

**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

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

October 2022

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1.0 SUMMARY OF PLANNING EVIDENCE OF MR MATTHEW KENDRICK

- 1.1 The following provides a summary of the key points arising from my evidence.

The Decision-Making Framework

- 1.2 I have identified that the most relevant policies to the determination of this appeal are CS5 and CS34 of the South Gloucestershire Core Strategy (2006 – 2027) and policies PSP11 and PSP40 of the South Gloucestershire Policies, Sites and Places Plan (2018).
- 1.3 There is some conflict with these 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.
- 1.4 Notwithstanding this, I consider that these policies are out-of-date for three independent reasons.
- 1.5 Firstly, the council cannot demonstrate a five-year housing land supply. Secondly, the Core Strategy was required to be reviewed and updated by 2018 to take into account housing requirements across the Housing Market Area, which would include unmet needs arising from Bristol City. Third and finally, the council has been maintaining housing delivery and land supply by allowing development outside of the Core Strategy's settlement boundaries, and is therefore delivering housing in spite of the plan, not because of it.
- 1.6 In light of these conclusions, paragraph 11d)ii) requires that the appeal proposals, which deliver much needed homes (both market and affordable), should be granted permission unless the adverse impact of doing so significantly and demonstrably outweigh the benefits.
- 1.7 It is agreed between the parties that which there is less than substantial harm on nearby heritage assets, at the lowest end of the spectrum. In my view paragraph 11d)i) does not apply in this case, because the site does not lie within an area, or affect an asset, to which the NPPF's policies provide a clear reason for refusing development (i.e. the site does not fall within an SPA, Green Belt, AONB, or accommodate a listed building etc.). The Council also agree with this assessment.

- 1.8 In applying Paragraph 11d)ii), I have identified that the policies of the development plan can be taken into account if they are consistent with the Framework. I have set out that the application of policies CS5, CS34 and PSP40 are failing to deliver sufficient open market and affordable housing in the area. Therefore, they cannot be considered to be consistent with the policies of the Framework as they would completely frustrate the purpose of the tilted balance.
- 1.9 I have also noted that Policy PSP11 is inconsistent with the Framework as it does not recognise the differences between urban and rural areas in line with paragraph 105 of the NPPF, but it is acknowledged that its guiding principles should be given consideration when assessing if a site is, or can be made to be, accessible to everyday facilities and services.

Housing Need

- 1.10 The evidence of Miss Curtis shows that this is not the case and new housing land is needed urgently to boost this. Our view is that the land supply position stands at 4.44 years.
- 1.11 I have also identified how the Council has failed to address the wider issues that affect the Housing Market Area, issues that were identified by the Core Strategy Inspector almost 10 years ago. The fact that SGC's housing requirement must increase to address cross boundary/regional issues is clear, with even the council themselves acknowledging that an uplift to deal with Bristol City's unmet need is required. However, nothing has been done about this critical issue because of the failure of two strategic plans, and SGC's reluctance to consider the issue unilaterally. This has led to a situation where the Council is now seeking only to meet the needs set by the standard method and ignoring the housing requirement set out in the Core Strategy, even when it is widely acknowledged they need to be increased above the previously identified levels.
- 1.12 It has been identified that house price inflation in SGC has outstripped the large increases seen at both national and sub-regional level, emphasizing the potential that supply here is not keeping pace with demand.
- 1.13 There has been significant under delivery in affordable housing during the plan period, with a deficit of 2,098 against the SGC Core Strategy Targets, since 2006. There is also a significant number of households on the council's housing register, with no likelihood that they can all be suitably housed even if the current development plan is adhered to in full.
- 1.14 The strict application of policies linked to settlement boundaries that have not changed in respect of Old Sodbury and other settlements since 2006 is not the way to remedy this issue. In fact SGC have had to deviate from it, by approving residential developments outside the

settlement boundary, both when they have not been able to demonstrate a five-year housing land supply, but also when they have – with reference made to the need to boost a marginal housing supply given as a reason for doing this.

- 1.15 Therefore, it is my conclusion that there is a clear need for the open market and affordable housing that this development will deliver, attracting substantial and very substantial weight respectively, which in my view represents a material consideration that warrants the approval of the application even if a contrary view to my assessment on the need to apply the tilted balance is taken.

Sustainable Location

- 1.16 The council maintain that the site does not meet the requirements of policy PSP11 in terms of providing safe and useable sustainable transport links to everyday services and facilities. The evidence of Mr Tingay sets out that this conclusion does not stand up to scrutiny, and that there are key everyday facilities and services within safe, useable, and convenient walking distance of the appeal site.
- 1.17 His evidence also shows that the strict application of the distances that the supporting text to PSP11 sets out is inappropriate. For example, the evidence presented shows that the average walking and cycling commuting journey distance far exceeds 2km (walking 2.4km, with cycling at 8.8km). Both designated employment areas and Chipping Sodbury High Street lie just 2,150m away from the site, which would be easily accessible to commuters based on these average figures.
- 1.18 Even if a different conclusion were to be reached, PSP11 sets out that even when certain facilities are outside of the identified walking or cycling distances, residential proposals can be considered acceptable when they provide access to a suitable bus service. Mr Tingay has clearly identified that the bus service that serves the appeal site, with bus stops lying in very close proximity, far exceeds the policy requirements. The Council has agreed this to be the case and acknowledged that in ‘numerical terms, the site complies with policy PSP11’, but then seem to have objected to the site on the basis that the bus service could be improved. It is unclear why this policy has been applied in this way, for this particular proposal.
- 1.19 I have also outlined a range of other sites in similar settlements, with comparable bus service provision, although some with a less regular level of provision, which have been granted planning permission. It is my view PSP11 has been incorrectly and inconsistently applied in this appeal case when these cases are considered. Consistent decision taking is an essential component of a well-run planning system.

Benefits

- 1.20 I have outlined that the development will deliver a range of benefits in addition to the substantial and very substantial benefits of delivering open market and affordable homes on this site. These include:
- 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 affects 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.
- 1.21 Within my evidence I also consider the potential adverse effects that might weigh against these substantial benefits.

Potential Adverse Effects

- 1.22 A detailed suite of technical information supported the planning application, and this was considered by various consultees such as the LLFA, landscape and biodiversity officers, highways authority, etc. during consideration of the application. No detailed technical objections to these matters were raised as part of the application process, nor would such objections be justified.
- 1.23 It is agreed that some less than substantial heritage harm would arise from the development, but this is at the lowest end of the spectrum of such harm and does not constitute a clear reason for refusing the proposals. It is considered that the public benefits of the scheme far outweigh this.
- 1.24 I have considered the spatial strategy set out in Policy CS5, and how allowing the appeal proposals would comply with this and conclude that in fact they would meet favourably with the strategy by supporting growth at Chipping Sodbury. Even if a contrary view were to be taken, the conflict with the strategy could only conceivably be considered as being an adverse effect of minor weight.
- 1.25 I have considered an alternative conclusion to the one I reach regarding PSP11, which would result in an outcome of additional cars using local roads. However, I have considered the CO2 impacts of this to be small, and of minor weight, given the corresponding distances to service

and facilities and the trend towards electric vehicles which the development will support by providing each home with a car charging facility.

- 1.26 I have also considered an alternative view being reached regarding the landscape impact of development, where greenfield development will always change the character of the site and its immediate surroundings, but given the nature and location of the site consider any potential adverse effect in this regard to be minor only.

Conclusion

- 1.27 It is my professional opinion that the appeal site offers a suitable location for development which is urgently needed now. The tilted balance is engaged and the adverse effects cannot be conceivably considered to outweigh the substantial benefits of the scheme and certainly fall well short of the significant and demonstrable test set out at paragraph 11d)ii) of the Framework.
- 1.28 Even if the tilted balance were not engaged, I consider that the substantial benefits of the appeal scheme warrant permission in any event as they represent material considerations that justify such a departure, as paragraph 12 of the Framework recognises can occur.
- 1.29 I therefore conclude that the appeal should be allowed.



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