

**Land at Broom Hill / Brislington Meadows,
Broomhill Road, Brislington**

**Appellant's Statement of Case
October 2022**

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- **Appendix A** – Core Documents List
- **Appendix B** – Comparison Plan of Site Location Boundary and adopted Policies Map
Extract (LDA Design Drawing No. 7456_046)

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Comment FINAL

This document has been prepared and checked in accordance with ISO 9001:2015.

1. Introduction

- 1.1 This Statement of Case (“**SoC**”) has been prepared by LDA Design on behalf of Homes England (“**the Appellant**”). The appeal is made pursuant to s. 78 of the Town and Country Planning Act 1990 against Bristol City Council’s (“**the Council**”) failure to determine an outline planning application for the following development:

*Application for Outline Planning Permission with some matters reserved - Development of up to 260 new residential dwellings (Class C3 use) together with pedestrian, cycle and vehicular access, cycle and car parking, public open space and associated infrastructure. Approval sought for access with all other matters reserved. (“**the Appeal Scheme**”).*

- 1.2 The appeal is submitted in respect of land at Broom Hill / Brislington Meadows, Broomhill Road, Brislington (“**the Appeal Site**”).
- 1.3 The application for planning permission the subject of this appeal was registered as a valid application on 27 April 2022 and given application reference 22/01878/P. Additional information has been submitted by the Appellant to the Council as requested by statutory consultees, and as discussed in this SoC, with the latest submission of details made on 7 October 2022 in response to the landscape and ecology and arboricultural comments received.
- 1.4 The statutory determination date for this application was 27 July 2022 (13 weeks). No extension of time has been agreed between the Appellant and the Council and no decision has been made on the application.
- 1.5 At the time of this appeal submission, only statutory consultee comments have been received. Whilst there are no formal reasons for refusal of the application at this stage, in this SoC the Appellant has sought to address the outstanding matters or concerns raised by consultees to help shape where matters are agreed or disagreed between the parties.
- 1.6 The Appellant reserves the right to add to the SoC and provide additional evidence in response to issues raised by the Council (including reasons for refusal, if any) and third parties during the course of the appeal.
- 1.7 A draft Statement of Common Ground (“**SOCG**”) is also submitted, which the Appellant will seek to agree with the Council.
- 1.8 Where matters in the SOCG cannot be agreed with the Council, evidence will be presented at the Inquiry to address such matters. Every reasonable attempt will be made to ensure that agreed details will not be repeated in written evidence.

Structure of this Statement

- 1.9 This Statement has been prepared in accordance with the PINS Guidance.
- 1.10 An Appeal Procedure Statement is appended to this Statement (**Appendix C**).
- 1.11 This Appeal Statement is also supported by a Core Documents list referred to herein and relevant to the determination of the appeal.
- 1.12 The following terms are used in this statement:

Appeal Scheme	the application submitted to the Council for Outline Planning Permission with some matters reserved for 'development of up to 260 new residential dwellings (Class C3 use) together with pedestrian, cycle and vehicular access, cycle and car parking, public open space and associated infrastructure. Approval sought for access with all other matters reserved'
The Council	The City Council of Bristol
DMP	the Site Allocations and Development Management Policies, adopted by the Council in July 2014 (Appendix A – CD5.2 and CD5.3)
Core Strategy	The Core Strategy adopted by the Council 2011 (Appendix A – CD5.5)
Policies Map	The Policies Map adopted by BCC in 2014 that forms part of the Local Plan (Appendix A – CD5.4)
PINS Guidance	'The Procedural Guide: Planning Appeals England' published by The Planning Inspectorate (last updated April 2022)
Planning Statement	the Planning Statement dated April 2022, prepared by LDA Design and submitted to the Council with the Appeal Scheme (Appendix A – CD1.12)
Design and Access Statement	the Design and Access Statement dated April 2022, prepared by LDA Design and submitted to the Council with the Appeal Scheme (Appendix A – CD1.13)
Design Code	the Design Code dated April 2022, prepared by LDA Design and submitted to the Council with the Appeal Scheme (Appendix A – CD1.14)

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SA	The Sustainability Appraisal Main Report - Site Allocations and Development Management Policies (2013) (Appendix A – CD8.3)
SOCG	the Statement of Common Ground submitted with the appeal and to be agreed between the parties

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2. Appeal Site and Surrounding Area

- 2.1 The Appeal Site comprises an irregular shaped parcel of land extending to 9.6 hectares and is known as Brislington Meadows, shown on Site Location Plan (Appendix A – CD1.1).
- 2.2 To the northeast, the Appeal Site is bound by Broomhill Road and residential properties on Condoover Road. To the north the Appeal Site is bound by residential dwellings on Belroyal Avenue and an associated rear access lane, Broomhill Junior School and Mama Bear’s Day Nursery and residences accessed off Allison Road. To the east the Appeal Site is bound by Bonville Road and the protected employment area comprising the Brislington Trading Estate. To the west is School Road and existing allotments. To the south of the Appeal Site lies Victory Park and paddocks which comprise protected open space and a Site of Nature Conservation Interest.
- 2.3 The Appeal Site currently comprises open fields crossed by two public rights of way and a number of informal trodden paths, as well as an area of woodland and fenced paddock. This constitutes 93.1% of the Appeal Site area and has an allocation for housing development in the Council’s adopted Local Plan for circa. 300 homes (Policy SA1 ref. BSA1201). The remaining 6.9% of the Appeal Site area is located outside of the formal site allocation boundary but has been included within the Appeal Site red line boundary in order to facilitate access, green infrastructure connection and drainage:
- a. 0.389ha (3.73% of the Appeal Site) is an area of previously developed land adjacent to Broomhill Road which formerly comprised the Sinnott House police station, included in the Appeal Site to facilitate access from Broomhill Road and to deliver a green infrastructure link between Eastwood Farm and Victory Park (the provision of access over this part of the Appeal Site is referred to in the text of the site allocation policy);
 - b. 0.048 ha (0.47% of the Appeal Site) is a strip of land at the western boundary of Broomhill Junior School included to make provision for a pedestrian and cycle link between the Appeal Site and Allison Road/Fermaine Avenue;
 - c. 0.128 ha (1.22% of the Appeal Site) is an existing pedestrian access to School Road which will be retained and enhanced to also accommodate cyclists (the provision of access over this part of the Appeal Site is referred to in the text of the Policy);

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- d. 0.094 ha (0.90% of the Appeal Site) aligns with an existing pedestrian access into Victory Park which has been included to facilitate drainage services and which will be retained as a pedestrian and cycle connection; and
 - e. 0.004 ha (0.04% of the Appeal Site) is a short length of Bonville Road included to facilitate pedestrian and cyclist crossing.
- 2.4 The Appeal Site is characterised by a steeply sloping topography from the northern boundary down to the southern boundary, with the gradient reducing towards the east. There are overhead electricity cables and a pylon on the lower slopes towards the southern boundary of the Site. A telecommunications mast towards the northeast of the Appeal Site will be relocated following the grant of planning consent for the proposed development.
- 2.5 The Appeal Site is well located to make use of existing services and facilities. Broomhill Infant School, Broomhill Junior School and Mama Bear's Day Nursery are all located adjacent to the Site's northern boundary. Within the wider area, Holymead Primary School is located approximately 700m west of the Site, St Brendan's Sixth Form College is located approximately 750m south-east and Oasis Academy is located approximately 1.2km south.
- 2.6 Broomhill local centre, including a small convenience store, newsagent, public house, salon and takeaway shops, is located approximately 200m north of the Appeal Site. Brislington local centre is located approximately 650m south-west of the Appeal Site at the bottom of School Road and comprises additional shops, services and amenities. Brislington Retail Park, including a Lidl supermarket, is also located approximately 830m south of the Appeal Site on Bath Road.
- 2.7 There is no public vehicular access into the Appeal Site at present. There are two public rights of way across the Appeal Site, one running east-west along the southern boundary connecting Bonville Road and School Road, and one north-south between Belroyal Avenue and Bonville Road. In addition, a number of informal trodden paths cross the Appeal Site, some of which may have become public rights of way through long use or presumed dedication at common law. The Appellant is in the process of formally dedicating the informal paths, where appropriate, and this will be followed by a process (conditional on the appeal being allowed) to stop up the paths where it is considered necessary to do so in order for the development to be carried out. Public rights of way will be retained across the Appeal Scheme in the form of the estate roads, footway and foot and cycle paths, which will ensure a strong network of interconnecting public pedestrian and cycle access routes through, around and within the Appeal Site.

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- 2.8 The Appeal Site is accessible from the local highway network, with direct access to Broomhill Road. Bath Road lies approximately 700m south of the Appeal Site and the A4174 is located approximately 1.7km east, which provides connection to Bristol to the west, Bath and Keynsham to the southeast and Bristol's eastern neighbourhoods to the northeast.
- 2.9 The Appeal Site is well served by public transport with bus stops on Broomhill Road and School Road. Brislington Park and Ride is located 1km south of the Appeal Site on Bath Road.
- 2.10 In terms of access to open space, the Appeal Site has a direct informal connection to Victory Park to the south. Eastwood Farm Local Nature Reserve is located approximately 150m north of the Appeal Site on the northern side of Broomhill Road. Nightingale Valley Park is located approximately 600m west of the Appeal Site off Allison Road.
- 2.11 There are no statutory or locally listed buildings, or scheduled ancient monuments, on the Appeal Site or immediately adjacent.
- 2.12 There are numerous trees and hedgerows on the Appeal Site covered by Tree Preservation Order (TPO) - TPO 1404 (Land at Broom Hill). In total, 16 trees, 3 groups of trees and 1 woodland are included in TPO 1404.
- 2.13 The Appeal Site is located in Flood Zone 1, according to the Environment Agency Flood Map for Planning, considered to be at low risk from flooding and suitable for residential development.

3. The Appeal Scheme

- 3.1 The Appeal Scheme would deliver up to 260 residential dwellings. The scheme proposes a mix of dwellings, including the provision of family housing as well as smaller units to suit all ends of the market. The scheme also delivers a policy compliant amount of affordable housing (30%).
- 3.2 The development will comprise a mix of flats and houses and all residential units will be compliant with the minimum space standards. All homes will be designed to meet the Future Homes Standard in terms of energy efficiency as a minimum.
- 3.3 Permission is sought in detail for the formation of a main vehicle/pedestrian/cycle access from Broomhill Road. This access point will serve the main primary road running through the Appeal Site.
- 3.4 An emergency vehicle/pedestrian/cycle access is also proposed on the south-eastern boundary of the Appeal Site from Bonville Road. This will be restricted using bollards and used only by emergency vehicles as needed.
- 3.5 Pedestrian and cycle access is proposed to be retained and supplemented to provide multiple access routes through the Appeal Site connecting Victory Park, School Road, Bonville Road, Broomhill Road and Allison Road/Fermaine Avenue/Broomhill local centre.
- 3.6 The surrounding context is mixed in character, comprising residential and community uses to the north and west, open space to the south and an industrial employment area to the east.
- 3.7 The illustrative layout encapsulated in the parameter plans has been designed to interconnect with the neighbouring uses and enhance permeability and sustainable travel connections through the Appeal Site to these adjacent spaces and surrounding uses.
- 3.8 The Heights Parameter Plan (Appendix A – CD1.3) identifies that the taller elements of the scheme, comprising the apartment blocks of up to 4 storeys, will be located towards the lower eastern boundary of the Appeal Site, responding to topography and the larger built form of the industrial units on Bonville Road. Along the northern boundary of the Appeal Site with Allison Road and Belroyal Avenue, where there is the most direct relationship with existing residential dwellings, heights of up to 2 storeys are proposed. Across the remainder of the Appeal Site, a maximum height of 2.5 - 3 storeys would be permitted for the dwellings.

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- 3.9 During informal pre-application discussions, it was agreed with planning officers at the Council that detailed matters relating to layout, scale, appearance and landscaping would be dealt with at the reserved matters stage. Notwithstanding this, the submitted Design Code, for approval, sets design principles and requirements that would ensure development coming forward on the Appeal Site would be high quality and designed to respond to local character. At no point following the submission and validation of the outline planning application have the Council requested further details to be submitted on any reserved matter pursuant to article 5(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

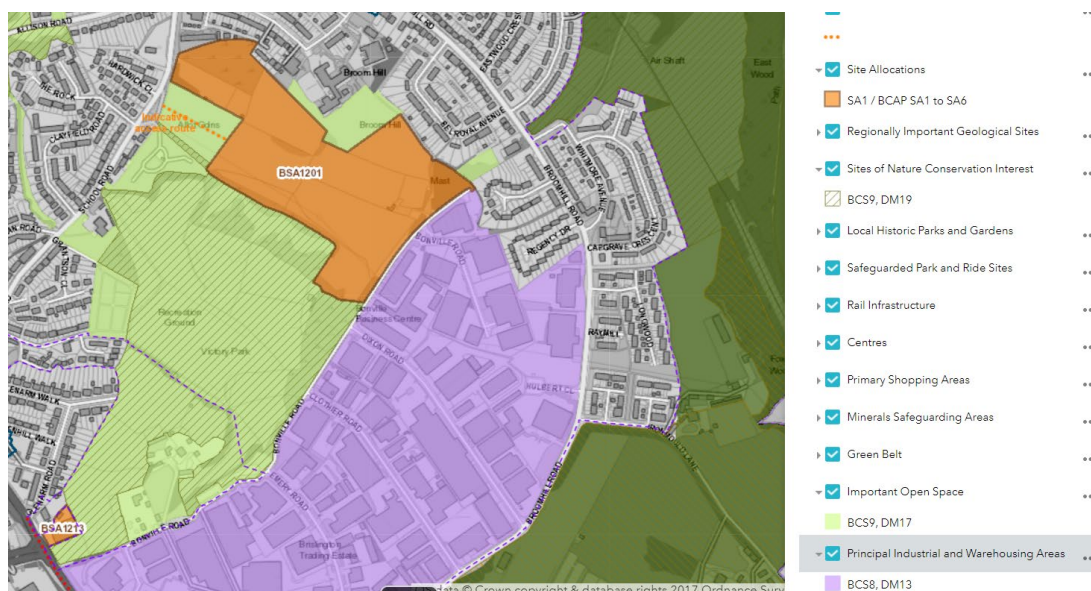
4. Planning Policy Context

4.1 A list of the development plan policies and other planning guidance and material considerations that are relevant to the determination of the Appeal Scheme is provided in the draft SOCG (Section 5) that accompanies this appeal submission and is encompassed in the Core Documents List (Appendix A – CD5).

4.2 Whilst there has been no change to the adopted development plan documents or policies since the submission of the outline planning application, as set out in Section 4.4 of the submitted Planning Statement, there are three additional policies which were not explicitly addressed in the Planning Statement which are relevant to the Appeal Scheme and identified here for completeness:

- Core Strategy Policy BCS9 (Green Infrastructure)
- DMP Policy DM17 (Development Involving Existing Green Infrastructure)
- DMP Policy DM19 (Development and Nature Conservation)

4.3 An extract of the Council's adopted Policies Map (2014) is provided below:



Bristol Adopted Local Plan Policies Map (2014) Extract

4.4 The Policies Map demonstrates that only two small areas of the Appeal Site, comprising the two points of connection in the south-western corner of the site to School Road and Victory Park, remain allocated as part of the wider Victory Park Site

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of Nature Conservation Interest (SNCI). This is discussed later in this Statement (Section 5.9).

- 4.5 The Important Open Space designation applies to part of the Appeal Site that currently falls outside of the allocation area, located to the rear of the brownfield land formerly occupied by Sinnott House Police Station (now demolished), as well as the connections to School Road and Victory Park in the south-western corner of the site. This is discussed later in this Statement (Section 5.9). Two further areas of Unallocated Land within the Appeal Site, comprising the proposed connection on Bonville Road and the site of the former Sinnott House Police Station, are not subject to any specific landscape or environmental designations.
- 4.6 There has been little change to the Other Material Considerations, as set out in Section 4.2 of the Planning Statement.
- 4.7 The Appellant notes that in respect of the West of England Combined Authority Strategic Plan, work on the preparation of the Spatial Development Strategy has now halted and is no longer being progressed.
- 4.8 Material considerations relevant to this appeal are discussed in Section 5 of this SoC.

5. Case for the Appellant

Overview of the case for the Appellant

- 5.1 The Appellant is the Government's housing accelerator, tasked with delivering homes, including affordable homes, and especially in circumstances where other approaches to housing delivery have failed. This is such a case.
- 5.2 The Appeal Site is allocated in the adopted development plan to deliver much needed housing in an area that is suffering an acute housing crisis, with a persistent under delivery of homes. The importance of delivering housing on the Appeal Site is not only recognised in the development plan but was also reaffirmed subsequently by the Council's own actions as it attempted, unsuccessfully, to deliver the Appeal Site via a joint venture agreement before the Appellant acquired an interest in the Appeal Site.¹
- 5.3 The Appellant has now acquired the Appeal Site so as to deliver the allocation and to achieve what the Council was unable to do previously. This is an opportunity which the Council should welcome given it is entirely consistent with its own aspirations, as expressed in the development plan. However, despite these aligned aspirations, the Council has failed to determine Home England's application for outline planning permission within the statutory determination period.
- 5.4 The Appellant now appeals to the Secretary of State pursuant to s. 78 TCPA 1990 to unlock the delivery of the Appeal Site and to make an important contribution to both the local and national housing crisis.
- 5.5 In summary, the Appellant submits that this appeal should be allowed and planning permission should be granted for the following reasons:

¹The Appellant has since acquired the Council's interest in the Appeal Site. Contractual arrangements are in place relating to the detailed delivery of the Appeal Site, which include commitments to protecting public rights of way, the provision of a new pedestrian and cycle link from the site to Allison Road and that supports the use of Victory Park for offsite ecological enhancements subject to further discussions. This agreement, and Site Allocation BSA1201, were essential prerequisites to the Appellant's acquisition of the Appeal Site, and informed the scope, priorities and design of the Appeal Scheme.

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- 5.5.1 The principle of the development of the Appeal Site is enshrined in the development plan through its allocation under Policy SA1 (reference BSA1201).
- 5.5.2 The Appellant seeks outline planning permission for the Appeal Scheme. The Appeal Scheme is in accordance with the requirements of the allocation and accords with the development plan read as a whole.
- 5.5.3 There are significant other material considerations which weigh in favour of the grant of outline planning permission, in particular the Council is unable to demonstrate a 5 year supply of housing land (“5YHLS”).
- 5.5.4 There is no reason to depart from a decision in accordance with the development plan. The consideration of other material considerations outside of the development plan must be approached through the prism of para. 11(d) in this case, i.e. the tilted balance. Through that prism, there is no reason to refuse to grant planning permission.
- (1) **The principle of the development of the Appeal Site is enshrined in the development plan through its allocation under Policy SA1 (reference BSA1201).**
- 5.6 The principle of the development of the Appeal Site is enshrined in the development plan through its allocation. In accordance with the plan led system under the Planning Acts, a development which accords with the allocation is acceptable in principle.
- 5.7 The Appeal Site comprises land that is allocated in the DMP for development for housing under Policy SA1 (Site Ref. BSA1201). The Site Allocation estimates that land at Brislington Meadows has capacity for 300 homes. It follows that the development of the land allocated under Policy SA1 for housing development such as the Appeal Scheme is acceptable in principle, subject to compliance with terms of the allocation. In its pre-application advice, the Council did not raise any concern about non-compliance with the allocation (Appendix A – CD7.1).
- 5.8 A small percentage (6.9%) of the total Appeal Site area falls outside of the site allocation boundary defined under Policy SA1 - Site Allocation ref. BSA1201 (“**the Unallocated Land**”). The Unallocated Land includes the site of the former Sinnott House police station (3.73% of total Appeal Site), including land to the rear of the former police station which is designated as Important Open Space on the Council’s Policies Map.
- 5.9 The Unallocated Land also comprises two points of connection in the south-western corner of the site, also allocated as Important Open Space on Council’s Policies Map. This comprises the existing pedestrian and cycle access to School Road (1.22% of total Appeal Site area) which will be retained and enhanced, as well as the existing

pedestrian access into Victory Park (0.90% of total Appeal Site area) which has been included to facilitate drainage connection and which will be retained as pedestrian and cycle connection once the drainage works have been completed. These two points of connection are still allocated as part of the wider Victory Park SNCI designation according to the adopted Policies Map.

- 5.10 Two further areas of Unallocated Land are included in the Appeal Site boundary. This includes the proposed emergency access, pedestrian and cycle connection to Bonville Road (0.04% of total Appeal Site area) and the proposed ‘School Link’ pedestrian and cycle connection to Allison Road (0.47% of total Appeal Site area). These areas are not subject any specific designation according to the adopted Policies Map. A comparison plan showing the boundary of the adopted Policies Map and the submitted Site Location Plan is provided as an appendix to this Statement of Case (Appendix B).
- 5.11 The principle of developing the Unallocated Land is acceptable and in accordance with the development plan for the following reasons:
 - 5.11.1 The allocation of the Appeal Site explicitly states that development should: (1) provide a green infrastructure link with Eastwood Farm Open Space to the north-east; and (2) seek to provide pedestrian/cycle links with Eastwood Farm Open space to the north-east via the site of Sinnott House Police Station. Thus, it is clearly intended for that part of the Unallocated Land to be developed as part of the delivery of the allocation. The Appeal Scheme follows this approach and as shown on the Access and Movement Parameter Plan (Appendix A – CD1.4), provides pedestrian and cycle access, as well as main the vehicle access, to the north via the Unallocated Land, to connect to Broomhill Road and to provide links to Eastwood Farm to the north. This would be secured by approval of the Access and Movement Parameter Plan that future reserved matters submissions must comply with.
 - 5.11.2 The allocation of the Appeal Site also explicitly states that development should “provide suitable access, which may include access off School Road through the existing allotments”. The Appeal Scheme (as shown on the Access and Movement Parameter Plan (Appendix A – CD1.4)) has been designed to retain and enhance the existing public pedestrian and cycle connection from the site to School Road. The Appeal Scheme also retains the existing public pedestrian and cycle connection from the site into Victory Park. This has been included in the Appeal Site boundary to allow for proposed drainage works to connect to and improve existing drainage infrastructure only. The function of the existing Unallocated Land as existing points of pedestrian and cycle

connection, as designated as part of wider Important Open Space and SNCI allocations, will not be altered as a result of the Appeal Scheme.

- 5.11.3 Given the foregoing, the development of the Unallocated Land complies with Policy BCS9 of the Core Strategy, which seeks to protect Important Open Space. First, the Unallocated Land is no longer important for recreation, leisure, community uses or in the interests of townscape and landscape quality or visual amenity. This is recognised in the Core Strategy itself, given the direction in the supporting text to the allocation as to how the development of the allocation will be in combination with the development of the Unallocated Land. Secondly, the development of the Unallocated Land, as part of the delivery of the Appeal Scheme, would result in an improved urban form and would enhance the Unallocated Land which is currently previously developed land of low quality. Thirdly, the Appeal Scheme contains an appropriate level and quality of open space in any event.
- 5.11.4 The development of the Unallocated Land also complies with Policy DM17 of the DMP because it is part of delivering the Appeal Scheme which includes: (1) a biodiverse green corridor at least 12 metres wide along the eastern boundary of the Appeal Site which would be free of development and which would provide a strong green link and ecological corridor between Victory Park to the south and Eastwood Farm to the north (see Appendix A – CD 1.15 and 1.10); and (2) a significant amount (c. 45% of the total area) of open space that will be publicly accessible, along with retaining the formal public rights of way through the Appeal Site that connect into surrounding area including Victory Park to the south, School Road to the west and Bonville Road and the industrial estate to the east.
- 5.11.5 Two additional areas of Unallocated Land, comprising the proposed pedestrian and cycle connection on Bonville Road and the new pedestrian and cycle ‘School link’ from the site to Allison Road / Fermaine Avenue are not subject to specific policy destination or protection. These areas of Unallocated Land and the works proposed are as a result of the comprehensive masterplanning exercise undertaken and to ensure that sustainable and active travel connections are proposed to the surrounding area. The site allocation of the Appeal Site also explicitly requires development to provide pedestrian / cycle links with Brislington Trading Estate on Bonville Road.
- 5.12 Further or alternatively, even if the development of the Unallocated Land was not entirely in accordance with the policies cited above, the Appellant submits that this non-accordance does not cause the Appeal Scheme to conflict with the development

plan read as a whole, having regard to (1) the clear expectation in the supporting text to the allocation that the Unallocated Land would be developed in combination with the allocation; (2) the very small extent of the Unallocated Land; (3) the low value and quality of the Unallocated Land; and (4) the significant benefits arising from the combined development and comprehensive masterplanning approach undertaken.

(2) **The Appeal Scheme is in accordance with the requirements of the allocation and accords with the development plan read as a whole.**

5.13 The Appeal Scheme is in accordance with the requirements of the allocation. Therefore, given the access arrangements are acceptable (being the only part of the Appeal Scheme for which detailed planning permission is sought), it follows that the Appeal Scheme is in accordance with the development plan read as a whole. Applying NPPF para. 11(c) it should be “approved without delay”.

Matters of approach

5.14 Before turning to consider the detail of the allocation, it is important to note the following important matters of approach.

5.15 First, the Appellant seeks outline planning permission. Only access is to be considered in detail. This approach was discussed and agreed with planning officers at the Council prior to the submission of the application, including agreeing a list of the supporting application drawings and documents that would be submitted. Further, it was open to the Council earlier in the application process to require further details to be submitted on any reserved matter pursuant to article 5(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Council did not use this power. The only possible inference is that the Council agrees with the Appellant that an outline application is an appropriate approach.² This is also consistent with the fact that there is no prohibition in Policy SA1 or the allocation from bringing forward an application for outline planning permission.

5.16 Secondly, Policy SA1 of the DMP and the allocation applies to applications for both detailed and outline planning permission. Accordingly, a number of the component parts of the allocation seek to deal with matters of detail which are

² The Council’s Arboricultural Officer suggests in their statutory consultation response (Appendix A – CD13.10) that an outline application, and the level of detail submitted, is not appropriate for such “an important site”. This cannot form a valid ground for objection given the matters stated.

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to be addressed at the reserved matters stage not, as in this case, when considering an application for outline planning permission. Those matters of detail are only relevant insofar as it is necessary to ensure at the point of granting outline planning permission that they are capable of being addressed when reserved matters are brought forward. This applies also to other detailed matters of design etc which are to be reserved matters. Put another way, such matters of detail will only give rise to a conflict at the outline stage if it can be concluded that there would be no possible way to acceptably address those components at the reserved matters stage.

- 5.17 Thirdly, Policy SA1 and the allocation in the adopted Local Plan is the product of a detailed process of plan-making and independent Examination in Public, both of were informed by public consultation. The plan making process included the assessment of the allocation against a range of factors in a Sustainability Appraisal, to understand both the potential benefits and disbenefits of development of the Appeal Site for housing. The formulation of Policy SA1 and the allocation, as well as the subsequent adoption of the DMP, represents the conclusion by the Council that the benefits of developing the Appeal Site for housing outweigh the disbenefits, including in relation to ecology (the allocation was made in full knowledge of the site's then SNCI status and the level of ecological value connoted by that). Given the plan led system, that conclusion cannot be revisited or overturned in the determination of this appeal.
- 5.18 Further and importantly, some harms will inevitably be caused by the development of the Appeal Site for housing. However, those harms cannot be a reason for refusing to grant outline planning permission. They were 'priced into' the allocation. They are not "other" material considerations within the meaning of s.70(2)(c) of the Town and Country Planning Act 1990, because they are considerations priced into the development plan, and therefore they are not capable of amounting to "material considerations" for the purposes of s.38(6) of the Planning and Compulsory Purchase Act 2004 the engagement of which is linked to and contingent upon s.70. In any event, and in the alternative, even if they are "material considerations" for that purpose, considerations which were before the LPA and Examining Inspector at the time of the plan's preparation, examination and adoption are incapable of carrying sufficient weight to outweigh accordance with the development plan. Otherwise, every development control decision in relation to an allocated site would involve re-opening the planning merits of the allocation, which would fundamentally undermine the plan led system.
- 5.19 A number of parts of the Sustainability Appraisal Main Report (2013) (Appendix A – CD8.3) ("**the SA**"), prepared in support of the development plan, illustrate this approach. For example, the SA Stated:

4.88.9.3 *The exception to the generally positive effect is on BSA1201, as the site contains SNCI land which might be lost to development if it cannot be replaced or recreated elsewhere. While it is considered that Wildlife Corridors can be mitigated and often integrated or re-sited as part of development, if SNCI land is lost and then not replaced leading to a net loss of SNCI land in the city, it could be considered a loss of valuable land. Although the negative effect is not considered to be of the same extent as loss of important open space or green belt land, is it considered that a potential negative effect, depending on implementation could occur. The requirement to re-include allotments within the site boundary assists in avoiding a negative effect by replacing a valuable open space asset.*

4.88.9.3 *Overall on the site, not allocating would lead to both a positive (retention of SNCI land) and negative effect keeping the less important areas of open space and Wildlife Corridor, as opposed to meeting either housing or employment need on this less valuable land.*

5.20 The SA goes on to recommend and conclude:

4.91.5.1 *The reduction in the size of BSA1201 will retain a much larger area of SNCI assisting in protecting this more valuable land assets in the city. In addition, development considerations introduced on the Preferred Approach for the site have enhanced clarification in relating to mitigation of any lost SNCI land. The development considerations now effectively require compensation and mitigation to reprovide, offsite and nearby, the type of habitat which might be lost to development. This is considered to reduce the potential for negative effect from harm or net loss of SNCI land in the city, creating an implementation dependent effect conservation and wise use of land.*

4.91.6.1 *Development considerations have been introduced for the Preferred Approach on BSA1201, which require retention of existing trees and hedgerows, which is considered to create potential for positive effects on existing GI assets on the site.*

5.21 The SA also recognised benefits of developing the Appeal Site:

4.90 *Significant Positive effect on Housing Provision. Positive effect on; Improve Healthy Lifestyles and Increasing Walking, Cycling and Public Transport*

5.22 The balancing exercise undertaken in the SA is also confirmed in the 'Explanation' to the allocation which states that the allocation 'reflects the Core Strategy approach to the location of new housing by developing new homes on land which does not need to be retained as part of the city's green infrastructure / open space provision'. This conclusion cannot be revisited now in the determination of this appeal.

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5.23 Against these matters of approach, the Appellant submits that the Appeal Scheme complies with the site allocation (ref. BSA1201) in all respects. The following analysis considers each component of the allocation, including, for completeness and without prejudice to the submissions above, even where it is principally concerned with matters of detail.

(1) Led by a comprehensive masterplan for the whole site, guided by community involvement

5.24 The illustrative development proposals have been designed to be landscape-led in order to protect and enhance existing landscape and biodiversity where possible given the quantum of housing development indicated in Policy SA1 (Site Allocation BSA1201), to provide a significant amount of open space, to respond positively to the mixed character of the local area and to ensure ease of connectivity and accessibility through the Appeal Site to the surrounding area in order to achieve sustainable development.

5.25 The Appeal Scheme, including the Illustrative Masterplan (Appendix A – CD1.10), have been consulted upon and amended following extensive community engagement including feedback from public consultation, as well as discussions with the Brislington Meadows Action Group and following appraisal by the independent Design West Review Panel.

5.26 A full description of the Appeal Scheme indicative design proposals and compliance with the relevant development plan policies is included in Section 5.4 of the Planning Statement. Comprehensive design detail provided in the submitted Design and Access Statement (Section 4) demonstrates how the proposals have been informed by extensive contextual analysis, consideration of opportunities and constraints as well as the extensive community engagement.

5.27 Whilst the Site Allocation BSA1201 estimates the Appeal Site has capacity for 300 homes, the outline application seeks permission for up to 260 homes. Assessment of the capacity of the Appeal Site has been informed by contextual analysis, site survey and community engagement and the application of best practice placemaking principles and priorities as set out in the submitted Design and Access Statement and Design Code.

5.28 Despite the outline nature of these proposals, a clear vision and design principles for the Appeal Site have been provided to ensure a high quality, sustainable, landscape-led framework that will direct the final detailed design of the Appeal Scheme. This is shown on the comprehensive Illustrative Masterplan for the whole site submitted with the outline application.

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5.29 The key design principles will be secured through the approval of the following Parameter Plans (Appendix A – CD1):

- Land Use (LDA Design Drawing No. 7456_103)
- Heights (LDA Design Drawing No. 7456_104)
- Access and Movement (LDA Design Drawing No. 7456_101)
- Landscape (LDA Design Drawing No. 7456_102)

5.30 Design principles and requirements will also be fixed through approval of the submitted Design Code that future reserved matters submissions must comply with in order to ensure consistency and quality in the built development.

(2) Provide suitable access

5.31 The outline planning application was supported by a detailed Transport Assessment ("TA") (Appendix A – CD1.15).

5.32 As part of the outline application, details of proposed access arrangements are submitted for full approval. All other matters are reserved. The proposed access details are shown on the following drawings (Appendix A – CD1.6-1.9):

- Broomhill Road Preliminary Access Layout Plan (KTC No. 1066-007.D)
- Bonville Road Emergency Vehicle Access (KTC Drawing No. 1066-014)
- School Road Pedestrian and Cycle Link (KTC Drawing No. 1066-016)
- Allison Road Pedestrian and Cycle Link (KTC Drawing No. 1066003.H)

5.33 The TA concluded that appropriate highway and sustainable travel measures to mitigate the impact of the Appeal Scheme have been identified and that the development would not lead to an unacceptable impact on highway safety or to severe residual cumulative impacts on the road network.

5.34 The Appeal Scheme has been designed to promote healthy lifestyles and encourage walking and cycling where possible. Appropriate provision for car and cycle parking will be required and detailed at reserved matters stage. Section 5.9 of the Planning Statement provides a further summary of the findings of the TA and the compliance with the relevant development plan policies.

5.35 At the time of this appeal submission, the Council's Transport Development Management ("TDM") team has only provided initial commentary on the application (Appendix A – CD3.8). The Council's TDM team concluded:

"From a transport perspective, the rationale for housing at this location set out in the Local Plan still appears strong albeit that a number of changes to the detail have occurred in the intervening period".

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- 5.36 The Council's TDM comments raised no objection to the proposed access arrangements.
- (3) Be informed by an ecological survey of the site and make provision for mitigation and compensation measures
- 5.37 The outline planning application was supported by an Ecological Impact Assessment ("EcIA") and associated technical appendices (Appendix A – CD1.21). The EcIA and Appendices (Appendix A – CD1.21) summarise the ecological features of value identified within the Appeal Site and provide an assessment of the potential impacts associated with the development proposals upon these features of value, as well as requirements for ecological avoidance and mitigation measures, including a sensitive lighting scheme and any relocation of slow worms, and recommendations for compensation and enhancement that should be complied with during construction and at detailed design stage.
- 5.38 A summary of the findings of the EcIA and the outline approach to achieving a biodiversity net gain (BNG), as well as an assessment of the impacts in compliance with the relevant development plan policies, is provided in Section 5.7 of the submitted Planning Statement as well as a Non-Technical Summary contained within the submitted EcIA (Appendix A – CD1.21).
- 5.39 The Nature Conservation consultation response received from the Council (Appendix A – CD3.9) confirms that the technical scope of the EcIA report (or any of the suite of accompanying technical appendices reports) is acceptable and agrees with the conclusions and findings presented. The response concludes *"The ecological surveys carried out for this application are thorough and paint a good picture of the ecological features of the site"*.
- 5.40 To develop the Appeal Site to deliver the housing identified in Local Plan Policy SA1 (Site Ref. BSA1201), habitat loss is unavoidable and therefore acceptance of some habitat loss is implicit in the allocation of the Appeal Site. The development will not result in harm beyond that envisaged or considered by the Council in allocating the Appeal Site for development. The Appeal Scheme seeks to mitigate harm and impacts resulting from the development as much as it is possible whilst delivering a scale of development broadly in line with the allocation.
- 5.41 The Appeal Scheme takes a landscape-led approach to masterplanning to deliver as much open space, new habitat and retention of existing trees and habitats as practically possible, whilst also delivering on the Council's own aspirations to deliver much needed new housing, including affordable homes, on this site in its sustainable and accessible location.

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- 5.42 An Outline BNG Assessment (Appendix A – CD1.22) was also undertaken to support the application, based on the outline scheme landscape parameters. This report details the ecological surveys undertaken to establish a baseline position, and what the anticipated impacts are. Biodiversity Metric 3.0 Metric has been used to inform the outline BNG assessment.
- 5.43 The assessment confirms that the post-development habitat unit value represents a net loss of -24.12% in habitat unit value (-14.23 habitat units), meaning a deficit of 20.14 habitat units compared to a 10% net gain position. Based on the hedgerow losses estimated from the outline Parameter Plans and Illustrative Masterplan and accounting for the enhancement and planting opportunities presented by the Illustrative Masterplan, a net gain of up to 530m hedgerows is achievable within the Appeal Site. The Outline BNG assessment calculates a +132.12% net gain in hedgerow unit value (an estimated gain of 5.84 hedgerow units) could be delivered within the Appeal Site. The ecology consultation response received from the Council does not dispute the calculations of the outline BNG report or Biodiversity Metric 3.0.
- 5.44 Appropriately worded planning conditions are proposed, as set out in the draft SOCG (Condition 21 and Condition 22), that would require submission of both an updated BNG Assessment at reserved matters stage, as well as a BNG Strategy to detail proposals to redress loss of biodiversity and the mitigation strategy proposed to include all onsite habitats and any offsite offsetting site(s) identified through the BNG Assessment to be required to deliver the target 10% uplift. There are also proposed conditions relating to the submission of further updated ecological impact assessment work, ecological mitigations methods and a requirement for a landscape and ecological management plan to be submitted for approval (Condition 19, Condition 20 and Condition 23). This approach will secure appropriate and acceptable BNG.
 - (4) Retain or incorporate important trees and hedgerows within the development which will be identified by a tree survey
- 5.45 The outline planning application was supported by an Arboricultural Impact Assessment (“AIA”) (Appendix A – CD1.19). This includes details of the survey work undertaken and categorisation of existing trees on the Appeal Site, as well as an initial assessment of the impact of the Appeal Scheme on trees and the loss of trees anticipated. A summary of the findings of the AIA, as well as an assessment of the impacts in compliance with the relevant development plan policies is provided in Section 5.8 of the submitted Planning Statement.
- 5.46 It should be noted that the AIA is based on conflicts between existing trees and the indicative layout shown on the Illustrative Masterplan (Appendix A – CD1.10) only.

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- 5.47 The submitted report concluded that a further AIA should be produced in support of a reserved matter/detailed application and this would be secured by an appropriately worded planning condition, as set out in the draft SOCG (Condition 16).
- 5.48 The Landscape Parameter Plan (Appendix A – CD1.5) identifies where areas of existing trees and hedgerow will be retained, and this Plan must be complied with at reserved matters stage.
- 5.49 Furthermore, in order to develop the Appeal Site to deliver in the order of 300 homes and other benefits identified in Local Plan Policy SA1 (Site Ref. BSA1201), tree and hedgerow loss is unavoidable. This is discussed in the Sustainability Appraisal Main Report which considered:
- 4.91.6.1 Development considerations have been introduced for the Preferred Approach on BSA1201, which require retention of existing trees and hedgerows, which is considered to create potential for positive effects on existing GI assets on the site.*
- 5.50 Therefore acceptance of some habitat loss is implicit in the allocation of the Appeal Site and the Appeal Scheme is in accordance with the allocation.
- (5) Provide a green infrastructure link with Eastwood Farm Open Space to the north-east
- 5.51 The Appeal Scheme (as shown on the Illustrative Masterplan, Appendix A – CD1.10) has been designed to incorporate a biodiverse green corridor at least 12 metres wide along the eastern boundary of the Appeal Site. This would be kept free from built development or the provision of vehicular access to provide a strong green link and ecological corridor connecting Victory Park to the south and Eastwood Farm to the north.
- 5.52 In accordance with findings of the Sustainability Appraisal Main Report this would “assist in reducing potential negative effects of severe or loss of function and connectivity of green infrastructure in that area of the site” (para.4.91.6.2) (sic).
- 5.53 This would be secured by approval of the Landscape Parameter Plan (Appendix A – CD1.5) which shows areas of retained planting and proposed open space, that detailed development proposals must comply with at reserved matters stage.
- (6) Take account of the overhead power lines
- 5.54 The submitted Land Use (Appendix A – CD1.2) and Landscape (Appendix A – CD1.5) Parameter Plans, with which detailed reserved matters must comply with, take account of the existing overhead powerlines and the associated ‘no build’ zone beneath them. The area beneath the power lines along the southern boundary of the Appeal

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Site will be retained as green space with hydrological, ecological, recreational, educational and wellbeing value.

(7) Retain and where appropriate improve the public rights of way on the site and provide pedestrian / cycle links with Brislington Trading Estate

5.55 Existing trodden paths are being formalised and dedicated as public rights of way. The vast majority will be retained, albeit diverted to align with the Illustrative Masterplan. Public access through the Appeal Site will be retained and the Appeal Scheme proposes improved pedestrian and cycle connections to Victory Park, School Road, Brislington Local Centre and Bonville Road.

5.56 The Council's TDM requested further information in respect of the deliverability of offsite walking and cycling connections, particularly to the east of the Appeal Site through the trading estate, and requested further information in respect of this. The TDM team also requested further detail relating to the proposed gradients of the Appeal Site.

5.57 The Appellant submitted a full response to the TDM comments on 8 August 2022 (Appendix A – CD2.6), including the submission of further details to demonstrate the proposed offsite works to improve walking and cycling connectivity to the east of the Appeal Site, and to demonstrate how appropriate and accessible gradients across the Appeal Site would be secured through compliance with Section 7.1 of the Design Code submitted for approval. No response has been received from the Council to this information at the time of the appeal submission.

5.58 The Appellant anticipates that outstanding highways matters will be resolved with the Council, prior to Inquiry, and that subsequently access and highways would not form part of any reason for refusal identified by the Council in respect of the Appeal Scheme.

(8) Seek to provide pedestrian / cycle links with Eastwood Farm Open Space to the north-east via the site of Sinnott House Police Station

5.59 The Appeal Scheme (as shown on the Illustrative Masterplan) provides pedestrian and cycle access, as well as the main vehicle access, to the north via the site of the former Police Station, to connect to Broomhill Road and to provide links to Eastwood Farm to the north. This would be secured by approval of the Access and Movement Parameter Plan (Appendix A – CD1.4) with which future reserved matters submissions must comply.

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(9) Ensure that any scheme provides for any necessary improvements to the surrounding highway / transport network

5.60 The submitted TA details in full the proposed impacts of the Appeal Scheme. The Council's TDM initial comments (Appendix A- CD3.8) raised no objection to the proposals or to any of the findings of the TA in terms of impacts of the Appeal Scheme on the operation or safety of the surrounding highway network.

5.61 The Appellant agrees to the requested contributions towards the Traffic Regulation Orders required to implement the proposed highways improvement, as well as towards public transport facilities, as set out in the Council's TDM team comments. This is set out in the Draft Heads of Terms for planning obligations under Appendix A of the draft SOCG submitted with the appeal.

5.62 A Framework Travel Plan (Appendix A – CD1.16) was also submitted with the outline planning application. This proposed that the Council would be appointed as Travel Plan Co-ordinator and would therefore be responsible for implementing appropriate Travel Plan measures and monitoring. This is agreed with the Council's TDM team and the Appellant has agreed the contribution towards monitoring the Travel Plan to be secured in the planning obligations agreement (Appendix A – CD1.31).

(10) Address any potential noise, pollution and nuisance issues from nearby industrial uses through the design and layout

5.63 The Land Use Parameter Plan (Appendix A – CD1.2), submitted for approval, responds to neighbouring uses. In the southeast of the Appeal Site, new homes will be set back from the boundary by the proposed landscape buffer and green corridor to avoid impacts from the industrial uses at Brislington Trading Estate.

5.64 The outline planning application was supported by a Noise Impact Assessment (Appendix A – CD1.23) which confirmed that there should be no objection to granting outline planning consent for the Appeal Scheme on noise grounds, including consideration of impacts from the adjacent industrial estate. The results of the Noise Impact Assessment and compliance with relevant development plan policies is summarised in Section 5.14 the submitted Planning Statement.

5.65 The outline planning application was also supported by an Air Quality Impact Assessment (Appendix A – CD1.24) which concluded that air quality impacts of the Appeal Scheme are considered to be acceptable, and mitigation is not required. The results of the Air Quality Impact Assessment and compliance with relevant development plan policies is summarised in Section 5.13 of the submitted Planning Statement.

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(11) Be informed by a site-specific flood risk assessment as the area of the site is greater than 1 hectare;

5.66 The Appeal Site is located entirely within Flood Zone 1 as shown on the Environment Agency mapping. As the Appeal Site is larger than 1ha in size, a Flood Risk Assessment and Drainage Strategy (Appendix A – CD1.27) was submitted with the outline planning application.

– 5.67 Full details of the proposed flood risk and drainage strategy is provided in the submitted report and details of compliance with the relevant development plan policies is provided in Section 5.15 of the Planning Statement.

5.68 The Council’s Flood Officer has commented on the submitted information (Appendix A-CD3.2) to confirm they have no objections and is satisfied with the initial information submitted and noting that the detailed drainage strategy would be provided pursuant to reserved matters application and secured by planning condition (see the draft SOCG, Condition 17).

(12) Be informed by a Health Impact Assessment. This should include how the proposals have been discussed with local primary health care providers regarding impacts on primary health care services.

5.69 The impact on local health services was considered in the Health Impact Assessment (Appendix A – CD1.28) submitted with the outline planning application. The assessment of impact on schools, health social care and wider community facilities identified that generally there is capacity for school places at local facilities and needs that are created by the development will be further supported by developer contributions. A summary of the findings and detail of policy compliance in Section 5.16 of the submitted Planning Statement.

5.70 As set out in the proposed HOT, the Appellant agrees to provide contributions towards local infrastructure, as requested by the Council in accordance with the Planning Obligations SPD (Appendix A – CD5.8). The development will also be liable to make payment of a Community Infrastructure Levy contribution to the Council, on commencement of development.

(3) There are significant other material considerations which weigh in favour of the grant of outline planning permission, in particular the absence of a 5YHLS.

5.71 At the time of the submission of this appeal, the Council is unable to demonstrate a five year supply of deliverable housing sites, as required by NPPF Paragraph 74. According to the Council’s Five Year Housing Land Supply Assessment 2020 to 2025 (June 2021) (Appendix A – CD8.2), the Council could only demonstrate 3.7 years’

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worth of supply. However, the actual supply of housing land in Bristol is now understood to be less than 3 years.

- 5.72 The Appellant notes the more recent conclusions of the Inspector's report (April 2022) (Appendix A – CD6.1) in relation to an appeal that was allowed for the redevelopment of land at Silverthorne Lane, Bristol (Appeal Refs. 3264641 and 3264642) and the findings in respect of the latest five year housing land supply position:

"271. For the Council it is estimated that there is housing land supply in Bristol for around 3.5 to 4 years. In the Applicant's view this was an optimistic assessment, as the Council's housing supply assumptions include the assumption that a significant proportion of all consented schemes (both major and minor applications) will be completed by 2025. The Applicant's witness considers the housing land supply figure from 21 June 2021 to be at or below 2.59 years, in part due to the Local Housing Need (LHN) transition period ending at that time. But "it is clear in any view that Bristol are not meeting their housing targets."

272. However, the Council's witness subsequently noted that he was now "fully in agreement" with the Applicant on housing land supply, and that his most recent calculations "puts us at the upper end" of the range estimated by the Applicant's witness, but firmly "within that range as expressed in Mr O'Brien's Proof." It is submitted that the significant housing supply shortfall in Bristol is a weighty material consideration in favour of the application proposals."

- 5.73 Furthermore, the Housing Delivery Test 2021 results for the Council show that the Council only delivered 74% of the housing required last year. It is therefore apparent that substantial weight should be afforded to the delivery of new housing as a result of the Appeal Scheme, not least because the Site is allocated for such use having regard to the significant need to deliver new homes in Bristol.
- 5.74 In this context, the delivery of up to 260 new homes and a policy-compliant level of affordable housing are significant benefits in favour of the grant of planning permission. Further, as outlined in the Planning Statement at (Appendix A – CD1.12), the Appeal Scheme also delivers the following benefits:
- The redevelopment of the Appeal Site for residential dwellings will introduce new residents to the area and expand the local community, with convenient and direct walking and cycling connections helping to access and sustain local services and business.
 - The proximity of new homes to jobs, shops, community infrastructure, extensive areas of green space, public transport and active travel networks will deliver the benefits of sustainable development in the spirit of the '20 minute neighbourhood'.

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- The provision of a range of dwelling sizes and types will meet the needs of different occupiers and will assist in creating a strong and balanced community.
- The Appeal Scheme will provide a significant amount and variety of landscaped open space and enhanced links to the existing public open space to the south of the Appeal Site, comprising Victory Park and to the north, comprising Eastwood Farm.
- The Appeal Scheme will provide a multitude of soft landscaped areas within the Appeal Site, delivering a significant amount and variety of formal and informal public open space (c.45% of the site area).
- Existing landscape, vegetation and habitats on the Appeal Site will be retained and protected where possible. The Appeal Scheme will deliver 10% biodiversity net gain through on and off-site measures.
- The proposals have been developed with sustainable design and construction in mind. All homes will be designed to comply with the Future Homes Standard and homes will be provided with cycle parking and electric vehicle charging points.
- The majority of existing routes within and through the Appeal Site will be retained and improved and public spaces with seating and play facilities created for use by existing and future residents, encouraging on-going social interaction and recreational activities.
- The increase in local population with easy access to Broomhill local centre and employment centres should help to sustain business and to support investment in the area.
- The Appeal Scheme will contribute to economic growth both during construction and over the life of the development. Construction of the development will support jobs directly as well as indirect support to additional jobs in the supply chain.
- The new residents will generate funds through additional Council Tax payments.
- The development will also be liable for the Council's Community Infrastructure Levy from which the funds generated will be spent on Council services.
- The Appeal Scheme is subject to specific S106 financial contributions towards specific improvement works directly associated with the development of the Appeal Site, including towards local highways improvements or public transport services.

(4) **There is no reason to depart from a decision in accordance with the development plan. The Appeal Scheme benefits from the tilted balance in NPPF para. 11(d).**

5.75 There are no other material considerations which indicate that there should be a departure from the development plan in this case. The appeal should be determined in accordance with the development plan with which the Appeal Scheme complies, as noted above.

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Approach & general response to objections

- 5.76 The NPPF is an important other material consideration in this appeal.
- 5.77 NPPF para. 11(c) provides that where a proposed development is in accordance with the development plan, it should be approved without delay. Applying s.38(6) of the Planning and Compulsory Purchase Act 2004, even where a proposed development is in accordance with the development plan, it is still necessary to consider whether “material considerations indicate otherwise”. However, reading s.38(6) in conjunction with s.70(2) of the Town and Country Planning Act 1990, these must (as a matter of law) be “other” material considerations, i.e. considerations outside of the development plan which were not taken into account as part of the preparation, examination and/or adoption of the development plan. This is fundamental in the present case as much if not all of the apparent case against the proposed development involves considerations which are not new and which seek to call into question the soundness of the allocation of the Appeal Site in the development plan.
- 5.78 Even if the proposed development were not in accordance with the development plan, NPPF para. 11(d) would be engaged in this case, given *inter alia* the absence of a 5YHLS. Accordingly, the consideration of other material considerations weighing against the grant of planning permission would have to be considered through the prism of NPPF para. 11(d). That is to say, planning permission should only be refused if: (1) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (2) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 5.79 There is no reason for refusal under the first limb of NPPF para. 11(d) (and none has been alleged by objectors). Whilst the Arboriculture Officer considers the proposals conflict with Paragraph 180(c) of the Framework, this position is incorrect for the reasons in para 6.54 – 6.60 of this Statement.
- 5.80 Any other material considerations in this case that weigh against the Appeal Scheme must be assessed through the prism of the second limb. The Appellant’s position is that:
 - 5.80.1 The issues raised by objectors in response to this application, both statutory consultee comments and those raised by third parties, have not raised any issues that sit outside the matters that were considered during the plan-making process for the allocation. The objections largely relate to the principle of development and the allocation of the Appeal Site for development, not with how the Appeal Scheme has sought to implement the allocation and

approach the Site Allocation Development Considerations. Similarly, where objectors have alleged that the Appeal Scheme gives rise to harm, the harms that have been alleged are all ones that inevitably arise from the development contemplated by the allocation and which were considered to be acceptable through the plan-making process. They are not new and have already been taken into account. As such, they cannot, as a matter of principle or logic, found a rational refusal under NPPF para. 11(d)(ii), as to do so would attempt to revisit the principle of the allocation. Such an approach would be to subvert the plan-led system.³

5.80.2 Further and in any event, the adverse effects of the Appeal Scheme (even ignoring the application) do not significantly and demonstrably outweigh the benefits of the Appeal Scheme, when assessed against the policies in the NPPF taken as a whole.

5.81 The following sections of this SoC respond to the principal comments made by statutory consultees, with reference to the detailed response prepared by the Appellant and team and submitted to the Council. However, before turning to those matters, the Appellant deals with five recurrent matters.

(1) Former designation as a Site of Nature Conservation Interest

5.82 Prior to the Appeal Site's formal allocation for housing in the DMP in 2014, it was designated as a local Site of Nature Conservation Interest ("SNCI"). Land to the south of the Appeal Site, within Victory Park, remains designated as an SNCI. There are two small areas within the outline application red line boundary (Appendix A – CD1.1), included to facilitate the drainage connection south of the Appeal Site and the cycle path connection to School Road to the west of the Appeal Site only. These areas remain designated as SNCI according to the adopted Policies Map (Appendix A – CD5.4). However, these areas comprise only 2% of the total Appeal Site area, and no comprehensive redevelopment is proposed here and the function of these routes will be retained.

5.83 The designation of land as an SNCI is a local status conferred by the Council, it is not a statutory designation. The Council utilises its development plan for this process. Land can be allocated as an SNCI under planning policy and that policy may later be superseded by replacement policies.

³ To illustrate this point, Homes England will refer to an appeal for redevelopment of allocated land at Wolborough Barton, Newton Abbot in March 2020 (Appeal ref. 3205558), in particular at paragraphs 373 – 375 of the Inspector's report (Appendix A – CD6.2).

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- 5.84 The Appeal Site was previously shown as an SNCI on the Council's 1997 Local Plan Proposals Map and corresponding Local Plan (1997) Policy NE5: Sites of Nature Conservation Interest. An extract of Policy NE5 is enclosed (Appendix A – CD5.9) which includes a schedule setting out the sites allocated as an SNCI, at that time. The Brislington Meadows site was designated as an SNCI under Policy NE5 and allocated reference GBNCs 17. However, the extent of the Brislington Meadows SNCI under the previous Bristol Local Plan (1997) was superseded by the revised SNCI boundaries shown on the adopted Policies Map accompanying the DMP (Appendix A – CD5.4), adopted by the Council in 2014. Appendix 3 of the DMP contains a 'Schedule of Superseded Local Plan Policies' and confirms that Policy NE5 is superseded following adoption of the Site Allocations and Development Management Policies (2014).
- 5.85 The majority of the Appeal Site is therefore not an SNCI, having regard to the development plan and the allocation for housing. This was also confirmed by the Council's Nature Conservation Officer for the Council during pre-application discussion, who confirmed *'when a site is allocated within the Local Plan its SNCI designation is removed, although of course its ecological value has not changed'* (Appendix A CD7.3). Furthermore, the statutory consultation response from the Council's Nature Conservation team (Appendix A – CD3.9) in respect of the outline planning application states *"The site is no longer formally identified in the Bristol Wildlife Network as an SNCI, but still forms an important green space for wildlife and ecological connectivity in Bristol"*.
- 5.86 It follows that the Appeal Scheme cannot be objected to on the basis that it is designated as an SNCI. Insofar as the Appeal Site remains of ecological value, that is addressed through the allocation. Ecological matters are considered elsewhere in this SoC.
- (2) The Council's declared climate emergency
 (3) The Council's declared ecological emergency
- 5.87 These two matters are conveniently considered together.
- 5.88 The Council have declared a climate emergency and prepared the One City Climate Strategy (2020) – a strategy for a carbon neutral, climate resilient Bristol by 2030. This is a city-wide, shared vision and not owned by any single organisation.
- 5.89 The Council also declared an ecological emergency and prepared the One City Ecological Emergency strategy and Ecological Emergency Action Plan. This action plan is a council-wide programme of activities to deliver on the ambitions of the One City Ecological Emergency Strategy and relevant aspects of the One City Climate Strategy.

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- 5.90 The Appellant's evidence will address the extent to which these matters can properly be considered to be material considerations to which any weight can be afforded in the determination of this appeal. No concessions are made in either regard. However, even if it is assumed that these matters are material considerations, the Appellant's position is that the Appeal Scheme is consistent with both matters.

(4) The Council's emerging Local Plan Review

- 5.91 The Council is currently in the process of preparing a Local Plan Review. This will set out how Bristol will develop over the next 20 years.
- 5.92 Paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework.
- 5.93 The Council's current timetable suggests they will have a new plan adopted by Autumn 2024, with consultation on the Regulation 18 draft Plan anticipated in November 2022. As this emerging plan is still at a very early stage, with adoption not expected until Autumn 2024, the Appellant considers it carries no weight in the decision-making process for this appeal.

(5) The Council's Green Spaces Motion

- 5.94 The Appellant also notes the Motion made by Bristol Full Council in September 2021 for the protection of the Green Belt and Bristol's Green Spaces. A copy of the Full Council meeting minutes and details of the motion put forward, amended and carried is enclosed for reference (Appendix A – CD8.1). This is not a material planning consideration for this appeal and is a political declaration only, with no weight in the planning and decision-making process. In any event, there is no inconsistency with this Motion which only instructs officers to consider adoption of the Appeal Site as Local Green Space. This is particularly the case as no such adoption has been made to date. In any event, any adoption of the Appeal Site as Local Green Space can only be made when a Plan is prepared or updated, as per Paragraph 101 of the Framework.

6. Response to Statutory Consultation Comments

- 6.1 A number of statutory consultation comments have been received in response to the outline planning application.

Affordable Housing

- 6.2 In accordance with Core Strategy Policy BCS17 and the Council's Affordable Housing SPD (Appendix A – CD5.7), the Appeal Scheme provides a policy compliant level of affordable housing. In total, 30% of the units would be affordable dwellings. A copy of the Appellant's Affordable Housing Statement was provided in the Planning Statement.
- 6.3 Comments were received from the Council's Strategy and Enabling Planning team in June 2022 respect of the planning application (Appendix A – CD3.5). Officers had no objection to the proposals in principle and offered comments on the detailed requirements in terms of the mix and location of the affordable dwellings.
- 6.4 The provision of 30% affordable housing on the Appeal Site would be secured in the legal agreement attached to any outline planning permission (SOCG, Appendix A). Final details in respect of the mix of affordable units in terms of tenure split, size and location of the dwellings would be agreed pursuant to future applications for reserved matters.
- 6.5 The proposed provision of affordable housing is therefore considered to be acceptable and this is set out at as a matter agreed with the Council in the SOCG.

Energy and Sustainability

- 6.6 An initial Sustainability and Energy Statement (Appendix A – CD1.25) was submitted to support the outline application. The Statement identifies the sustainable placemaking principles that have informed the current proposals and detailed parameter plans, as well as setting out future measures relating to sustainable design and construction that will need to be considered at reserved matters stage. The measures set out in Statement demonstrate how the proposed development would be designed to comply with the relevant policies contained within the Bristol Local Plan and also Building Regulations and the Future Homes Standards as a minimum. Full details of the scheme compliance with relevant development plan policies is provided in the Planning Statement.

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- 6.7 The Council's Sustainable City Team provided comments on the application (Appendix A – CD3.5) in June 2022. They have no objection to the proposals and the suggested planning conditions requiring submission of a full energy statement, sustainability statement and overheating assessment at details design stage, are agreed and set out in the draft SOCG (Conditions 27- 29).
- 6.8 The proposed approach to energy and sustainability is therefore considered to be acceptable at this stage, and this is set out at as a matter agreed with the Council in the SOCG.

Refuse and Recycling

- 6.9 Bristol Waste provided comments on the application in June 2022 and had no objection to the proposals (Appendix A, CD3.3). They offered detailed comments on the waste and recycling requirements based on the indicative housing numbers and unit mix. This is a matter for detailed design stage and a refuse strategy would be provided with any reserved matters application. This is to be secured by planning condition as set out in the draft SOCG (Condition 10).
- 6.10 The Design Code also sets design principles and requirements in relation to the design and provision of waste and refuse stores. Detailed design proposals at reserved matters stage would need to comply with the Design Code if approved.
- 6.11 The proposed approach to refuse and recycling is therefore considered to be acceptable at this stage, and this is set out at as a matter agreed with the Council in the SOCG.

Crime

- 6.12 Avon and Somerset Police provided comments on the application (Appendix A, CD3.1) in June 2022 comprising detailed advice in relation to measures for designing our crime.
- 6.13 This is a matter for detailed design stage and any reserved matters application will need to demonstrate how the detailed layout and other matters of the development have been designed to provide a safe and secure environment. The Design Code sets design principles and requirements in relation to site layout in terms of encouraging natural surveillance and proposals to create safe and attractive neighbourhoods which will all address crime. Detailed design proposals at reserved matters stage would need to comply with the Design Code if approved.
- 6.14 There is no objection to the proposals on safety grounds and this is set out at as a matter agreed with the Council in the SOCG.

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Flood Risk and Drainage

- 6.15 The Council's Flood Officer provided consultation comments in June 2022 on the submitted FRA and Drainage Strategy (Appendix A-CD3.2) to confirm they have no objections and is satisfied with the initial information submitted and noting that the detailed drainage strategy would be provided pursuant to reserved matters application, secured by planning condition as set out in the draft SOCG (Condition 17 and Condition 18)
- 6.16 The Design Code also sets design principles and requirements in relation to the proposed drainage features and SuDS. Detailed design proposals at reserved matters stage would need to comply with the Design Code if approved.
- 6.17 There is no objection to the proposals in relation to flood risk and drainage and this is set out at as a matter agreed with the Council in the SOCG.

Transport Development Management

- 6.18 At the time of this appeal submission, the Council's TDM team have only provided initial commentary on the application (Appendix A – CD3.8) in June 2022. The Council's TDM concluded:

"From a transport perspective, the rationale for housing at this location set out in the Local Plan still appears strong albeit that a number of changes to the detail have occurred in the intervening period".
- 6.19 The Council's TDM comments raised no formal objection to the proposals or to any of the findings of the TA in terms of impacts of the development on the operation or safety of surrounding highway network. The TDM has also not raised any in principle objection to the proposed access arrangements.
- 6.20 The comments did highlight some concerns, largely related to the deliverability of offsite walking and cycling connections, particularly to the east of the site through the trading estate, and requested further information in respect of this. The TDM also requested further detail relating to the proposed gradients of the site.
- 6.21 The Appellant submitted a full response to the TDM comments on 8 August 2022 (Appendix A – CD2.6), including the submission of further details to demonstrate the proposed offsite works to improve walking and cycling connectivity to the east of the site, and to demonstrate how appropriate and accessible gradients across the site would be secured through compliance with Section 7.1 of the Design Code submitted for approval at reserved matters stage.
- 6.22 The response does however set out the matters to be resolved and for which further detail is required at detailed design stage:

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“The following matters would need to be resolved at RM stage:

- *Quantum and design of cycle parking to meet relevant local and national standards*
- *Quantum and design of bin storage to meet relevant local and national standards*
- *Quantum and design of disabled parking to meet relevant local and national standards*
- *Quantum and design of Electric Vehicle parking to meet relevant local and national standards*
- *Tracking to be provided for a refuse truck/ fire engine including turning heads where appropriate*
- *Adequate forward visibility is achieved in line with design speed*
- *Appropriate use of materials in line with BCC adoption standards*
- *Agreed limits of adoption*
- *Details of rerouted PROWS*
- *Wayfinding*
- *Any Highway Structures will require Approval In Principle.*
- *Agreement of any green infrastructure to be adopted*
- *Agreement of any novel drainage infrastructure (e.g., SUDS) to be adopted*
- *Construction Methodology*
- *Details of phasing”*

6.23 This is agreed by the Appellant and the requirements are covered in the suggested planning conditions in the draft SOCG (Conditions 5-9, Condition 11, Condition 12, Condition 13, Condition 15, Condition 31, Condition 32, Condition 34).

6.24 The Appellant anticipates that outstanding highways matters will be resolved with the Council, prior to the Inquiry, and that subsequently access and highways would not form part of any reason for refusal identified by the Council in respect of the Appeal Scheme.

Ecology and Biodiversity

6.25 An objection was received from the Council’s Nature Conservation team in September 2022 (Appendix A – CD3.9). The Appellant’s ecology consultant has provided a detailed response to the key concerns raised in the objection and this response has been shared with the Council ahead of the Inquiry for discussion (Appendix A – CD2.8).

6.26 The Nature Conservation response agrees with the technical scope and conclusions of the EcIA report (and the suite of accompanying technical appendices). The response also agrees with the methodology and calculations set out in the BNG report or Biodiversity Metric 3.0.

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- 6.27 The Nature Conservation objection is based largely on the scale of habitat loss and the resulting loss or local exclusion of biomass based on the anticipated establishment timescales for onsite habitat compensation and offsetting measures. The comments identify a number of local and national policies and standards against which it is claimed that the proposal does not align. Taking these in turn, in respect of ecology:

Core Strategy Policy BCS9 (Green Infrastructure)

- 6.28 The starting point is that the Appeal Site is allocated for development in the adopted DMP, under Site Allocation BSA1201. The Site Allocation Policy BSA1201 explicitly makes provision for habitat loss and appropriate mitigation and compensation.

- 6.29 The submitted design solution for the Appeal Scheme is in-keeping with Policy BCS9, which specifically states “*Loss of green infrastructure will only be acceptable where it is allowed for as part of an adopted Development Plan Document or is necessary, on balance, to achieve the policy aims of the Core Strategy*”.

DMP Policy DM17 (Development involving existing green infrastructure)

- 6.30 In accordance with Policy DM17 the development would not result in the loss of ancient woodland, aged trees or veteran trees. ‘Aged trees’ does not have a universally recognised meaning. It is defined here by the Site Allocations and Development Management Policies document itself rather than by reference to NPPF, as is the case for ancient woodland and veteran trees. It is taken from the context and similarity of definition that ‘aged’ can be regarded as equivalent in meaning and application to ‘ancient’ as defined by NPPF.

- 6.31 The layout of the Appeal Scheme has been informed by detailed tree surveys and the final layout will be resolved at reserved matters to integrate important existing trees where possible, to be secured by planning condition as set out in the draft SOCG (Condition 16). Where tree removal is essential, such as for reasons of topography, access and drainage, there is capacity to plant replacement trees according to the offsetting metric in Policy DM17, which is based on trunk diameter. Measurements have been taken and trees counted, in order to allow mitigation to be designed once the layout has been finalised. This outcome can be secured via detailed design and the discharge of reserved matters and/or planning conditions. The proposed removal of trees does not preclude the grant of planning permission. For the avoidance of doubt, there is only one veteran tree on the Appeal Site, located in the southern boundary hedge. The Appeal Scheme will avoid this tree, and the Parameter Plans show that it can be provided with a 15m buffer zone within which no significant ground level changes would occur, thereby also avoiding the Root Protection Zone.

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- 6.32 New/enhanced Green Infrastructure features have been incorporated within the Appeal Site, such as utilising SUDS basins to enhance and enlarge the extent of wet grassland. The Appeal Scheme would establish a minimum 12m Green Infrastructure and wildlife corridor along this part of the Appeal Site, compliant with policy.

DMP Policy DM19 (Development and Nature Conservation)

- 6.33 It has been discussed previously in this SOC that the Appeal Site, as allocated, is no longer designated as an SNCI. There are two small areas of Unallocated Land included in the Appeal Site boundary, comprising the existing points of pedestrian and cycle connection to School Road and Victory Park in the south-western corner of the site which are still designated as part of the SNCI. These areas have been included to facilitate improved pedestrian and cycle connection to School Road and drainage connection via the link to Victory Park, to then be retained as per pedestrian and cycle in perpetuity. The function of this land remains unchanged and the impact, if any, is acceptable.

- 6.34 The EcIA report and appendices (Appendix A – CD1.21) details the reasonable worst case effects predicted to arise as a consequence of the Appeal Scheme, which reflects the level of harm factored in to the allocation of the site in the DMP, and determines the necessary provisions that would be required to deliver appropriate and proportionate mitigation, as allowed for under Site Allocation BSA1201. The EcIA and BNG reports conclude offsite mitigation and offsetting is required for habitats and species to avoid no net loss and deliver the minimum 10% BNG commitment for the scheme.

- 6.35 Details of on and offsite mitigation and compensation that accord with the strategy provided at outline stage would be anticipated to be produced for the reserved matters, secured by condition. A draft condition has been included in the draft SOCG (Conditions 21-22).

NPPF Paragraph 174

- 6.36 While detailed proposals for mitigation and compensation are not practical at this outline stage, the Appellant has committed to delivering 10% BNG for the Appeal Scheme. The EcIA (Appendix A – CD1.21) and Outline BNG Assessment (Appendix A – CD1.22) conclude this would be by a combination of on and offsite measures. This is to be secured by planning obligation.

- 6.37 Reserved matters will provide detail of these measures, but the outline EcIA and BNG submitted provide a framework against which the design would accord to ensure the appropriate balance and provision of mitigation measures are delivered.

Other matters referred to by consultees⁴

Bristol Biodiversity Action Plan, Habitats of Principal Importance

- 6.38 The Officer makes reference to habitat loss of dense scrub and mature woodland, defined as habitat of principal importance in the Bristol Biodiversity Action Plan. The Appellant notes that whilst the Bristol Biodiversity Action Plan is not a development plan document or supplementary planning document and instead sets strategic priorities for the Council, rather than specific site or development management consideration. Thus, at best, it can be afforded limited weight (if it as a material consideration at all, which is not conceded).

- 6.39 Extensive botanical and habitat surveys have been completed at the Appeal Site across two seasons. These have concluded the only Habitats of Principal Importance, in terms of the National Habitat Inventory, present within the Site are the hedgerows. The iterative design of the Appeal Scheme has sought to retain hedgerows where practical and viable but overriding constraints including topography, access and highways mean it is not possible to retain all hedgerows and achieve a scale of development compliant with the allocation. Hedgerow removal and retention priorities have been informed to the fullest extent possible by arboricultural and ecological surveys. Ecological mitigation is required for hedgerow replacement on site. The outline BNG calculations conclude a +132.12% net gain in hedgerow unit value (an estimated gain of 5.84 hedgerow units) could be delivered within the Appeal Site.

The Hedgerows Regulations 1997

- 6.40 The EcIA and appendices concluded that the hedgerows are of importance under the Regulations. this is not a material planning consideration. In any event, the Regulations do not preclude granting of planning permission so there is not considered to be conflict with the Regulations.

Bristol's Ecological Emergency Action Plan

- 6.41 The Ecological Emergency Action Plan is not considered to be a material consideration. It is not a development plan document or supplementary planning document and is a high level strategy document produced by the Council's One City team. The Action

⁴ The Appellant makes no concession that any of these matters are material considerations, but addresses them for completeness to demonstrate that, on the most favourable approach to the Council, the Appeal Scheme is acceptable.

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Plan relates to broad strategic measures to tackle the ecological emergency, not specific impacts of development proposals.

6.42 Notwithstanding this, of the four key goals contained in the Action Plan, three might be considered to have some overlap with the Appeal Scheme:

- *30% of land in Bristol to be managed for the benefit of wildlife:* within the Appeal Site, an area approximating 45% of the net area would be put to green space. While the majority will be multifunctional (i.e. not solely focussed on wildlife objectives), it and adjacent land uses would be designed to ensure the green infrastructure provision is functional and beneficial for wildlife. Additional offsetting would be required which would be designed and managed solely for the benefit of wildlife.
- *Reduce use of pesticides in Bristol by at least 50%:* Future management plans adopted for on and offsite habitats delivered by the scheme could be agreed to adopt this measure.
- *Waterways to have excellent water quality which supports healthy wildlife:* the Appeal Scheme incorporates an extensive SUDS that will protect water quality and flows of downstream watercourses.

6.43 Overall, while there is an objection on the grounds of ecological harm, the detail of the objection is not expressly the mitigation or offsetting proposed by the outline EcIA and BNG. It is a matter of the detail submitted at the outline stage for the mitigation and offsetting that would be delivered. The Nature Conservation consultation response states the *proposal "does not yet contain proposals to adequately replace them [habitats and species lost or displaced]"*. In essence, this appears to be a contention with the level of detail submitted for the outline stage, more so than an objection to the proposed scheme.

6.44 However, the level of detail submitted at this stage is entirely appropriate for an outline application, particularly where matters of layout and landscaping are reserved for future determination. Hence the draft SOCG contains draft conditions that require the provision of further ecological and BNG assessment work at reserved matters stage.

6.45 The commitment to achieving 10% BNG through on and offsite measures is contained in the draft planning obligations HoT in the draft SOCG. It is intended that any offsite measures required will, where possible, be implemented close to the Appeal Site. Contractual arrangements are in place to facilitate the delivery of the Appeal Site, and such arrangements include the use of Victory Park for offsite ecological enhancements

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subject to further discussions. Notwithstanding this, the pre-application response from the Council (Appendix A – CD7.1) also established the principle of a financial contribution towards off-site mitigation through the restoration and enhancement of species-rich grassland in the vicinity of the Appeal Site, considered likely to be more deliverable than enhancement to the grazing land adjacent to Victory Park. This was supported by a further discussion at a meeting between the Appellant and the Council and Parks Team in January 2022 in which it was agreed that there may be scope for enhancement of Victory Park and that should be explored following more detailed assessment of that land.

- 6.46 Details of offsite measures need to be discussed and agreed with the Council, but should be acceptable in principle.
- 6.47 Regarding the claim by the Nature Conservation Officer that the hedgerows are ‘ancient’ and contain ‘irreplaceable habitat (ancient trees)’, this is not substantiated by the survey data submitted in support of the application, as discussed in the Arboriculture section below. The Appellant does not accept this description in the absence of such evidence and having regard to its own surveys.

Arboriculture

- 6.48 An objection was received from the Council’s Arboriculturist in September 2022 (Appendix A – CD3.9).
- 6.49 The Arboriculture comments refer to a significant amount of design and construction detail that is not appropriate at this outline stage, and that goes beyond the requirements of an outline application and the requirements set out under the Site Allocation BSA1201.
- 6.50 Notwithstanding this, the Appellant and their consultants has provided a detailed response to the key concerns raised in the objection and this response has been shared with the Council ahead of the Inquiry for discussion (Appendix A – CD2.8).
- 6.51 The concerns raised by the Arboriculture Officer are summarised below:
 - Loss of trees to facilitate site access, which is applied for in detail, and for a which breakdown of trees impacted in accordance with BTRS methodology should be provided;
 - Substantial loss of further trees and hedgerow, including ancient trees and hedgerow, to facilitate the remainder of the proposed development across the site;
 - Proposed earthwork impacts on the root protection areas of retained trees; and

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- Lack of mitigation strategy to demonstrate that tree loss could be fully mitigated on site or calculations for off site financial contributions.

6.52 Whilst the Arboriculture Officer raises concern that tree loss would be unavoidable as a consequence of establishing the development and onward access into the Appeal Site, the Appellant notes that this was considered by the Council at the time of allocating the site for development in the DMP and it would not be possible to develop the site for the estimated capacity of 300 dwellings indicated in Site Allocation BSA1201 without the loss of some trees and vegetation.

6.53 This is acknowledged in the Site Allocation Development Considerations which makes appropriate provision for the consideration of tree loss and requires development “to retain or incorporate important trees and hedgerows within the development which will be identified by a tree survey”.

6.54 The response from the Appellant’s consultant demonstrates the approach to defining ‘important trees and hedgerows’ on the Appeal Site. Overall, it is considered that that there is no Ancient Woodland on the Appeal Site and only one veteran tree, which will not be harmed by the Appeal Scheme. The Appellant’s arboricultural response (Appendix A – CD2.8) deals with each of the points of objection raised by the Council. This SoC summarises the response below, with reference to the development plan policies cited in the Council’s objection.

NPPF – Paragraph 180

6.55 The Arboriculture Officer suggests the Appeal Scheme will conflict with Paragraph 180 of the Framework, as it will result in the loss of ancient hedgerows (said to be an irreplaceable habitat) and cause significant harm to biodiversity.

6.56 Furthermore, the Officer states “The development’s primary objective is not to conserve or enhance biodiversity and should therefore be refused”. However, this is considered to be misinterpretation of Paragraph 180. The relevant provisions of Paragraph 180 are as follows:

- If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- Development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site*

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that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

- c) *Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- d) *Development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.*

- 6.57 In respect of Part A, as set out in this SoC previously, it is considered that the loss of some habitat and impact on biodiversity is inherent in the allocation of the Appeal Site for development to provide new homes. This was considered on allocation of the Appeal Site, and as set out in the Sustainability Appraisal Main Report (2013), the benefits resulting from the provision of new homes in this location were considered to outweigh the harm caused.
- 6.58 Notwithstanding this, the application was supported by an Outline BNG which considers impact on existing habitats and species. A full BNG assessment and mitigation strategy is secured by planning condition (draft SOCG, Condition 21 - 22), with reference to the mitigation hierarchy, seeking to prioritise on site mitigation where possible, or off site mitigation in the local area. The mitigation strategy is still to be discussed with the Council but it is considered an appropriate strategy would be provided, in accordance with paragraph 180(a)
- 6.59 In respect of Part C, the detailed response from the Appellant's consultant considers that there is no ecological or arboricultural evidence that the hedgerows contain ancient trees or ancient woodland, which would trigger paragraph 180(c). There is no Ancient Woodland on the Appeal Site and only one veteran tree, which will not be harmed by the Appeal Scheme. The officer refers to "ancient hedgerows", but the Appellant notes this is not a category of irreplaceable habitat included in NPPF. The Appellant's heritage consultants conclude that the hedgerows on site are related to the Enclosure period and cannot therefore be regarded as irreplaceable.
- 6.60 In respect of Part D, there is no planning policy requirement for the development of the Appeal Site to have a primary objective to conserve or enhance biodiversity. The Site Allocation makes specific requirements to consider ecology and arboriculture impacts, which the application has done, but no requirement that the primary objective should be to conserve or enhance biodiversity, this would be at odds with the estimated capacity to deliver 300 new homes. Notwithstanding this, the Appeal Scheme has been designed to be landscape-led, delivering homes within a network of

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green spaces offering a range of recreation and recreational opportunities. Existing tree and hedgerow vegetation will be retained (in so far as possible whilst also accommodating the housing proposed in the allocation of the Appeal Site in the development plan) to form a network of green infrastructure across the site, including the enhancement of existing hedgerows on the boundaries of the Appeal Site.

- 6.61 Overall, there is not considered to be any conflict with Paragraph 180 of the Framework.

NPPF – Paragraph 131

- 6.62 Paragraph 131 states planning decisions should ensure “*that existing trees are retained wherever possible*”. The Arboriculture Officer considers the Appeal Scheme, and extensive reprofiling of the Appeal Site proposed, means there has been limited effort to demonstrate that existing trees could be retained.

- 6.63 The submitted Illustrative Masterplan and parameter plans give a good indication of the likely impacts and have been used in preparing the outline Arboricultural Impact Assessment (AIA) submitted with the application (Appendix A – CD1.19). The Tree Conflicts Plan (AIA Drawing 3) shows trees that would be likely to be removed if the final layout is as per the Illustrative Masterplan. The AIA (Executive Summary) concludes:

6. The Illustrative Masterplan indicates that development conflicts with trees within the site and if built as shown would result in the loss of 3 individual trees, 18 groups or parts of groups, and part of 1 woodland.

- 6.64 A summary of the findings of the AIA, as well as an assessment of the impacts in compliance with the relevant development plan policies is provided in Section 5.8 of the submitted Planning Statement.

- 6.65 Further detail was provided during the consultation period, in response to the Council’s urban design team’s initial comments (Appendix A – CD3.7). The Appellant prepared and submitted the following indicative information:

- Isopachtyes Plan Formation Against Topsoil Strip Tree Survey Overlay (Campbell Reith Drawing No. DR-C-5007-P1)
- Drawing 3: Tree Conflict Plan (Full Site) (TEP Drawing no. D7507.21.303)
- Ecology, Trees, Estimated Ground Level Changes, Estimated Habitat Losses and Development Platform Overlay CONFIDENTIAL (TEP Drawing No. G7507.20.064)

- 6.66 This information is based on the Illustrative Masterplan but gives a further indication of how the development would be delivered, in accordance with the parameter plans, and the resulting impacts on trees. It should be noted that proposed planning

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conditions (draft SOCG, Condition 13) secure the provision of further detailed AIA and mitigation strategies at detailed design stage.

6.67 It is acknowledged that there will be the loss of trees or vegetation on the Appeal site. However, those of most importance, such as the veteran tree identified on site will not be harmed as a result of the development. The illustrative proposals have sought to retain as many trees as possible, whilst also delivering on the other requirements and benefits of the Site Allocation, including the provision of new homes (including affordable homes), open space, new playspace and improved pedestrian and cycle connectivity with the surrounding area.

6.68 There is not considered to be conflict with Paragraph 131 of the Framework.

DMP Policy DM15 - Green Infrastructure Provision

6.69 The Arboriculture Officer considers the Appeal Scheme conflicts with DMP Policy DM15 and states *"The proposed loss of all hedgerows will remove a large proportion of the site's green infrastructure connectivity"*.

6.70 The impact on green infrastructure connectivity and the provisions to retain and enhance this in the Appeal Scheme, are summarised in the response to the Ecology objection in this SoC (para 5.138 onwards).

6.71 DMP Policy DM15 also sets out specific requirements for the design, size, species and placement of trees provided as part of the landscape treatment. As the application is submitted in outline, with landscape reserved for future consideration, there is not considered to be conflict in this regard.

DMP Policy DM17 - Development Involving Existing Green Infrastructure

6.72 As above, the impact on green infrastructure connectivity and the provisions to retain and enhance this in the Appeal Scheme, are summarised in the response to the Ecology objection in this SoC (para 5.138 onwards).

6.73 DMP Policy DM17 also considers impact from loss of trees and states *"Where tree loss or damage is essential to allow for appropriate development, replacement trees of an appropriate species should be provided, in accordance with the tree compensation standard"*.

In the Council's formal Arboricultural consultation response, the Officer states *"On such an important site this form of application does not allow BCC to request the level of information required to fully assess the implication in relation to trees, construction methodologies and tree protection"* (Appendix A – CD3.9).

6.74 The Officer raises points of objection that all originate from the lack of detailed information arising from the fact that the application is made in outline. These include

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difficulty in determining the specifics of tree removal and retention, and a lack of justification for tree removal in terms of replacement planting strategy. However, it is entirely appropriate to submit an outline planning application for the Appeal Site. The scope of the outline application was agreed with planning officers prior to submission and the Council have not requested the scope of the application be amended to date.

- 6.75 During the application statutory consultation period, initial comments were received from the Council's Arboricultural Officer (Appendix A – CD3.6). The Officer initially requested further information comprising a detailed assessment of existing trees on site and the proposed extent of tree removals based on the illustrative layout, including detailed assessment of the stem sizes within the groups of trees identified. This could then be used to consider the replacement planting required, in accordance with the tree replacement standards set out in the Council's Planning Obligations SPD (Appendix A – CD5.8).
- 6.76 According to the Bristol Tree Replacement Standard set out in Core Strategy BCS9 and in the Planning Obligations SPD, for any trees that cannot be replaced on site, a financial contribution is required, with payment based on the size and number of trees to be lost.
- 6.77 The Appellant's arboricultural consultant has estimated the tree replacement requirement, based on a more detailed assessment of the number of existing trees on the Appeal Site and the proposed loss, having regard to conflicts with the indicative layout shown on the Illustrative Masterplan (Appendix A – CD1.10). The assessment is included in the latest response to the Council submitted in October 2022 (Appendix A – CD2.8).
- 6.78 The Appellant will enter into discussions with the Council's Arboricultural Officer, aiming to agree the tree replacement requirement ahead of any Inquiry. The Appellant considers it likely that the majority, if not all, the required replacement trees can be planted within the Appeal Site boundary, but notes that design considerations at detailed stages may mean that a mix of on and off-site replacement planting is preferred. The Appellant is content to work with the Council to agree potential "areas of search" for off-site planting.
- 6.79 The Arboricultural Officer commented (Appendix A – CD3.10) that any financial contribution towards tree loss, in accordance with the Council's 'Planning Obligation SPD; Tree Replacement Standard' (Appendix A – CD5.8) needs to be agreed at outline stage, which is acknowledged by the Appellant.
- 6.80 However, the Appellant notes that this issue has been resolved on other sites in the City where an outline application has been submitted. For example, in respect of the

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outline planning permission for redevelopment of former Hengrove Leisure Park, Bristol (BCC appln ref. 21/00531/P). The officer's Committee Report (Appendix A – CD8.4) captures comments from the Tree Officer which states:

3.17. I have reviewed the supporting documentation; the supporting arboricultural report is an initial implications assessments, tree survey and removals plan with no specific detail on how the trees will be affected other than proposed removals. The removals proposed are significant and therefore mitigation needs to be addressed as well as the provision for arboricultural methodologies in relation to the proposed.

6.81 The Officer's Report goes on to state that:

5.73 The default position should be to retain all trees however it is recognised that the proposals will inevitably mean the loss of the trees in the car park irrespective of the layout.

5.74 Based on the indicative layout there will be some loss of the category B trees, but it is recognised that the situation may alter at detailed design stage when it will be possible to fully assess the significance of the loss.

6.82 The Officer accepts above that the allocation and principles of redeveloping the site to deliver the envisaged development will result in tree loss. Furthermore, it is accepted that the application is submitted in outline and that it will be possible to fully understand tree loss at detailed design stage. The Report goes on to state:

5.75 In total the indicative layout would result in a loss of 271 trees.

5.76 The loss of trees must be compensated for by new tree planting in accordance with the Bristol Tree Replacement Strategy,(BTRS). As it stands it is calculated that a minimum 280 replacement trees will be needed as mitigation.

5.77 There are areas of open space within and around the proposed development shown on the indicative layout that have potential to support new trees that will become viable replacements. Small trees within front garden areas will not be accepted as replacements as their future cannot be guaranteed and they will by necessity be small trees.

5.78 It is always problematic with outline applications to know where there is scope to address the BTRS on site when detailed tree surveys have not been fully undertaken and detailed layouts unknown. If it were not possible, then this is the only opportunity to secure a financial contribution as mitigation.

5.79 In this instance given the amount of proposed open space, albeit shown indicatively, and existing open space retained, it is considered that there is potential to comply with the BTRS on site.

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5.80 *There will be a need to provide a Arboricultural Impact Assessment and Arboricultural Method Statement based on the detailed scheme to include an up to date tree protection plan and BTRS calculation. The Arboricultural Officer has recommended an appropriate condition.*

6.83 The Appellant also notes the conclusions in the Officer' report in respect of outline planning consent for redevelopment of land at Romney House, Bristol (BCC application ref. 18/00703/P):

Pg. 21. It is evident that some existing trees on site will need to be removed to facilitate the development. At this stage an arboricultural impact assessment and arboricultural method statement has been provided. Following consultation, the Council's Arboricultural Officer confirmed that they raise no objections to the proposed tree removals or the proposed tree protection measures in principle, subject to at least 67 replacement trees being planted on site as mitigation, in accordance with the Bristol Tree Replacement Standard. No detailed planting plan has however been submitted at this stage. It is considered that this could be addressed at reserved matters stage when the detailed layout and landscaping is submitted for assessment. The provision of the trees will be secured via suitably worded condition.

6.84 In both instances, the Council have accepted that an outline application can be considered acceptable, and that it is appropriate to secure further details in relation to impact assessment, tree protection methods and the BTRS calculation at detailed design stage.

6.85 Draft planning conditions will require the submission of further arboricultural impact assessment and also proposed planting plans at detailed design stage and prior to works commencing on the Appeal Site; these are proposed in the draft SOCG (Condition 13, Condition 16 and Condition 24).

Summary

6.86 Overall, it is considered that the proposed approach to dealing with arboricultural impacts is appropriate at this outline stage, and that further detail requested can be dealt with through an appropriately worded planning condition in respect of compliance with the BTRS and further assessment of impacts at detailed design stage.

6.87 The Appeal Scheme does not conflict with the policies identified in the Arboricultural objection.

Landscape

6.88 A detailed objection was received from the Council's Landscape officer in September 2022 (Appendix A – CD3.11).

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- 6.89 The Landscape comments refer to a significant amount of design detail that would not be appropriate at this outline stage, and that goes beyond the requirements of an outline application and the requirements set out under the Site Allocation BSA1201.
- 6.90 Notwithstanding this, the Appellant and their consultants has provided a detailed response to the key concerns raised in the Landscape objection (Appendix A – CD2.7) and this response has been shared with the Council ahead of the Inquiry for discussion.
- 6.91 The Landscape Officer raises concern in respect of some of the following key issues:
- Extent of earthworks and cut and fill and impact on trees and RPA
 - Extent of earthworks and cut and fill and impact on the built form and whether this is in keeping with local character
 - Overlooking of open space
 - Location of playspace
 - Detailed design of SUDS and function of the wetland meadows
 - Usability of private amenity space
- 6.92 This application is submitted in outline, with matters of layout, landscape, scale and appearance reserved for future determination.
- 6.93 Information submitted in relation to the points above is illustrative only, albeit in some respects the Design Code, submitted for approval, does set detailed design requirements to address some of the issues raised, such as the orientation and activation of building elevations and spaces, the design of the SUDS, and the proposed approach to dealing with site levels.
- 6.94 There is nothing in the requirements set out under the Site Allocation BSA1201 that requires specific detail in relation to the points raised in the Landscape Officer's comments. Details of the Appeal Scheme compliance with the Site Allocation requirements has been discussed earlier in this section.
- 6.95 The Appellant relies upon the detailed rebuttal to the Landscape objection, and the detail enclosed in this response will form the basis for future discussion with the Council, or form part of the detailed proof of evidence for discussion at the Inquiry.
- 6.96 The Appellant addresses below the points of policy conflict that the Landscape Officer refers to:
- DMP Policy DM17 – Green Infrastructure*
- 6.97 The Landscape comments suggest there is conflict with DMP Policy DM17, which states '*Proposals which would harm important features such as green hillsides, promontories,*

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ridges, valleys, gorges, areas of substantial tree cover and distinctive manmade landscapes will not be permitted.'

- 6.98 However, the Appeal Site is allocated for development in the Local Plan and effects are inevitable. The Site Allocation includes specific requirements to retain landscape and green infrastructure connectivity to adjacent spaces, retain important trees and hedgerow and provide appropriate ecology survey and mitigation strategy, which the outline Appeal Scheme has been designed to provide. In allocating the Appeal Site for c. 300 houses the ecological and landscape value of the site was considered (see conclusions in section 5 of this SoC from the Sustainability Appraisal Main Report prepared to support the Local Plan). Ultimately it was concluded that harm from development of the Appeal Site would be acceptable, having regard to mitigation proposed and the other significant benefits including housing delivery.
- 6.99 Whilst the Site Allocation Development Considerations does state "*retain or incorporate important trees and hedgerows within the development which will be identified by a tree survey*", it should be acknowledged that there is a balance between achieving the number of homes set out in the allocation and the retention of key trees and hedgerows. The Appeal Scheme has retained trees and hedgerow where possible and as informed by detailed ecological, arboricultural and heritage surveys, and has reinforced the prioritised green links through the Appeal Site.
- 6.100 Other matters of compliance with Policy DM17 have been considered earlier in this SoC (Section 5.7, Section 5.140-143). The Appeal Scheme is not considered to conflict with Policy DM17.

DMP Policy DM22 – Development Adjacent to Waterways

- 6.101 The Landscape comments consider the SUDs landform proposed in the Appeal Scheme is contrary to the gentler slope from the high point along the northern boundary to the southern boundary along the brook. This would diminish the existing landscape setting along the footpath with unnaturally steep banking along most of the footpath within the Appeal Site. This approach is contrary to DM22 which states;

'Development which is adjacent to, or contains, waterways will be expected to:

Take opportunities to enhance the recreation and leisure role on on-site waterway(s)..'

- 6.102 The Appellant confirms that the 'brook' located adjacent to the southeast corner of the Appeal Site, comprises a partly culverted unnamed tributary of the Brislington Brook to the west. However, this small ditch is generally not visible due to the overgrown nature of the mixed scrub and trees and not considered to be a prominent feature running alongside the current public footpath. Notwithstanding this, it is anticipated

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to realign the public footpath, which will cross the wetland areas via a network of boardwalks as shown in the Design Code (Section 5.6). The Appeal Scheme is therefore not considered to conflict with Policy DM22.

Policy DM27 – Layout and Form

- 6.103 The Landscape comments raise concerns about the proposed wetland meadows and the severe banking and slopes render these areas uncharacteristic of wetland meadows inappropriate to the surrounding character, with limited amenity value. The Officer considers this approach is contrary to the character of the Appeal Site and the Policy DM27: Layout and Form states:

‘Through high quality landscape design, development will be expected to contribute to a sense of place with safe and usable outdoor spaces which are planned as an integral part of the development and respond to and reinforce the character of the context within which it is to be set.’

- 6.104 The Illustrative Masterplan aims to optimise the topography, ground conditions and ‘no-build buffer’ beneath the power lines to create large areas of biodiverse wet grassland. The banks to the SUDS ponds are currently shown to have an acceptable 1:3 gradient slope, although attempts have been made to blend this landform. However, the lower parts of the Appeal Site where these ponds need to be located are constrained by the proximity of tree root protection zones that have been avoided. It should be acknowledged that this area is not aimed at being play-space, there are other parts of the Appeal Site that facilitate a more useable outdoor space as well as the adjacent Victory Park to the south. The Wetland Meadow is primarily aimed at enhancing ecological aspects and providing accessible walking and cycling routes including boardwalks across the SuDS features.
- 6.105 The Officer asks for sections through this area showing the relationship with the existing tree belt with the SUDs retention basins. However, the Appellant considers this should not be required at outline stage and can be provided at detailed design stage as part of a reserved matters application.
- 6.106 The Appeal Scheme is therefore not considered to conflict with Policy DM27.

Summary

- 6.107 The Appeal Scheme accords with the principle of development established in the Appeal Site Allocation BSA1201 and the detailed design considerations set out under that policy. This being the starting point in determining the Appeal Scheme, and having regard to the proposed assessment and mitigation proposed in relation to loss of trees and habitats, the impacts of which would have been considered by the Council

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at allocation stage, it is considered that the development is acceptable having regard to the other development plan policies that the Landscape Officer references. Furthermore, the capacity of the Appeal Site has been informed by this contextual analysis, site survey and community engagement, including amends to ensure the masterplan has been landscape-led as far as possible, hence the application seeks permission for up to 260 homes, compared to the indicative capacity for 300 homes referenced in the site allocation.

6.108 Overall, it is considered that the Appeal Scheme and the submitted details, including the Design Code and parameter plans with which future reserved matters will need to comply, provide a sufficient level of detail at this outline stage to demonstrate that a high-quality landscape environment would be delivered on the Appeal Site. This will be supplemented by further detail at reserved matters stage or as part of the proposed planning conditions. The relevant planning conditions set out in the draft SOCG, that would address the matters raised by the Landscape Officer are as follows:

- Condition 3 – compliance with approved plans
- Condition 5 - compliance with Design Code
- Condition 13 – Landscaping details
- Condition 16 – Detailed arboricultural impacts
- Condition 17 – surface water drainage
- Condition 24 – Landscape and Ecological Mitigation Plan
- Condition 31 – Construction and Ecological Management Plan

7. Matters without Statutory Consultation

Comments

Noise

- 7.1 The outline planning application was supported by a Noise Impact Assessment (Appendix A – CD1.23) which confirmed that there should be no objection to granting outline planning consent for the proposed development on noise grounds. The results of the Noise Impact Assessment and compliance with relevant development plan policies is summarised in Section 5.14 the submitted Planning Statement.
- 7.2 At the time of the submission of this appeal, no comments have been received from the Council’s environmental health team in respect of noise, air quality or other environmental impacts.
- 7.3 The Appellant does not anticipate that noise impacts would form part of any reason for refusal identified by the Council in respect of the Appeal Scheme. It is recommended that additional noise survey work would be required at detailed design stage with any reserved matters submission, to be secured by planning condition as proposed in the draft SOCG (Condition 26)

Air quality

- 7.4 The outline planning application was supported by an Air Quality Impact Assessment (Appendix A – CD1.24) which concluded that air quality impacts of the proposed development scheme are considered to be acceptable, and mitigation is not required. The results of the Air Quality Impact Assessment and compliance with relevant development plan policies is summarised in Section 5.13 the submitted Planning Statement.
- 7.5 At the time of the submission of this appeal, no comments have been received from the Council’s environmental health team in respect of noise, air quality or other environmental impacts.
- 7.6 The Appellant does not anticipate that air quality impacts would form part of any reason for refusal identified by the Council in respect of the Appeal Scheme.

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Townscape and Visual Impacts

- 7.7 The outline planning application was supported by a Townscape and Visual Impact Assessment ("TVIA") (Appendix A – CD1.20). The scope and viewpoints for assessment were agreed with the Council's CDG.
- 7.8 The TVIA describes the existing townscape, landscape and views of the Appeal Site and its wider context; considers their sensitivity to change and identifies the changes likely to arise from the Appeal Scheme; and provides judgements of the importance of the potential effects arising. The TVIA concludes that the greatest effects on local townscape / landscape character and visual receptors would arise within the extent of the Appeal Site and would be, in TVIA terms, considered adverse owing to the change from the existing baseline to a new area of development. Beyond the Appeal Site's boundaries, effects would reduce with distance and are not judged to be adverse.
- 7.9 No detailed comments have been received from the Council in respect of the TVIA, or any objection to the conclusions in respect of impacts on local townscape character or views.
- 7.10 The Landscape officer in the statutory consultation response (Appendix A – CD3.11). does note that the landscape value of the Appeal Site, as assessed in the TVIA, is not agreed.
- 7.11 The Appellant submits that the TVIA is clear in setting out how it has reached its judgements with regard to landscape susceptibility and value, and how this has led on to the judgment regarding the sensitivity of the landscape / townscape. The approach adopted within the TVIA is in accordance with its compliant with relevant methodology, as noted in the response to the consultation comments (Appendix A – CD2.7).

Contamination

- 7.12 The outline application was supported by a Land Quality Statement which concludes that any risks from contamination are considered to be very low and that targeted remediation works to mitigate contamination issues are considered necessary.
- 7.13 It is agreed between the parties that matters of land contamination do not form part of the reasons for refusal and this is set out in the SOCG.

Heritage and Archaeology

- 7.14 The outline planning application was supported by an Historic Environment Desk Based Assessment (Appendix A – CD1.18) and supporting technical appendices that detail the below ground investigations undertaken. The Appeal Site is not located within a Conservation Area or subject to any historic designation, but impacts of the

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Appeal Scheme on local heritage assets is considered. The results of these heritage and archaeological assessments and compliance with relevant development plan policies is summarised in Section 5.11 and Section 5.12 of the submitted Planning Statement.

7.15 The Council's Conservation Officer was engaged in pre-application discussions about scope of the archaeological investigation, attended site during the investigations and was issued with the report findings of the investigations.

7.16 At the time of the submission of this appeal, no comments have been received from the Council in respect of heritage or archaeological matters. The archaeological works to date have not revealed any remains of sufficient heritage significance that it is anticipated would form grounds for refusal by the Council. Any further archaeological matters can be dealt with as condition of consent in the form of mitigation works ahead of construction.

8. Response to Third Party Comments

- 8.1 A significant number of objections from local residents and other Third Parties have been received in response to the outline planning application. These are discussed below.
- 8.2 The Appellant reserves the right to submit evidence on any detailed issues raised by Third Parties during the appeal process.
- 8.3 A full response from Bristol Tree Forum (BTF) was received in July 2022, objecting to the planning application (Appendix A – CD4.1). The concerns raised included:
- Loss of a unique heritage asset
 - Impact on the SNCI designation
 - Impact on important wildlife corridors
 - The AIA assessment methodology for existing trees and vegetation on site
 - The proposed approach to the Outline BNG calculation
- 8.4 The Appeal Site is not subject to any historic designations, there are no statutory or local listings on the site and it does not form part of a Conservation Area. As above, the heritage value of trees and hedgerow on the Appeal Site have been considered as part of the submitted AIA and Heritage DBA.
- 8.5 The matters raised in the BTF objection have been discussed in detail previously in this Statement (Section 5), with reference to submitted planning application documents as required. The Appeal Scheme is acceptable in all these respects.
- Brislington Conservation and History Society
- 8.6 The Brislington Conservation and History Society submitted an objection to the application (Appendix A – CD4.2). The objection is mainly concerned about the loss of open space and the impact on trees and ecology.
- 8.7 It is important to note that Appeal Scheme will continue to deliver a significant amount of open space that will become formally accessible to the public, and that will retain important connections through the Appeal Site between both Eastwood Farm and Victory Park. The Appeal Scheme is acceptable in this respect.
- 8.8 These matters have been discussed in detail previously in this Statement (Section 5), with reference to submitted planning application documents as required.

Ward Councillors

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- 8.9 Objections to the planning application have been submitted by Brislington East Ward Councillors (Appendix A – CD.4.3), Councillor Tim Rippington and Councillor Katja Hornchen.
- 8.10 These objections raise a number of common themes and the key concerns are summarised by the Appellant as follows:
- The principle of development and loss of open space
 - Biodiversity and environmental impacts – with regard to the climate and ecological emergencies declared by the Council
 - The Local Plan Review
 - Noise sensitivity in relation to the Brislington Trading Estate
 - Traffic and air quality impacts
 - Access to public transport
- 8.11 These matters have all been considered under the Section 5 ‘The Case for the Appellant’ above. The Appeal Scheme is acceptable in all respects.
- 8.12 The Local Member for Parliament, Kerry McCarthy, has also objected to the application (Appendix A – CD4.5). The objection references comments from the Chief Executive of Avon Wildlife Trust that Brislington Meadows is an important habitat for wildlife which also provides vital access to nature for local people. At the time of the appeal submission the Appellant has not been made aware of any comments on the application from the Wildlife Trust, despite chasing the planning officer (Appendix A – CD7.4). In any event, the ecological impacts of the Appeal Scheme are acceptable as set out above.
- 8.13 The MP makes similar objections to the Ward Councillors in respect of the principle of development in this location and the Local Plan Review.

Public Comments

- 8.14 In total, over 700 objections have been received in response to the application at the time of this appeal submission.
- 8.15 These objections raise a number of common themes and the key concerns are summarised by the Appellant as follows:
- The location of the development on the Meadows and the use of greenfield land
 - Designation of the site as an SNCI

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- Loss of ecology and biodiversity
 - Loss of trees
 - Highways safety and traffic impacts
 - Flood risk
 - Archaeological potential
 - Impact on local services
- 8.16 It is the Appellant's starting point that the Appeal Scheme complies with the development plan and the allocation of the Appeal Site for development, which considered the matters above. Full technical details were submitted in support of the outline planning application, to detail compliance with the requirements of Site Allocation BSA1201, and to demonstrate that the development would not result in unacceptable harm.
- 8.17 In relation to heritage and archaeology, there is nothing specifically requested in relation to these matters in the requirements of Site Allocation BSA1201. Notwithstanding this, the outline planning application was supported by an Historic Environment Desk Based Assessment (Appendix A – CD1.18) and supporting technical appendices that detail the below ground investigations undertaken. The Appeal Site is not located within a Conservation Area or subject to any historic designation, but impacts of the Appeal Scheme on local heritage assets is considered. The results of these heritage and archaeological assessments and compliance with relevant development plan policies is summarised in Section 5.11 and Section 5.12 of the submitted Planning Statement.
- 8.18 The Council's Conservation Officer was engaged in pre-application discussions about scope of the archaeological investigation, attended site during the investigations and was issued with the report findings of the investigations.
- 8.19 At the time of the submission of this appeal, no comments have been received from the Council in respect of heritage or archaeological matters. The archaeological works to date have not revealed any remains of sufficient heritage significance that it is anticipated would form grounds for refusal by the Council. Any further archaeological matters can be dealt with as condition of consent in the form of mitigation works ahead of construction. This is covered in the suggested conditions in the draft SOCG (Condition 30).
- 8.20 All matters relating to the key objections raised have been addressed previously in this Statement (Section 5).

9. Draft Planning Conditions / Draft Planning Obligations

- 9.1 The Appellant will endeavour to agree a list of conditions with the Council in advance of the Inquiry. A list of suggested conditions is provided in the SOCG (Section 10).
- 9.2 A summary of the headline planning obligations to be agreed is provided in the SOCG (Appendix A). A draft legal agreement setting out the proposed Heads of Term was submitted with the planning application (Appendix A – CD1.31). The Appellant will work with the Council to agree a full planning obligation agreement in advance of the Inquiry.

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10. Conclusion

- 10.1 For reasons above, the appeal should be allowed and outline planning permission granted for the Appeal Scheme.

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Appendix A - Core Documents List

CD1	Application Documents and Plans
CD2	Additional/Amended Reports and/or Plans submitted after validation
CD3	Statutory Consultee Responses Received
CD4	Other Consultation Responses
CD5	The Development Plan
CD6	Relevant Appeal Decisions
CD7	Relevant Correspondence
CD8	Other Relevant Documents

CD1 - Application Documents and Plans

Ref	Title	Date
Drawings		
CD1.1	Location Plan (LDA Design No. 7456_016)	
CD1.2	Land Use Parameter Plan (LDA Design Drawing No. 7456_103)	
CD1.3	Heights Parameter Plan (LDA Design Drawing No. 7456_104)	
CD1.4	Access and Movement Parameter Plan (LDA Design Drawing No. 7456_101)	
CD1.5	Landscape Parameter Plan (LDA Design Drawing No. 7456_102)	
CD1.6	Broomhill Road Preliminary Access Layout Plan (KTC No. 1066-007.D)	
CD1.7	Bonville Road Emergency Vehicle Access (KTC Drawing No. 1066-014)	
CD1.8	School Road Pedestrian and Cycle Link (KTC Drawing No. 1066-016)	
CD1.9	Allison Road Pedestrian and Cycle Link (KTC Drawing No. 1066003.H)	
CD1.10	Illustrative Masterplan (LDA Design Drawing No. 7456_105)	
Documents		
CD1.11	Application Form & Certificates (LDA Design)	April 2022
CD1.12	Planning Statement (LDA Design)	April 2022
CD1.13	Design and Access Statement (LDA Design)	April 2022
CD1.14	Design Code (LDA Design)	April 2022
CD1.15	Transport Assessment (Key Transport Consultants)	April 2022
CD1.16	Framework Travel Plan (Key Transport Consultants)	March 2022

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CD1.17	Outline Construction Environmental Management Plan (Campbell Reith)	March 2022
CD1.18 a) CD1.18 b)	Historic Environment Assessment (The Environment Partnership) Archaeological Survey (The Environment Partnership)	April 2022
CD1.19	Arboricultural Impact Assessment (The Environment Partnership)	April 2022
CD1.20	Townscape and Visual Impact Assessment (LDA Design)	April 2022
CD1.21 CD1.21 a) CD1.21 b) CD1.21 c) CD1.21 d) CD1.21 e) CD1.21 f) CD1.21 g) CD1.21 h) CD1.21 i) CD1.21 j)	Ecology Impact Assessment – Redacted version (The Environment Partnership) Technical Appendices: Appendix A – Desk Study Appendix B – Target Notes Appendix C – Hedgerow Assessment Appendix D – Grassland Assessment Appendix E – Habitat Condition Assessment Appendix F – Reptile Survey Appendix G – Breeding Bird Survey Appendix H – Invertebrate Survey Appendix I – Badger Surveys (CONFIDENTIAL) Appendix J – Bat Surveys	April 2022
CD1.22	Outline Biodiversity Net Gain Assessment (The Environment Partnership)	April 2022
CD1.23	Noise Impact Assessment (Accon UK Environmental Consultants)	March 2022
CD1.24	Air Quality Assessment (Accon UK Environmental Consultants)	April 2022
CD1.25	Sustainability and Energy Statement (Kovia Consulting)	April 2022
CD1.26	Contamination – Land Quality Statement (Campbell Reith)	March 2022

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CD1.27	Flood Risk Assessment and Drainage Strategy (Campbell Reith)	March 2022
CD1.28	Health Impact Assessment (Kovia Consulting)	April 2022
CD1.29	Statement of Community Involvement (Cadence PR)	March 2022
CD1.30	Utilities Assessment (Campbell Reith)	March 2022
CD1.31	DRAFT Planning Obligations Heads of Terms	

– **CD2 - Additional/Amended Reports and/or Plans submitted after validation**

Ref	Title	Date
CD2.1	Outline Biodiversity Net Gain Metric 3.0 calculation (The Environment Partnership) - <i>submitted to the Council on 24 May 2022</i>	April 2022
CD2.2	Arboricultural Impact Assessment V2 (The Environment Partnership) - <i>submitted to the Council on 26 May 2022</i>	March 2022
CD2.3 CD2.3 a) CD2.3 b) CD2.3 c) CD2.3 d)	Applicant's response to initial urban design comments received from the Council's City Design Group - <i>submitted to the Council on 19 July 2022</i> <ul style="list-style-type: none"> Site Sections (LDA Design Drawing No. LDX_7456_XX_XX_DR_2001_Rev A) Isopachtyes Plan Formation Against Topsoil Strip Tree Survey Overlay (Campbell Reith Drawing No. DR-C-5007-P1) Drawing 3: Tree Conflict Plan (Full Site) (TEP Drawing no. D7507.21.303) CD2.3 d) Ecology, Trees, Estimated Ground Level Changes, Estimated Habitat Losses and Development Platform Overlay CONFIDENTIAL (TEP Drawing No. G7507.20.064) 	July 2022
CD2.4 CD2.4 a) CD2.4 b) CD2.4 c)	Building with Nature assessment and accreditation – <i>submitted to the Council on 19 July 2022</i> <ul style="list-style-type: none"> BwN Summary of Award BwN Certificate of Accreditation of 2.0 Design Award BwN Audit 	July 2022
CD2.5	Employment and Skills Statement – <i>submitted to the Council on 23 June 2022</i>	June 2022

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CD2.6	Applicants' response to initial highways comments received from the Council's Transport Development Management team - <i>submitted to the Council on 8 August 2022</i>	August 2022
CD2.6 a)	<p>Appendices:</p> <ul style="list-style-type: none"> Proposed Improvements to Pedestrian Route to East Sheets 1 of 7 (KTC drawing no. 1066-020-01) Proposed Improvements to Pedestrian Route to East Sheet 2 of 7 (KTC drawing no. 1066-020-02) Proposed Improvements to Pedestrian Route to East Sheets 3 of 7 (KTC drawing no. 1066-020-03) Proposed Improvements to Pedestrian Route to East Sheets 4 of 7 (KTC drawing no. 1066-020-04) Proposed Improvements to Pedestrian Route to East Sheets 5 of 7 (KTC drawing no. 1066-020-05) Proposed Improvements to Pedestrian Route to East Sheets 6 of 7 (KTC drawing no. 1066-020-06) Proposed Improvements to Pedestrian Route to East Sheets 7 of 7 (KTC drawing no. 1066-020-07) Isopachyte Drawing (Campbell Reith Drawing No. 	
CD2.6 b)	Indicative Contour and Retaining Wall Plan (Campbell Reith Drawing No. DR-C-5001-P4)	
CD2.7	Applicant's response to the statutory consultation comments from the Council's Landscape Team - <i>submitted to the Council 7 October 2022</i>	October 2022
CD2.8	Applicant's response to the statutory consultation comments from both the Council's Nature Conservation and Arboricultural Officers - <i>submitted to the Council 7 October 2022</i>	October 2022

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CD3 – Statutory Consultee Responses Received

Ref	Title	Date
CD3.1	Avon and Somerset Constabulary	June 2022
CD3.2	BCC Flood Risk and Drainage	June 2022
CD3.3	Bristol Waste	June 2022
CD3.4	BCC Strategy and Enabling Planning	June 2022
CD3.5	BCC Sustainable City Team	June 2022
CD3.6	INITIAL BCC Tree Officer comments	July 2022
CD3.7	INITIAL BCC City Design Group comments	June 2022
CD3.8	INITIAL BCC Transport Development Management comments	July 2022
CD3.9	BCC Nature Conservation	September 2022
CD3.10	BCC Arboriculture	September 2022
CD3.11	BCC Landscape	September 2022

CD4 – Other Consultation Responses Received

Ref	Title	Date
CD4.1	Bristol Tree Forum	July 2022
CD4.2	Brislington Conservation and History Society	June 2022
CD4.3	Ward Councillor Objections	May 2022
<u>CD4.3(a)</u>	Councillor Katja Hornchen	
CD4.3(b)	Councillor Tim Rippington	
CD4.5	Local Member for Parliament, Kerry McCarthy - objection	May 2022

CD5 – The Development Plan

Ref	Title	Date
CD5.1	NPPF	2021

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CD5.2	Site Allocations and Development Management Policies	2014
CD5.3	Site Allocations and Development Management Policies – Annex: Site Allocations Information – Site Ref. BSA 1202 extract	2014
CD5.4	Policies Map	2014
CD5.5	Core Strategy	2011
CD5.6	Bristol Urban Living SPD	2018
CD5.7	Bristol Affordable Housing Practice Note	2022
CD5.8	Bristol Planning Obligations SPD	2013
CD5.9	SUPERSEDED Local Plan 1997 Policy NE5 extract	

CD6 – Relevant Appeal Decisions

Ref	Title	Date
CD6.1	Land at Silverthorne Lane, Bristol - Appeal Refs. 3264641 and 3264642	April 2022
CD6.2	Land at Wolborough Barton, Newton Abbot – Appeal Ref. 3205558	March 2020

CD7 – Relevant Correspondence

Ref	Title	Date
CD7.1	BCC Pre-Application Response	January 2020
CD7.2	Design West Response	January 2022
CD7.3	Email Correspondence with Dr Nick Michael – Bristol Nature Conservation Officer	September 2020
CD7.4	Correspondence between Appellants agent and BCC Planning Officer in respect of outstanding consultee comments	Email chain dated 02.09.22

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CD8– Other Relevant Documents

Ref	Title	Date
CD8.1	Bristol Full Council Motion – Green Spaces	September 2021
CD8.2	Five Year Housing Land Supply Assessment 2020 to 2025	June 2021
CD8.3	Sustainability Appraisal Main Report - Site Allocations and Development Management Policies	Publication Version (March 2013)
CD8.4	Hengrove Leisure Park, Bristol (BCC appln ref. 21/00531/P) - Officer's Committee Report	September 2021

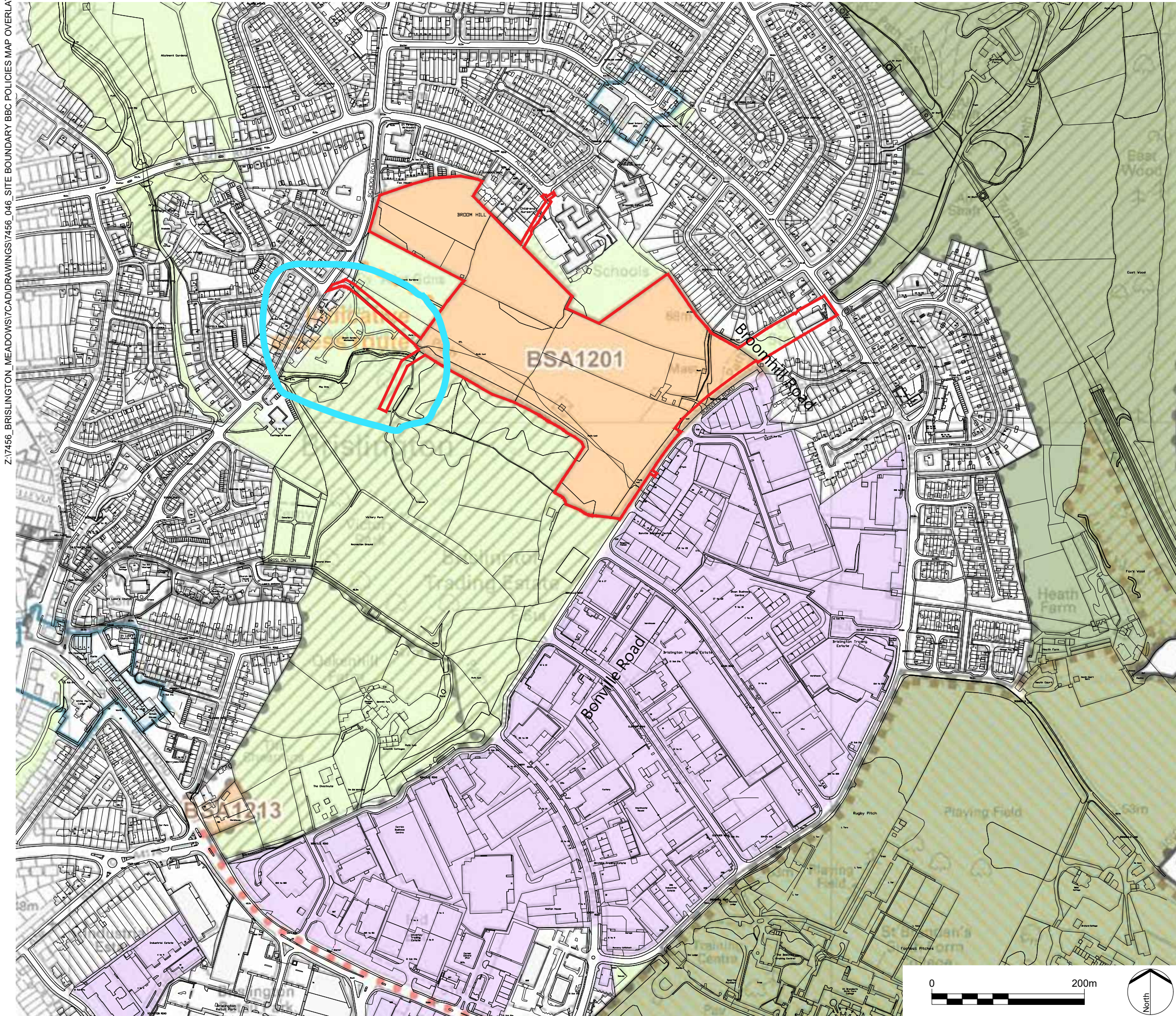
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**Appendix B – Comparison Plan of Site Location Boundary and
adopted Polices Map Extract (LDA Design Drawing No.
7456_046)**

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Z:\17456_BRISLINGTON_MEADOWS\7CAD\DRAWINGS\17456_046_SITE BOUNDARY BBC POLICIES MAP OVERLAY.DWG



LEGEND

Site Boundary (LDA Design)

Policies Map Key (Bristol City Council Local Plan)

Site Allocations
Site Reference

Safeguarded Transport Links
BCS10, DM24

Safeguarded Park and Ride Sites
BCS10, DM24

Rail Infrastructure
BCS10, DM24

Principal Industrial and Warehousing Areas
BCS8, DM13

Centres
BCS7, DM7, DM9

Primary Shopping Areas
BCS7, DM8

Secondary Shopping Frontages
BCS7, DM8

Ramsar Sites*

Special Protection Areas*

Special Areas of Conservation*

Sites of Special Scientific Interest*

Sites of Nature Conservation Interest
BCS9, DM19

Regionally Important Geological Sites
BCS9, DM20

Scheduled Ancient Monuments*

Conservation Areas*

Registered Parks and Gardens*

Local Historic Parks and Gardens
BCS22, DM31

Green Belt
BCS6

Important Open Space
BCS9, DM17

Avonmouth and Kingsweston Levels
DM18

Sewage Works Expansion
DM39

Minerals Safeguarding Areas
DM38

REV.	DESCRIPTION	APP. DATE
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LD̂DESIGN

PROJECT TITLE
7456 - Brislington Meadows

DRAWING TITLE
Site Boundary BCC Policies Map Overlay

ISSUED BY	Bristol	T: 0117 203 3628
DATE	Sep 2022	DRAWN JN
SCALE@A3	1:5,000	CHECKED RF
STATUS	Draft	APPROVED RF

DWG. NO 7456_046

No dimensions are to be scaled from this drawing.
All dimensions are to be checked on site.
Area measurements for indicative purposes only.

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Sources Ordnance Survey

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