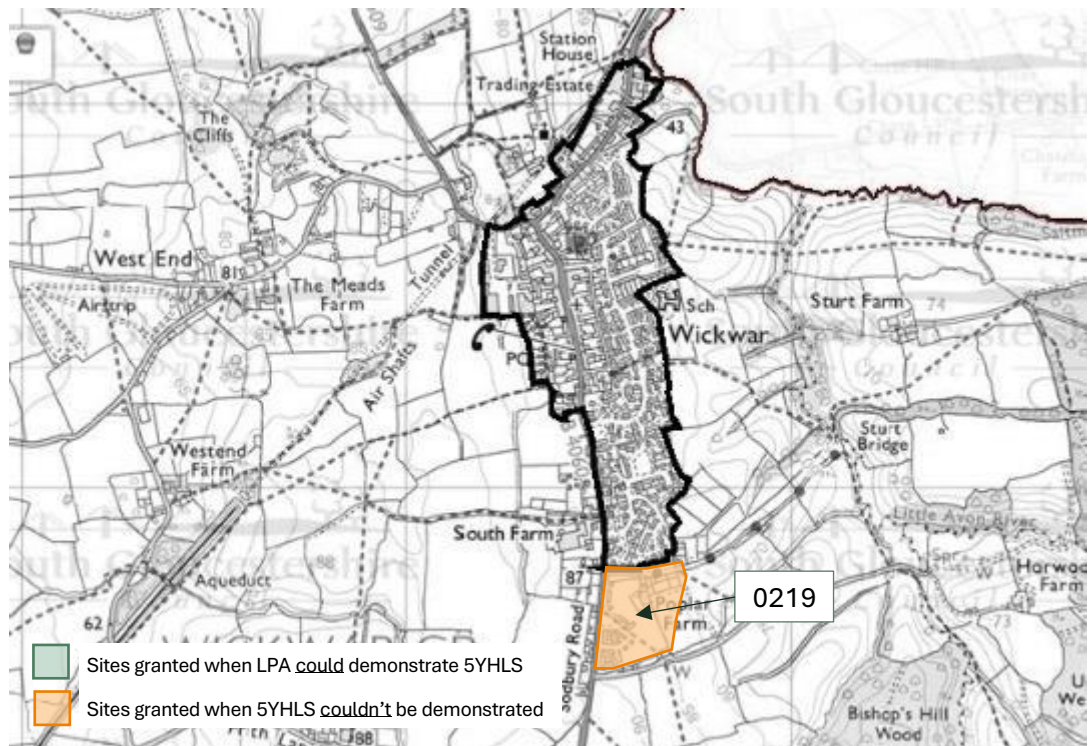
Ref: 0211 – Land west of Stowell Hill, Tytherington (Ref: P19/14956/F)



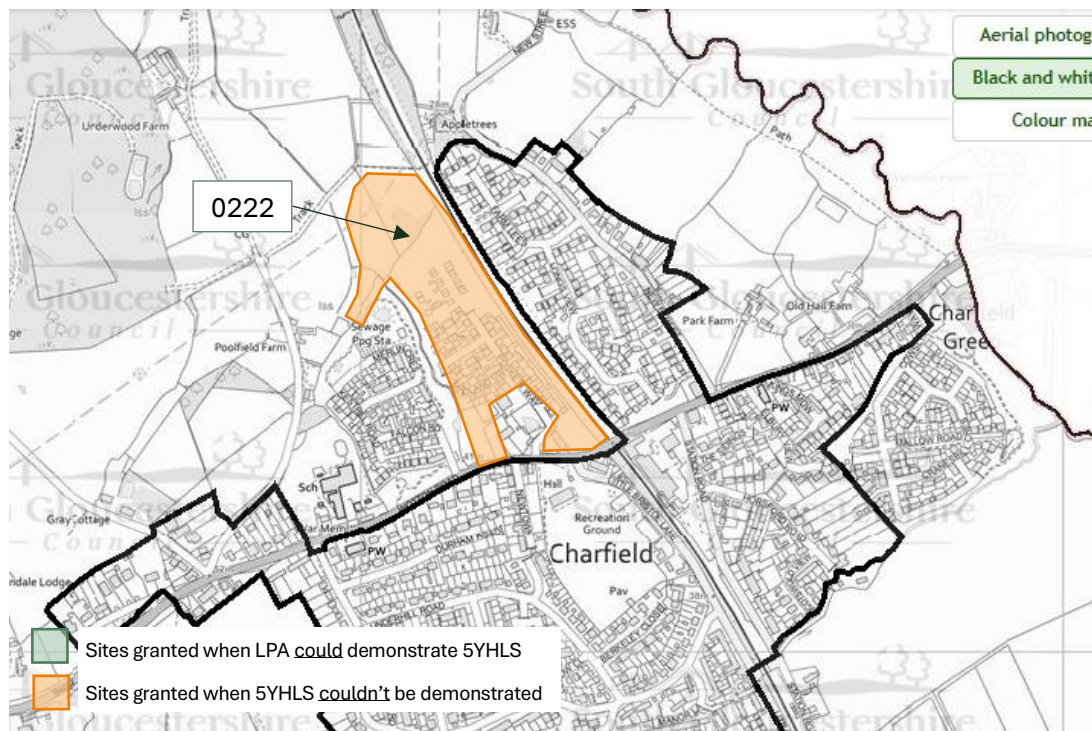
Ref: 0207 – Heneage Farm, Falfield (Ref: PT17/4800/O)



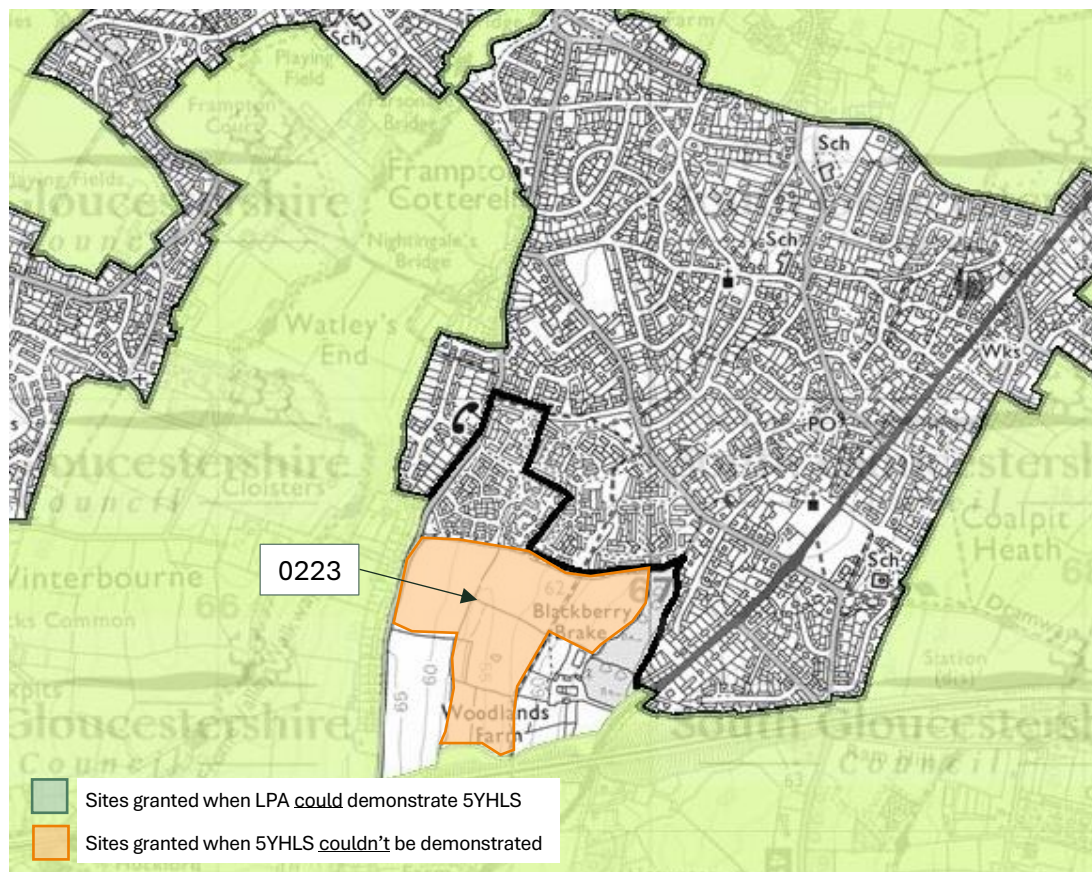
Ref: 0218 – Land south of Park Street, Hawkesbury Upton (Ref: PK18/1532/O)



Ref: 0219 – Land south of Horwood Lane, Wickwar



Ref: 0222 – Land north of Wotton Road, Charfield (Ref: PT16/6924/O)



Ref: 0223 – Land at Park Lane, Coalpit Heath (Ref: PT17/0215/O)



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