

**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

Final Statement of Common Ground (SoCG)

October 2022

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REPORT CONTROL

Project:	Old Sodbury
Report Type:	Statement of Common Ground
Client:	Redcliffe Homes Ltd
Our Reference:	477/A3/CC/MK
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1.0 INTRODUCTION

- 1.1 This Statement of Common Ground (SoCG) has been prepared by Grass Roots Planning Ltd on behalf of Redcliffe Homes and has been agreed with the Local Planning Authority (LPA), South Gloucestershire Council (SGC).
- 1.2 The SoCG sets out all matters that are agreed between the two parties and summarises the areas of disagreement between the parties. It covers the following points set out in the Planning Inspectorate's guidance as follows:
1. Appeal reference;
 2. Site address;
 3. Agreed description of development;
 4. List of plans that informed the Council's decision;
 5. List of any new plans not previously seen or consulted on by the local planning authority, including a brief explanation of any revisions or amendments with reference to the 'Wheatcroft Principles';
 6. Relevant planning history;
 7. List of the most important development plan policies for determining the application, focussing in particular on those recited in the reasons for refusal;
 8. Other relevant planning policy/guidance/material considerations and weight to be afforded;
 9. Areas where the parties are working together and there is a prospect of resolving a related reason for refusal;
 10. A table setting out areas of agreement and disagreement in relation to each remaining reason for refusal on a topic-by-topic basis;
 11. List of possible conditions (as an Appendix) and the reasons for them, including any that are not agreed;
 12. A statement of compliance with statutory and policy requirements for the conditions and Section 106;
 13. Draft heads of terms of any Section 106 obligations (as an Appendix); and
 14. Core Documents list appended to the statement (as an Appendix).
- 1.3 In accordance with the above, the following Appendices have been provided:
- Appendix 1 – List of draft Conditions
 - Appendix 1(i) – Statement of Compliance
 - Appendix 2 – Draft Heads of Terms/s106 Agreement
 - Appendix 3 – Core Documents List

2.0 BACKGROUND TO THE APPEAL

- 2.1 This section of the SoCG addresses points 1-6 of the Planning Inspectorate's guidance on SoCGs.

Appeal Reference, Site Address & Description of Development

- 2.2 This SoCG relates to an appeal against South Gloucestershire's refusal of a detailed planning application for the development of a site known as land to the south of Badminton Road, Old Sodbury ("the site"). The LPA's description of the development (which is agreed) is as follows:

'Erection of 35 no. dwellings with garages and associated works'.

- 2.3 The planning application was made valid on the 14th May 2021 and given the reference number P21/03344/F. A decision was made and planning permission was refused on the 28th January 2022.

List of Plans

- 2.4 The list of plans that informed the Council's decision was as follows:

Received 13th October 2021:

- 13351_1000 Rev A Red Line Boundary Plan
- 13351_6000 Rev C Axminster - 2B.4P.843
- 13351_6001.1 Rev B Sherston - 3B.5P.1034_V1
- 13351_6001.2 Rev A Sherston - 3B.5P.1034_V2
- 13351_6002 Rev A Dyrham - 3B.5P.1167
- 13351_6003.1 Rev B Foxham - 3B.5P.1183_V1
- 13351_6003.2 Rev A Foxham - 3B.5P.1183_V2
- 13351_6004 Rev B York - 4B.6P.1306
- 13351_6005.1 Rev B Banbury - 4B.7P.1530_V1
- 13351_6005.2 Rev A Banbury - 4B.7P.1530_V2
- 13351_6006 Rev A Berkeley - 2B.4P.867
- 13351_6011.1 Rev B HA - 2B.4P.864_V1
- 13351_6013 Rev B HA - 3B.5P.1038
- 13351_6014 Rev B M4(3) HA - 4B.6P.1169
- 13351_6015 HA APT- 1B.2P.601_741
- 13351_6201 Rev A Single Garage V1 & V2
- 13351_6202 Rev A Single Plus Garage
- 13351_6203 Rev A Double_Twin Garage

- 13351_6204 Rev B Single & Single Plus Garage
- 13351_6206 Rev A Substation

Received 18th November 2021

- 13351_3600 Rev G Street Elevations AA & BB
- 13351_5010 Rev H Materials, Hard Surface & Boundary Strategy
- 13351_5011 Rev E Affordable Strategy
- 13351_5012 Rev E Storey Heights Strategy
- 13351_5013 Rev F Parking Cycle Strategy
- 13351_5014 Rev E Refuse Strategy
- 13351_5015 Rev I Landscape Strategy
- 13351_6011.2 Rev D HA - 2B.4P.864_V2 (Plot 29)
- 13351_6012.1 HA - 3B.5P.1018_V1 (Plot 22)
- 13351_6012.2 Rev A HA - 3B.5P.1018_V2 (Plot 31)

Received 14th December 2021

- 13351_5000 Rev Q Planning Layout

Other Documents that informed the Council Decision

- Affordable Housing Statement
- Statement of Community Involvement
- CIL Form
- Design & Access Statement (Rev F)
- Flood Risk Assessment
- Landscape & Visual Impact Assessment (Rev C)
- Transport Assessment
- Technical Note 2
- Technical Note 3
- Arboricultural Assessment
- Ecological Impact Assessment
- Great Crested Newt Risk Avoidance Measures Statement
- Noise and Vibration Survey
- Planning Statement
- Energy Assessment
- Heritage Assessment
- Sustainability Statement Report A (DP11-RHL)

Plans submitted with the appeal

- 2.5 We can confirm that currently, no new plans will be submitted as part of the appeal.

Relevant Planning History

- 2.6 The site entrance onto Badminton Road was subject to an application for works to Common Land in 2020 (Ref: COM/3249848); 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.
- 2.7 Apart from this Common Land application, the site has no known planning history aside from the proposals now subject to this appeal. Previous works/operations on the site have been undertaken by Network Rail under statutory operator's permitted development rights.
- 2.8 Land adjacent to the site was granted planning permission in 2004 for a development of 9 dwellings (PK01/3133/F).

3.0 PLANNING POLICY

- 3.1 This section of the SoCG addresses points 7-8 of the Planning Inspectorate's guidance.
- 3.2 Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan, unless other material considerations indicate otherwise.
- 3.3 In this case, the relevant development plan which applies to the application proposals is the following:
- Core Strategy (CS), adopted in December 2013 (and covers the plan period 2006-2027); and
 - Policies, Sites and Places Plan (PSP), adopted in November 2017.

Core Strategy

- 3.4 The Core Strategy sets out the overall development strategy for South Gloucestershire and contains the strategic planning policies to deliver that strategy.
- 3.5 The parties agree that the following policies set out in the CS are relevant to the determination of this appeal:
- CS1 (High Quality Design)
 - CS2 (Green Infrastructure)
 - CS8 (Improving Accessibility)
 - CS5 (Location of Development)
 - CS6 (Infrastructure & Developer Contributions)
 - CS8 (Improving Accessibility)
 - CS9 (Heritage & the Natural Environment)
 - CS15 (Distribution of Housing)
 - CS16 (Housing Density)
 - CS17 (Housing Diversity)
 - CS18 (Affordable Housing)
 - CS23 (Community infrastructure and cultural activity)
 - CS24 (Green Infrastructure, Sport and Recreation Standards)
 - CS34 (Rural Areas)

Policies, Sites and Places Plan

- 3.6 The PSP supports the Core Strategy and aims to deliver its policies.
- 3.7 The parties agree that the following policies set out in the PSP are relevant to the determination of this appeal:
- PSP1 (Local Distinctiveness)
 - PSP2 (Landscape)
 - PSP3 (Trees & Woodland)
 - PSP6 (Onsite Renewable & Low Carbon Energy)
 - PSP8 (Residential Amenity)
 - PSP10 (Active Travel Route)
 - PSP11 (Transport Impact Management)
 - PSP16 (Parking Standards)
 - PSP17 (Heritage Assets & the Historic Environment)
 - PSP19 (Wider Biodiversity)
 - PSP20 (Flood Risk, Surface Water & Watercourse Management)
 - PSP21 (Environmental Pollution and Impacts)
 - PSP40 (Residential Development in the Countryside)
 - PSP43 (Private Amenity Space Standards)

Other Material Considerations

National Planning Policy Framework (NPPF)

- 3.8 National planning policy is provided in the National Planning Policy Framework (NPPF). The most recent version was updated in July 2021 and sets out the Government's planning policies for England.
- 3.9 Both parties agree the following general provisions of the NPPF are relevant to this appeal:
- Paragraph 2 sets out that planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions.
 - At the heart of the NPPF is a presumption in favour of sustainable development;
 - Paragraph 8 sets out the overarching objectives of sustainable development, which includes the following objectives:
 - An economic objective;

- A social objective; and
 - An environmental objective.
- Paragraph 11 sets out the presumption in favour of sustainable development. For decision-taking, this means:
 - c) approving development proposals that accord with an up-to-date development plan without delay; or*
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, 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; 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.*
- Footnote 7 clarifies that the policies referred to in part (d)(ii) of Paragraph 11 are those in the Framework rather than those in development plans and relates to habitats sites, Sites of Special Scientific Interest, Green Belt, Local Green Space, Areas of Outstanding Natural Beauty, National Parks, Heritage Coast, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change.
- Footnote 8 states that part (d) of paragraph 11 will be applied to applications for housing where the authority cannot demonstrate a 5YHLS or where the Housing Delivery test indicates that delivery was below 75% of the housing requirement over the previous three years.
- Paragraph 33 confirms that local plan policies and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. It goes on to state that reviews should be completed no later than five years from the adoption of a plan.
- Paragraph 60 sets out that the Government's objective is to significantly 'boost' the supply of homes and ensure that a sufficient amount and variety of land can come forward where it is needed.
- Paragraph 74 states that:

"Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old".
- Footnote 39 then goes on to state that authorities do not need to assess five-year housing land supply against local housing need, if they have reviewed their strategic policies and found that they do not require updating.

- Paragraph 79 states that 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 another nearby.
- Paragraph 105 requires the active management of patterns of growth, with significant development focused on locations which are or can be made sustainable, through limiting the need to travel.
- Paragraph 119 requires decisions to promote an effective use of land.

Housing Delivery Test: 2021 Measurement Technical Note

3.10 This document sets out the technical process followed in order to calculate the 2021 Housing Delivery Test result.

3.11 Footnote 8 of this Guidance sets out the following:

“An ‘up to date plan’ for the purposes of the Housing Delivery test is a plan with an adopted housing requirement which is less than 5 years old or is older than 5 years old and has been reviewed and found not to require updating. ‘Out of date’ for the purposes of the Housing Delivery Test, is a plan with an adopted housing requirement which is 5 years old or older and: has not been reviewed or a review has been carried out after the 5-year deadline or a plan review has found that the strategic housing policies require updating”.

West of England Spatial Development Strategy

3.12 The Spatial Development Strategy (SDS) for the West of England was being jointly prepared by South Gloucestershire, City of Bristol and North Somerset Councils. As of Friday 13th May 2022, work on this plan has been halted as agreement on the plan by the councils has not been reached.

South Gloucestershire Emerging Local Plan

3.13 SGC have begun preparing their new Local Plan, which will include a new strategy and policies to guide and manage growth over the next 15 years. This was designed to ‘dovetail’ with the SDS.

3.14 The timeline and/or Local Development Scheme for the preparation and adoption of the new Local Plan has yet to be updated since the SDS was halted. The council released a statement on its website on the 31st of August 2022, setting out that along with the other West of England

authorities, it will be taking forward strategic planning in its new Local Plan. The timetable was for the updated LDS was agreed at the South Gloucestershire Cabinet on 10th October 2022.

- 3.15 Two phases of consultation have been carried out in respect to the emerging plan, the latest of which ran between February and April 2022. The 'Phase 2' consultation document identifies that Old Sodbury is an area that the LPA suggests could be investigated for some level of local plan led growth of 5 or more homes. This is an early-stage regulation 18 document and holds very limited weight.

4.0 AREAS WHERE THE PARTIES ARE WORKING TOGETHER

- 4.1 This part of the SoCG addresses point 9 of the Planning Inspectorate's guidance.
- 4.2 Reasons for refusal (RFR) 3 – 7 relate primarily to the absence of an appropriate s106 agreement to secure planning obligations and contributions.
- 4.3 Draft Heads of Terms were submitted with the appeal and it is anticipated that these reasons for refusal will be addressed prior to the closing of the Inquiry, through the completion of a s106 agreement.
- 4.4 With respect to RFR3 in particular, the proposals originally included a carriageway build out in order to achieve sufficient visibility. Whilst the appellants were confident this was an appropriate solution to the site's development, the highways authority objected to the build out. As such, a series of alternative traffic calming / speed reduction measures were proposed which will be secured within the s106. This would avoid the need for a build-out and sufficient visibility splays could be achieved based on this reduced speed. The highways authority agreed to this approach but had to apply RFR3 in the event that a s106 was not agreed.
- 4.5 It is agreed that the proposals comply with the development plan in respect to matters of urban design, amenity, heritage, archaeology, landscape, ecology, flood risk & drainage, contaminated land, noise, parking standards (following design amendments), and highways safety (once the s106 has been completed).
- 4.6 With respect to heritage, it is agreed that the proposals would result in less than substantial harm to the significance of the Grade II listed Spring Grove House and Hartley House (weight to be accorded as set out in paragraph 199 of the NPPF).

5.0 AREAS OF AGREEMENT/DISAGREEMENT

AREAS OF AGREEMENT		AREAS OF DISAGREEMENT	
REASON FOR REFUSAL 1 (THE PRINCIPLE OF DEVELOPMENT)			
Development Plan Policies			
<ul style="list-style-type: none">Both parties agree that there may be other reasons why a development plan should be considered ‘out-of-date’, other than a lack of 5YHLS or a failure to meet the Housing Delivery Test requirements.Both parties agree that the policies of most relevant to the appeal proposals in terms of RFR1 are policy CS5 and CS34.There is no dispute that settlement boundaries would need to be reviewed as part of a new South Gloucestershire Local Plan. Both parties agree that any methodology to inform updates to the Settlement Boundaries would likely need to take into account recent planning permissions.It is agreed between the parties that the site lies outside of the development boundary which was adopted as part of the South Gloucestershire Core Strategy.		<ul style="list-style-type: none">It is not agreed on the weight to be attributed to policy CS5, CS15 and CS34 of the Core Strategy and policies PSP11 and PSP40 of the Policies Sites and Places PlanIt is not agreed that the site lies in an accessible location for development.	
Five Year Housing Land Supply			
<ul style="list-style-type: none">Both parties agree that where an LPA cannot demonstrate a 5YHLS, policies relating to the supply of housing cannot be considered ‘up-to-date’.It is agreed that the site would make a contribution to the supply of affordable housing which is of significant weight in the planning balance.It is agreed that, should the adopted housing requirement set out in the Core Strategy be used in the five-year housing land supply calculations, contrary to paragraph 74 of the NPPF, the authority would be unable to demonstrate a 5YHLS.It is agreed that for the purposes of 5YHLS calculations, the following figures should be used:<ul style="list-style-type: none">A baseline annual need of 1,388 dwellings per annum, based on the calculation of the standard method, equating to 6,940 dwellings over five years;5% buffer applied as a result of the HDT;Therefore the overall 5YHLS requirement is 7,287 dwellings.It is agreed that a further Statement of Common Ground in respect to the supply component of the 5YHLS issue will be submitted at a later date, in agreement with PINS.		<ul style="list-style-type: none">It is not agreed that the authority can demonstrate a five-year housing land supply.It is agreed that the site would make a contribution to the supply of market homes – there is disagreement as to the weight attributed to this benefit which is given moderate weight in the planning balance by the council, and significant weight by the appellant.The Council considers that the Core Strategy policy that contains the housing requirement for the District 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.	

AREAS OF AGREEMENT	AREAS OF DISAGREEMENT
REASON FOR REFUSAL 2 (SUSTAINABILITY)	
Development Plan Policies	
<ul style="list-style-type: none"> • In respect to policy PSP11, the parties agree on the following points: <ul style="list-style-type: none"> ○ If the s106 is executed to deliver the agreed traffic calming measures, safe, accessible, and attractive access is provided arising to and from the proposal; ○ The proposals are not providing new or improved bus stops and this element of the policy is irrelevant (Point 2); ○ The proposals are not for commercial development and as such the elements of the policy relating to this are irrelevant (Points 4 and 5); ○ It is agreed that the proposals would not generate traffic that would create or contribute to severe congestion, severely impact on the amenities of communities surrounding access routes, have an unacceptable effect on highway and road safety, nor would they harm an environmentally sensitive area; ○ It is agreed that bus routes are subject to public subsidy; ○ It is agreed that, subject to the signing of the S106, the transport related infrastructure provided in relation to the development would not create or exacerbate traffic congestion or have an unacceptable effect on highway and road safety; ○ It is agreed that unobstructed emergency vehicle access has been provided; and ○ It is agreed that an appropriate Transport Assessment was provided with the application and a Travel Plan will be secured via condition/s106 agreement, if required. • In respect to paragraph 5.24 of the Core Strategy which supports policy PSP11, it is agreed that: <ul style="list-style-type: none"> ○ There are a number of individual or combined bus services which give a journey time of under 1 hour to key facilities that are beyond appropriate walking and cycling distances; ○ There is a bus service leaving the key facilities after 17:00; and ○ There are at least 5 bus services per weekday, 3 at weekends, to and from the destination where key facilities are contained. 	<ul style="list-style-type: none"> • As to the extent that PSP11 is up to date in respect to consistency with the Framework • It is not agreed that the proposals comply with policy PSP11 in respect to the following matters: <ul style="list-style-type: none"> - Whether safe, useable walking and/or cycling routes are available within an appropriate distance to key services and facilities; and - That there are appropriate public transport services at appropriate frequencies and times which connects the site to destinations containing the remaining key services and facilities. • It is not agreed whether the proposals would result in occupants relying heavily on the private car, nor whether this constitutes an adverse effect. • It is not agreed whether the proposals conflict with Policy CS8 Improving Accessibility, which states that <i>“developments which are car dependent or promote unsustainable travel behaviour will not be supported”</i>.

Signed on behalf of the Appellant:



Matthew Kendrick

Director (Grass Roots Planning)

Signed on behalf of the Council:

David Stockdale

David Stockdale

Principal Planning Officer (South Gloucestershire Council)

Appendix 1 – List of Draft Conditions

List of Draft Conditions

Compliance

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

2. The development hereby approved shall be carried out in strict accordance with the following plans:

Received 13th October 2021:

- 13351_1000 Rev A Red Line Boundary Plan
- 13351_6000 Rev C Axminster - 2B.4P.843
- 13351_6001.1 Rev B Sherston - 3B.5P.1034_V1
- 13351_6001.2 Rev A Sherston - 3B.5P.1034_V2
- 13351_6002 Rev A Dyrham - 3B.5P.1167
- 13351_6003.1 Rev B Foxham - 3B.5P.1183_V1
- 13351_6003.2 Rev A Foxham - 3B.5P.1183_V2
- 13351_6004 Rev B York - 4B.6P.1306
- 13351_6005.1 Rev B Banbury - 4B.7P.1530_V1
- 13351_6005.2 Rev A Banbury - 4B.7P.1530_V2
- 13351_6006 Rev A Berkeley - 2B.4P.867
- 13351_6011.1 Rev B HA - 2B.4P.864_V1
- 13351_6013 Rev B HA - 3B.5P.1038
- 13351_6014 Rev B M4(3) HA - 4B.6P.1169
- 13351_6015 HA APT- 1B.2P.601_741
- 13351_6201 Rev A Single Garage V1 & V2
- 13351_6202 Rev A Single Plus Garage
- 13351_6203 Rev A Double_Twin Garage
- 13351_6204 Rev B Single & Single Plus Garage
- 13351_6206 Rev A Substation

Received 18th November 2021:

- 13351_3600 Rev G Street Elevations AA & BB
- 13351_5010 Rev H Materials, Hard Surface & Boundary Strategy

- 13351_5011 Rev E Affordable Strategy
- 13351_5012 Rev E Storey Heights Strategy
- 13351_5013 Rev F Parking Cycle Strategy
- 13351_5014 Rev E Refuse Strategy
- 13351_5015 Rev I Landscape Strategy
- 13351_6011.2 Rev D HA - 2B.4P.864_V2 (Plot 29)
- 13351_6012.1 HA - 3B.5P.1018_V1 (Plot 22)
- 13351_6012.2 Rev A HA - 3B.5P.1018_V2 (Plot 31)
- 0956-007A Site Access and Visibility Splays Plan

Received 14th December 2021:

- 13351_5000 Rev Q Planning Layout

3. The development shall proceed in strict accordance with the Mitigation Measures provided in the Ecological Impact Assessment (Grass Roots Ecology, May 2021) and the Reasonable Avoidance Measures (RAMs) (Grass Roots Ecology, January 2022).

Reason

In the interests of wildlife and the ecology of the site and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and PSP19 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017.

4. The attenuation measures outlined in the Environmental Noise Assessment prepared by Acoustic Consultants Ltd (Ref: 8866/RD) dated April 2021 shall be incorporated into the development proposals.

Reason

To ensure occupiers of the residential units enjoy an adequate standard of residential amenity and are not adversely affected by noise and to accord with Policy CS9 of the South Gloucestershire Council Local Plan Core Strategy (adopted) December 2013; and Policy PSP21 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017.

Pre-Commencement

5. Prior to the commencement of any groundworks, including any exempt infrastructure, geotechnical or remediation works, a programme of archaeological work and subsequent detailed mitigation, outreach and publication strategy, including a timetable for the mitigation strategy, must be submitted to and approved by the local planning authority. Thereafter the

approved programme of mitigated measures and method of outreach and publication shall be implemented in all respects.

Reason

In the interest of archaeological investigation or recording, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP17 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017.

6. Prior to commencement, a “lighting design strategy for biodiversity” for the boundary features and any native planting shall be submitted to and approved in writing by the local planning authority. The strategy shall:
 - Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason

To ensure that dark corridors for bats are retained in the interests of wildlife and the ecology of the site and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and PSP19 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017.

7. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall be written in accordance with BS42020, including mitigation details on birds, great crested newt, reptiles, dormice and badger, as well as any pollution prevention measures.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason

To ensure that the construction of the development does not bring about adverse impacts in terms of ecology, highway safety and the amenities of the area and to accord with policies CS1, CS2, CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and policies PSP8, PSP10, PSP11, PSP19, PSP21 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017. This is a pre-commencement condition to avoid any adverse impacts.

8. Prior to the commencement of development, a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority. The LEMP shall be written in accordance with BS42020 and cover enabling works/construction period and a subsequent 20 Year management period following completion of the development, identifying existing and proposed landscape and ecology related site assets, associated management objectives, schedules of the scope and frequency of annual maintenance work together with longer term management operations. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason

In the interests of wildlife and the ecology of the site and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and PSP19 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017. This is a pre-commencement condition to ensure that wildlife on the site is adequately protected.

9. A pre-commencement check is to be undertaken to confirm absence of badgers immediately prior to works starting. If badger setts are recorded and could be impacted by the development, details of mitigation are to be submitted to the local authority prior to works commencing. The development shall then be carried out in accordance with the approved mitigation scheme.

Reason

In the interests of wildlife and the ecology of the site and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and PSP19 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017.

10. Due to local records of slow worms and the age of the reptile survey, a reptile mitigation strategy is to be submitted prior to commencement of works. The development will be carried out in accordance with the approved mitigation scheme.

Reason

In the interests of wildlife and the ecology of the site and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and PSP19 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017.

11. Prior to commencement the Energy Statement (dated 11th November 2021) shall be revised and provided to the local planning authority for approval. The revised statement shall set out full details of the air source heat pumps to be installed in each dwelling including the specification, output capacity (kW), and details of the heat distribution system (emitters), domestic hot water storage and heating controls. Thereafter the scheme shall be completed in accordance with the details in the revised energy statement.

Reason

To achieve improved energy conservation and protect environmental resources, to ensure that the development contributes to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions, in accordance Policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and policy PSP6 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017.

12. Prior to commencement the applicant shall provide calculations showing the reduction in energy demand and CO₂ emissions for this scheme, as a result of the specification of energy efficiency and renewable energy generation measures. The calculations shall be presented using Energy Table 1 in the SGC guidance and demonstrate that the scheme achieves a reduction in residual emissions of at least 20% against pre-June 2022 building regulations in accordance with the methodology set out in the guidance. The development shall be carried out in accordance with the submitted and agreed details.

Reason

To provide assurance that the reduction in residual emissions required under policy PSP6 has been achieved.

13. Prior to commencement the applicant shall provide thermal analysis showing that the development will not be liable to overheating. The analysis shall use the methodology set out in Section 2: Dynamic thermal modelling of Approved Document O, 2021 edition, Building Regulations 2010. Where the analysis shows that one or more dwellings are liable to overheating suitable mitigation measures shall be incorporated into the design and a revised Energy Statement describing these provided to the local planning authority for approval. Thereafter, the scheme shall be constructed in accordance with the revised Energy Statement.

Reason

To provide assurance that the scheme will not be liable to overheating in light of projected changes in the local climate as a consequence of global heating in accordance Policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and policy PSP6 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017.

14. Prior to commencement details of charging provision for electric vehicle shall be provided to the local planning authority for approval. These shall include drawings showing the exact location of charge points, and the specification of the cabling/charge points. The development shall be carried out in accordance with the approved details

Reason

To provide assurance that the scheme is capable of supporting the transition to electric vehicles in accordance Policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and policy PSP6 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017.

15. No development shall commence until surface water and foul sewage drainage details including SUDS (Sustainable Drainage Systems e.g., soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority. The detailed design for attenuation basin shall demonstrate how its profile/appearance will be sympathetically integrated into the open space. The development shall be carried out in accordance with the approved details.

Reason

To comply with South Gloucestershire Local Plan: Policies, Sites and Plans Plan (Adopted) November 2017 Policy PSP20; South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 Policy CS1 and Policy CS9; and National Planning Policy Framework 2018.

16. Prior to the commencement of the development, the tree protection fencing measures outlined in the submitted Arboricultural Assessment prepared by Tim Pursey (dated April

2021) shall be implemented in accordance with BS:5837 (2012). Thereafter the development shall be implemented in accordance with the agreed details. All tree protection must be left in place for the duration of the construction of the development and should not be moved without written authorisation by the Local Planning Authority.

Reason

In the interests of the health and visual amenity of trees and to accord with policy PSP3 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017. This is a pre-commencement condition to ensure that trees are protected before any development starts.

17. Prior to the commencement of development, a detailed planting plan specifying the location, species, stock size, planting centres and quantities of all proposed tree and structure/hedge/shrub and marginal planting, which shall be supported by an implementation specification (including tree pit details) shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the soft landscaping details hereby approved, shall be carried out no later than the first planting and seeding season following the substantive completion of each area of the development hereby approved, and any trees or plants (excluding private garden curtilages) which die, are removed or become seriously damaged or diseased shall be replaced in the next planting seasons with others of a size and species as shall reasonably be specified by the Local Planning Authority.

Reason

In the interests of the character and appearance of the area, and to accord with policy PSP2 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017; and policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

18. All planting, seeding or turfing comprised in the soft landscaping details hereby approved, shall be carried out no later than the first planting and seeding season following the substantive completion of the development hereby approved, and any trees or plants (retained or planted) which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting seasons with others of a size and species as shall reasonably be specified by the Local Planning Authority.

Reason

In the interests of the character and appearance of the area, and to accord with policy PSP2 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017; and policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

Prior to the commencement of above ground works samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

19. Prior to the commencement of development full details of hard landscaping works have been submitted in writing to the Local Planning Authority for approval. The hard landscaping details shall include proposed finished levels or contours including any soil retention/retaining walls that may be required; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g., furniture, play equipment, refuse or other storage units, signs, lighting); with a supporting schedule of proposed manufacturer hard landscape materials and site furniture products.

Reason

In the interests of the character and appearance of the area, and to accord with policy PSP2 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017; and policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

20. Prior to the first occupation of any dwelling hereby permitted, a travel plan shall be submitted to and approved in writing by the local planning authority. The travel plan shall therefore be implemented in full in accordance with the approved details.

Reason

To encourage means of transportation other than the private car, to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

Appendix 1(i) – Statement of Compliance with Statutory and Policy Requirements

- 1.1 It is considered that the list of draft conditions complies with the various statutory and planning requirements, including the following:
- Sections 70, 72, 73, 73A and Schedule 5 of the Town and Country Planning Act 1990;
 - Town and Country Planning (Pre-Commencement Conditions) Regulations 2018;
 - Paragraph 55 of the National Planning Policy Framework; and
 - Relevant planning practice guidance.

Appendix 2 – Draft Heads of Terms / s106 Agreement

Draft Heads of Terms

1.1 It is understood from the case officer's report that the draft Heads of Terms are as follows:

- On-site Affordable Housing provision (35% with a 76:24 Social Rent / Shared Ownership Split).
- Provision, management and maintenance of on-site open space (informal open space and natural and semi-natural open space).
- Financial contributions towards education provision:
 - Nursery (£31,671)
 - Primary (£158,910)
 - Secondary (£120,420)
- Financial contributions towards library provision:
 - Library enhancement (£651.02)
 - Additional Stock (£682)
- Financial contributions towards off-site open space:
 - Natural and Semi-natural Open Space (£10,053.41 for provision and £16,677.58 for maintenance)
 - Outdoor Sports Facilities (£74,374.82 for provision and £22,510.70 for maintenance)
 - Provision for children and young people (£37,518.37 for provision and £39,450.85 for maintenance)
 - Allotments (£1,704.86 for provision and £2,173.81 for maintenance).
- Provision of on- and off-site highways works to include the site access, traffic calming and new signal-controlled crossing near to the Dog Inn, Old Sodbury

1.2 A draft s106 has been submitted to the Council's legal team, based on the terms set out above.

Appendix 3 – Core Documents List

CD 1 - Development Plan and National Planning Policy

- CD1.1 - South Gloucestershire Core Strategy (whole document)

Key Policies referred to in Refusal Reasons and Proofs

- CD1.1 A – Policy CS1 High Quality Design
- CD1.1 B – Policy CS5 Location of Development
- CD1.1 C – Policy CS6 Infrastructure and Developer Contributions
- CD1.1 D – Policy CS8 Improving Accessibility
- CD1.1 E – Policy CS15 Distribution of Housing
- CD1.1 F – Policy CS18 Affordable Housing
- CD1.1 G – Policy CS23 Community Infrastructure
- CD1.1 H – Policy CS24 Green Infrastructure, Sport, Recreation
- CD1.1 I – Policy CS34 Rural Areas
- CD1.2 - South Gloucestershire Core Strategy Inspector's Report
- CD1.3 - Adopted Places Sites and Policies Plan (whole document)
- CD1.3 A – PSP 11 Traffic Impact Management
- CD1.3 B – PSP40 Residential Development in the Countryside
- CD1.4 - Local Plan Issues and Options Approaches Consultation
- CD1.5 - South Gloucestershire Local Delivery Programme
- CD1.6 - National Planning Policy Framework (whole document)
- CD1.7 Local Plan 2020 – Phase 2 Urban, Rural and Key Issues | BETA - South Gloucestershire Council (southglos.gov.uk)
- CD1.8 *Local Plan Delivery Programme (LPDP) Appendix 1.pdf* (southglos.gov.uk)
- CD1.9 - South Gloucestershire Councils 5 Year Housing Land Supply Position Statement 2021

CD1.10 Housing Delivery Test Results 2021

CD2 Relevant Consultation Responses

- CD2.1 Police Community Safety Officer
- CD2.2 Environment Agency
- CD2.3 South Gloucestershire Environmental Protection Team

- CD2.4 South Gloucestershire Urban Design Officer
- CD2.5 South Gloucestershire Children and Early Years Dept
- CD2.6 South Gloucestershire Housing Enabling
- CD2.7 South Gloucestershire Environmental Policy & Climate Change Team
- CD2.8 South Gloucestershire Ecologist
- CD2.9 South Gloucestershire Environmental Protection (Contamination)
- CD2.10 South Gloucestershire Arts Development Officer
- CD2.11 South Gloucestershire Tree Officer
- CD2.12 South Gloucestershire Public Rights of Way Team
- CD2.13 South Gloucestershire Landscape Officer
- CD2.14 South Gloucestershire Listed Building Officer
- CD2.15 South Gloucestershire Lead Local Flood Authority
- CD2.16 South Gloucestershire Community Infrastructure (Libraries)
- CD2.17 South Gloucestershire Community Infrastructure (POS)
- CD2.18 South Gloucestershire Archaeologist
- CD2.19 South Gloucestershire Highway Structures
- CD2.20 South Gloucestershire Sustainable Transport

CD 3 - Transport Core Documents

- CD3.1- Manual for Streets – DfT – March 2007
- CD3.2- Providing for Journeys on Foot - IHT – May 2000¹
- CD3.3- Planning for Walking - CIHT - April 2015
- CD3.4- Local Cycle and Walking Infrastructure Plan 2020 to 2036 – West of England – Jan 2021
- CD3.5- Future Zone: Dynamic, Demand Responsive Transport webpage – West of England Combined Authority

CD4 Officer's Report and Decision

- CD4.1 Circulated Schedule Report 20th January 22
- CD4.2 Decision Notice dated 28 January 22

CD5 Local Facilities Plan

- CD5.1 Local Facilities Plan

CD6 Relevant Appeal Decisions & Judgements

- CD6.1 Little Sparrows, Sonning Common, Oxfordshire (Appeal Ref: APP/Q3115/W/20/3265861)
- CD6.2 Land off Audlem Road / Broad Lane, Stapeley, Nantwich (Appeal Ref: APP/R0660/A/13/2197532)
- CD6.3 Land at Manor Farm, Combe Hill, Templecombe (Appeal Ref: APP/R3325/W/20/3265558)
- CD6.4 Land at Green Road, Woolpit (Appeal Ref: APP/W3520/W/18/3194926)
- CD6.5 Darnhall School Lane, Winsford (Appeal Ref: APP/A0665/W/14/2212671)
- CD6.6 Cox Green Road, Surrey (Appeal Ref: APP/R3650/W/19/3227970)
- CD6.7 Land off Wentwood Drive, Weston-super-Mare (Appeal Ref: APP/D0121/W/16/3151660)
- CD6.8 Land at Burgess Farm, Hilton Lane, Worsley, Manchester (Appeal Ref: APP/U4230/A/11/2157433)
- CD6.9 Suffolk Coastal District Council v Hopkins Homes Ltd and another Richborough Estates Partnerships LLP and another v Cheshire East Borough Council [2017] UKSC 37
- CD6.10 Land at junction with Carr Road and Hollin Busk Lane, Sheffield (Appeal Ref: APP/J4423/W/21/3267168)
- CD6.11 Land south of Gloucester Road, Thornbury (Appeal Ref: APP/P0119/W/17/3189592)

CD7 Relevant Committee Reports

- CD7.1 Land north of Iron Acton Way, Yate (Ref: P19/2575/F)
- CD7.2 Land at Pool Farm, Wotton Road, Rangeworthy (Ref: P20/06928/O)
- CD7.3 Land south of Park Street, Hawkesbury Upton (Ref: PK18/1532/O)
- CD7.4 Land at Duck Street, Tytherington (Ref: PT17/2240/F)
- CD7.5 Land to the West of Stowell Hill Road, Tytherington (Ref: PT17/2331/O)
- CD7.6 Heneage Farm, Moorslade Lane, Falfield (Ref: PT17/4800/O)

CD8 Relevant Evidence

- CD8.1 Lichfield's 'Start to Finish – What factors affect the build-out rates of large scale housing sites?' (February 2020)
- CD8.2 Inspectors' Letter to JSP Examination (September 2019)

- CD8.3 Joint West of England Strategic Housing Market Assessment 2009v2
- CD8.4 Number of Applicants in Affordable Housing Need (2020)
- CD8.5 Interim Sustainable Rural Villages and Settlements Ranking Methodology (January 2022) – Report prepared by ARUP on behalf of the Council
- CD8.6 The Economic Footprint of House Building in England and Wales (July 2018)
- CD8.7 Urban Living Potential Bristol (April 2018)
- CD8.8 JSP Housing Land Supply



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