

Development Control Committee B- 7th December 2022
Application No. 22/01878/P- Land at Broom Hill/Brislington Meadows

SUMMARY

Members are advised that the applicant notified Planning Officers on 5th September 2022 that they had submitted an appeal against non-determination to the Planning Inspectorate. The reference for the appeal is APP/Z0116/W/22/3308537 and the Council has received the 'Start Letter' confirming that the appeal is valid and that it will be considered under the Public Inquiry procedure running for 11 days starting on 31st January 2023

An appeal against non-determination is made when the statutory period for the Council to make a decision has passed and the applicant decides to place the application in the hands of the Secretary of State for Levelling Up, Housing and Communities (via the Planning Inspectorate).

In appeals against non-determination, the Council is required to put forward to the Planning Inspectorate the basis upon which the planning application would have been determined if a decision had been taken by it. This is necessary so that the Planning Inspectorate may consider the merits of the application and reach a decision on the appeal.

Officers have considered the application carefully and are of the view that it should have been refused had it been considered by the Council. In doing so, Officers have considered all of the submitted application documents, proposed plans and the appellant's Statement of Case (please see application webpage for further details)

Therefore, the purpose of this report is to summarise key issues and seek agreement from Members on the reasons as to why Officers would recommend that the application should be refused if it was to be determined by the Planning Committee.

SITE DESCRIPTION

The application site known as Brislington Meadows is situated in the Brislington East ward and comprises an irregular shaped parcel of land extending to 9.6 hectares

To the northeast, the Site is bound by Broomhill Road and residential properties on Conover Road. To the north the Site is bound by residential dwellings on Belroyal Avenue and an associated rear access lane running alongside Broomhill Junior School and Mama Bear's Day Nursery and residences accessed off Allison Road.

To the east the Site is bound by Bonville Road and the Brislington Trading Estate PIWA. To the west of the site is School Road and existing allotment gardens. To the south of the site lies Victory Park and paddocks which comprise protected open space. It is to be noted that both the proposal site and the adjacent land to the immediate south are shown on the Pinpoint Online Mapping system and records held by the Bristol Regional Environmental Records Centre as being within the Brislington Meadows Site of Nature Conservation Interest (SNCI).

However, Members are advised that in policy terms the application site is not considered to be within the SNCI, as evidenced on the Council's Local Plan Policies Map. The application site is allocated for housing under policy SA1 of the Site Allocations and Development Management Policies Local Plan. Sites in SNCIs which were allocated for development are to be considered under Policy SA1 and not under the SNCI provisions in policy DM19. For those allocated sites, Policy SA1 sets out specific development considerations which address loss of nature conservation interest with provisions for ecological surveys, mitigation and compensation. The SNCI provisions contained within policy DM19 are directed to the areas shown as SNCI on the Local Plan Policies Map – this is indicated in the supporting text of DM19 at paragraph 2.19.5. Therefore, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, for the purposes of this assessment the proposal site is not considered to be within the SNCI as it is not shown as being so on the Local Plan Policies Map.

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The Site currently comprises open fields crossed by two public rights of way and a network of informal trodden paths. The Site is not subject to specific environmental or landscape designations and has an allocation for housing development in the Council's adopted Local Plan for circa. 300 homes (relevant Site Allocations and Development Management Policies Local Plan (2014) policies include SA1 and Site Allocation BSA1201). Important site specific information providing detail for any development proposal on the site is provided in the Annex to the plan: 'Site Allocations information'. Development proposals should be developed in accordance with such considerations as well as being considered in the context of all other relevant development plan policies as policy SA1 makes clear.

Whilst the majority of the Site is covered by the allocation (93%), 6.9% of the Site area is located outside of the formal site allocation boundary but has been included within the red line boundary in order to facilitate access, green infrastructure connection and drainage. The pieces of land outside of the location are situated on previously developed land in the north east corner adjacent to Broomhill Road which formerly comprised the Sinnott House police station, a strip of land at the western boundary of Broomhill Junior School included to make provision for a pedestrian and cycle link, an existing pedestrian access to School Road which will be retained and enhanced, an existing pedestrian access into Victory Park and a short length of Bonville Road included to facilitate pedestrian and cyclist crossing.

The 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 Site will be relocated following the grant of planning consent for the proposed development.

Broomhill local centre, including a small convenience store, public house, salons and takeaway shops, is located approximately 200m north of the Site. Brislington local centre is located approximately 650m south-west of the site at the bottom of School Road and comprises additional shops, services and amenities. Brislington Retail Park is also located approximately 830m south of the site on Bath Road.

The Site is served by public transport with bus stops on Broomhill Road and School Road. Brislington Park and Ride is located 1km south of the site on Bath Road.

In terms of access to open space, the Site has a direct informal connection to Victory Park to the south. Eastwood Farm Local Nature Reserve is located approximately 150m north of the Site on the northern side of Broomhill Road. Nightingale Valley Park is located approximately 600m west of the Site off Allison Road.

There are no statutory or locally listed buildings, or scheduled ancient monuments, on the Site or within the immediate vicinity.

There are numerous trees and hedgerows on the site, a number of which are covered by Tree Preservation Order (TPO). In total, 16 trees, 3 groups of trees and 1 woodland within the site are protected by TPO 1404 (Land at Broom Hill). The site also includes 8 hedgerows, 5 of which are classified as being "important" under the Hedgerows Regulations 1997

According to the Environment Agency, the Site is located in Flood Zone 1 and considered to be at low risk from flooding and suitable for residential development.

RELEVANT HISTORY

19/05220/PREAPP Provision of up to 300 residential units with infrastructure. Date Closed 21 January 2020 CLOSED

20/04579/PREAPP Provision of up to 300 residential units with infrastructure. Date Closed PCO

20/05675/SCR Request for a Screening Opinion as to whether an Environmental Impact Assessment is required for a residential development comprising up to 300 homes. Date Closed 11 December 2020

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EIANOT

21/00550/P Outline application for preliminary works to deliver a 'Green Link' between Brislington Meadows and Broomhill Road, including the laying of a pedestrian footpath, ecological enhancements and provision of a temporary construction access and compound within the site to facilitate the preliminary works. Date Closed PCO

APPLICATION

The Description of Development on the submitted Application Form reads as follows:

“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. (Major)”

The application is made in Outline with plans and documents that have been submitted for approval being:

Location Plan (LDA Design No. 7456_016)

Parameter Plans

- 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)

Access Layout Details

- 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)

Supporting documents

- Design Code

Further details of the application scheme are set out in the Design and Access Statement and an illustrative masterplan has also been provided

The submitted Planning Statement confirms that the applicant is committed to delivering affordable housing in line with policy requirements. As such, 30% of the dwellings will be affordable.

The only vehicle access into the site will be from Broomhill Road at the north-eastern corner. This access point will serve the main primary road running through the site. Details of the proposed junction and access onto Broomhill Road are provided on the submitted Preliminary Access Layout Plan. An emergency vehicle access is also proposed on the south-eastern boundary of the site from Bonville Road. This will be restricted using bollards and used only by emergency vehicles as needed.

Pedestrian and cycle access is proposed to be retained and enhanced to provide access to Victory Park to the south and School Road to the west. A new connection is also proposed from the north of the site, between Mama Bear's Day Nursery and Broomhill Junior School to connect to Allison Road and Broomhill Local Centre to the north.

Full details of building height and scale is reserved for future determination. However, maximum building heights are shown on the Heights parameter plan drawing which 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 site, responding to topography and the larger built form of the industrial units on Bonville

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Road.

Along the northern boundary of the 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 site, a maximum height of 2.5 - 3 storeys are permitted for the dwellings. This allows for appropriate frontage to the open space to the south of the site and looking beyond to Victory Park.

Full details relating to the appearance of the proposed development and the future dwellings are reserved for future approval. Notwithstanding this, key principles are set in the DAS and also the Design Code which is submitted for approval as part of this outline application.

The Landscape parameter plan shows the retention of existing vegetation and habitats where possible. Further details of this are included within the submitted Arboricultural and Ecological Impact Assessments.

STATEMENT OF COMMUNITY INVOLVEMENT

The Planning Statement details that a programme of public consultation has been undertaken since 2021. The application is supported by a Statement of Community Involvement (SCI) prepared by Cadence PR on behalf of Homes England. The Statement summarises the ways in which the community has been involved in the development process prior to the submission of the Outline planning application (matters of layout, scale, appearance and landscaping are reserved for future approval) and how the team have responded to community input.

The consultation has included a wide variety of on and offline activity to help include as many people as possible, but also to manage Covid-related risks and concerns. In summary it included: regular Councillor and stakeholder meetings; the establishment of a local community advisory group to help improve two-way engagement; two community webinars in Oct 2020; two community newsletters supported by 'register for updates' emails; a dedicated project website, and in December 2021, the main consultation, which included a webinar and in-person exhibition event. The consultation was also widely covered in the local press and on social media.

Two newsletters were sent out promoting the consultation activities to over 3,000 homes in the local area. In total, 5,371 people visited the website; 215 people registered for updates; 350 emails were received providing feedback or asking questions (125 relating to the illustrative masterplan consultation); 33 stakeholder meetings were held and 200 people attended either the webinar or in-person exhibition

RESPONSE TO PUBLICITY AND CONSULTATION

NEIGHBOUR CONSULTATION

The application was advertised by neighbour notification letter, site notice and press advert. A total of 583 representations have been received consisting of 6 letters of support, 573 objections and 3 neutral to the development.

Objectors have raised the following concerns:

- Brownfield land should be built on first
- Lack of community facilities in the area and existing provision already oversubscribed
- Pressure on nursery and school places
- Loss of open space for recreation, health and wellbeing
- Loss of natural carbon capture
- Impact on Victory Park as a space for recreation
- Loss of pedestrian routes including two Public Rights of Way (PROW)

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- Lack of reliable public transport to support development resulting in car dominated development
- Increased pollution from vehicles (noise and air quality)
- Existing active travel infrastructure is lacking
- Roads already congested
- Highway safety
- Should be two entrance/access roads into the development - one road off Broomhill Road and the other road off School Road to cater for no. of cars on the development
- Impact on local businesses (access and parking for HGVs, commercial vehicles, staff, and customers)
- Proposals would result in huge traffic problems on Bonville Road
- Increased flooding and drainage issues on School Road
- Increased flood risk to off-site properties
- Loss of wildlife habitat (SNCI)
- Unclear as to how measurable net gains for biodiversity can be achieved
- Onsite net gain unrealistic and unachievable
- Offsite provision of gain unacceptable
- Loss of important/ancient hedgerows
- Loss of trees including veteran trees
- Incompatible with Climate and Ecological Emergencies
- Increased pollution of Brislington Brook
- Disruption, noise, and pollution during construction
- Over scaled, over dense, uncharacteristic development
- Poor design
- Loss of privacy
- Loss of views
- Flood risk
- Loss of sunlight and daylight
- Existing water pressure/supply issues
- Reduced security for those properties backing onto the development
- Smaller flat units are grouped together on the East side of the site
- Lack of wheelchair-accessible homes
- Insufficient affordable housing provision
- Impact on archaeology

COUNCILLOR COMMENTS:

Cllr Tim Rippington OBJECTION:

"I fully object to the Planning Application to develop Brislington Meadows. I have reached this conclusion after hearing all the arguments on both sides, and having fully engaged with the developers Homes England to hear about their plans for the area.

The Brislington Meadows site was designated a Site of Natural Scientific Interest (SNCI) until the Local Plan of 2014 was approved. Since then, its status as a SNCI has been the subject of much debate, as it does not seem to have ever been formally rescinded. Nothing has changed on the site since it was designated an SNCI which means that it should not be considered one now.

During the consultation on the 2014 Local Plan, which took place in 2012, 324 people commented, of whom 310 did not agree with the principle of developing the site, and only 1 person was in favour. Despite this overwhelming objection, the site was approved for development in the Local Plan at that time.

Much has changed in the world since that local plan was adopted. In May 2021, the Mayor of Bristol announced that, in light of the Climate and Ecological Emergencies declared by the city, it was no longer appropriate to develop Brislington Meadows for housing. In 2022 Bristol City Council debated and passed a motion calling on a stop to the development of green spaces within the city, including Brislington Meadows.

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It is now very clear that, whilst there is still a housing crisis in the city, this cannot be addressed to the detriment of the climate and ecological disaster that the world is now facing. Furthermore, Bristol has in 2022 approved a comprehensive house building programme for the next 30 years and did not feel the need to include Brislington Meadows in these plans.

The current Local Plan is now 8 years old and would have been replaced by now with a new one had the government not rejected the WECA Joint Spatial Plan in 2019. This has prevented Bristol from updating its own local plan, but work continues in this area and Brislington Meadows is almost certain to be removed from housing development in the next plan, whenever it is published.

In the Queen's Speech in May 2022 the government has promised new legislation to grant local residents more say in the development of land in their local area - if this becomes law, residents in Brislington have already demonstrated that they would object fully to any development on the Meadows.

The Council, the Mayor, and the local community have all firmly voiced strong objections to developing this site. The site will not be included in the new Local Plan, and the Government's upcoming planning laws would prevent this site being developed. All these factors make it abundantly clear that this development is not wanted nor in the interests of Brislington or the wider city. This development will affect Brislington and the city for years to come; it should not be rushed through before Government policy or the Local Plan prevents it.

Threat to Biodiversity - Loss of Habitat

Wildlife habitat is being lost on a daily basis. The World Wildlife Federation describes habitat loss as "the greatest threat to the variety of life on this planet today". The UK has lost almost half of its wildlife and plant species as a result of human and land development since the Industrial Revolution, according to a new assessment by scientists at London's Natural History Museum. The country is ranked in the bottom 10% in the world and the worst among G7 nations.

Homes England has recognised that this development will result in significant loss of habitat; "This represents a net loss of - 24.12% in habitat unit value (a net loss of -14.23 habitat units), meaning a deficit of 20.14 habitat units compared to a 10% net gain position."

Indeed, in some circumstances this rises to -27.44%. It is proposed that this loss of habitat is "Offset" either on other properties or by means of financial payment. The concept of 'biodiversity net gain' is still unproven and in the current ecological emergency we simply cannot gamble on the idea that at some point in the future, the biodiversity lost by developing the meadows will be completely restored.

Invertebrates are central to the functioning of ecosystems. Recent work has shown that they are suffering from rapid decline. Homes England's own ecological survey states that "The ecology surveys completed at the site revealed that the greatest value of the site is its invertebrate assemblage... included nine species of conservation significance and two further species of local interest. The assemblage is dependent upon the mix of grassland, hedgerow and scrub habitats present in the site. Some species recorded are more dependent upon single habitat types or even single plant species (specific trees, grasses or wildflowers)." The loss of invertebrates on this site must be taken very seriously.

Homes England state that "Within the site, an estimated 46% of the land will be delivered as greenspace which will be designed, managed and monitored with biodiversity benefit at the fore, and especially benefit for pollinators. This exceeds the current objective in the Bristol Ecology Emergency Strategy for 30% of land in Bristol to be managed for wildlife." This statement is grossly misleading, as most of Bristol is already heavily developed - in order to achieve 30% of land being managed for wildlife, we need to retain biodiverse, ecologically-rich green spaces like Brislington Meadows.

In summary, Brislington meadows is a fantastic area of wildlife habitat which benefits the entire city and indeed the planet, and we simply cannot afford to destroy it now".

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Councillor Hornchen OBJECTION:

"I am writing to you to object the development on Brislington Meadows or Land At Broom Hill Broomhill Road Bristol BS4 4UD

This development has objections from the local councillors, the local Member of Parliament, the Mayor, Bristol City Council as a whole, and over 500 residents. This goes to show the strength of feeling that the downsides of this development significantly outweigh the upsides, so it should not go ahead.

Biodiversity and environmental destruction.

Brislington meadows is an ancient meadow with significant amount of 250 year old hedgerows. Hedgerows play an important if understated role in promoting the bio-diversity in an environment. These old hedgerows are well established and play an important part in conserving woodland birds and small mammals. Indeed, many of the priority species on the governments own Bio-diversity Action Plan use hedgerows as a safe breeding space, as well as a place to collect food and as a corridor to move from one forested area to another.

In urban areas hedgerows contribute to the services of climate regulation and sustainable urban drainage. This is particularly important on this site as run off water is known to flood the housing below the fields.

Hedgerows are important part of the homes for various wildlife, the plans put forward by homes England keep some of the ancient hedgerows, it plans to replace other hedgerows. It is well known that one cannot destroy ancient hedge row by simply planting new; it will take a generation to even begin to re-establish, which is not compatible with the city's climate goals. We also do not know what damage the construction process will do to the remaining hedgerows, I am not convinced that heavy machinery, noise, and large parts of earth moving will not disturb the Fauna and Flora of the remaining hedges.

Political and Social

There is overwhelming support for keeping the meadows as a green space from the local community. Indeed, when the change of designation was first proposed in 2011 from a Site of Nature Conservation interest to a site for possible housing, there was an overwhelming resistance to the building on the meadows. The council, however at the time, deemed the downsides of building homes on an ecological site were outweighed by the upsides. The consensus on this how now firmly changed.

In the meantime, our understanding of the huge threats to our climate and the destruction of our fellow creatures in the catastrophic collapse of the biodiversity of the planet. (in which the UK is in the bottom 10%.) As a city we, in November 2018 we declared a climate emergency, followed in February 2020 by declaring an ecological emergency. In September 2021 the full council passed a motion not to build on green spaces, Brislington meadows was mentioned in this motion.

As a city, have a right to change our mind on where houses are built. This process is underway - it's likely that Brislington Meadows will not be included in the next Local Plan. Bristol City Council has been developing the new Local Plan for a number of years and it is set to be implemented in 2024. Councillors should note that an emerging local plan can have an effect on whether decisions are overturned or not; it carries more weight the further it's developed. In the current campaign to save the meadows the planning process has already managed to collect over 500 objections to only 3 for the homes.

Further reasons to object to the development.

The meadows create a good green buffer zone and corridor between the industrial estate and the homes on the other side. It is important to keep light industrial estates as places of employment near living places. However not keeping them too close, to avoid matters such as noise complaints. We have already had complaints about noise pollution from activities on Bonnington Road - these problems would be much worse for housing on Brislington Meadows.

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The housing development of 260 houses will increase Brislington population by 600 + people. That alone is 5% of the total population in Brislington. There are many other developments in the area already underway. There is already a severe lack of local community facilities in the local area, particularly in area around Broomhill and Brislington Hill. Just recently a community space (the old Methodist Hall Church Hill Road) is to be converted to an HMO. As Brislington has a dearth of community facilities, Brislington Meadows, as a community space, should remain for the community.

Transport

The plans for the site, propose to be green however they completely fall short in regards to transport, which is one of the main contributors to Co2 output in cities.

The average parking space proposed in this development is 1.5 per household. That would add 360 cars to the already congested local streets, especially Broomhill Road, which already has traffic Queues on peak times.

However, I believe this to be an underestimation of the number of cars, due to the site being quite far away from the centre and other amenities. Broomhill road is narrow and over parked, as are the surrounding streets - a problem that will be compounded by increased development. The planners alluded to the existing 1 bus close by, which at the best of times is not reliable. The lack of reliability will further increase dependency on cars.

The proposed outline of the design of the housing uses only one access road on a very old fashioned design of a central two-lane road with each house having a parking space outside. So not only is it a place with poor access to Poor public transport, it also by design is car-centric design, which will have negative consequences for Bristol's decarbonisation efforts.

Simply saying that the Commercial bus company would increase services because of more passenger is disingenuous. Planning guidelines state that we shouldn't rely on the future actions of third parties to solve a problem that will arise because of development, which is the case in this application.

Homes England proposes an active travel through the meadows which is a welcome. Unfortunately, this active travel corridor does not connect to anything, so has a very limited purpose. Given the very real threat to our planets Bio-diversity, and the practical considerations of traffic and flooding, I strongly believe this site should not be built on, and should be looked after as a green space for our wildlife as well as amenity for future generations to enjoy”.

EXTERNAL CONTRIBUTORS:

In the interests of brevity, these comments have been summarised. Full comments are available on the website

Avon Fire & Rescue Service- NO OBJECTION

Avon Wildlife Trust- OBJECTION:

“Avon Wildlife Trust opposes the proposals to develop Brislington Meadows for housing. We are facing an ecological emergency at a local, national and global level and urgent action is needed to protect and restore the habitats and natural systems on which wildlife and people depend. The first step in reversing wildlife declines is stopping destruction of remaining habitats. Avon Wildlife Trust recognises the balance that the Council is trying to strike in tackling the ecological emergency, the climate emergency and local crises in housing, poverty, heating and hunger, all at the same time. We do not oppose all housing development in the city, but seek to ensure that where development does happen, nature is fully taken into account, with habitats integrated into high quality design or created elsewhere to deliver an overall gain for nature. There are though sites in the city that are so important for nature that they should not be developed.

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We believe that Brislington Meadows is one of these. Brislington Meadows is important for a number of reasons: - it is a valuable habitat for wildlife designated as a Site of Nature Conservation Importance for its rich grassland habitats, - it gives local people access to nature, - it provides key "ecosystem services", reducing flooding and supporting water quality in Brislington Brook (which rises on the site) and downstream in the River Avon and Bristol City Centre as recognised in the West of England Nature Partnership's State of Environment mapping We do not believe that it will be possible to maintain the ecological value of Brislington Meadows, whilst developing the site for housing. Brislington Meadows should continue to be recognised as a valuable local wildlife site and protected from development. If development does go ahead despite our objections, measures must be put in place to reduce impacts on habitats and ecosystems as far as possible, through site layout and design, and through the creation and enhancement of large areas of habitat onsite and in the local area which maintain the ecosystem services provided by the Meadows and provide significantly greater value for wildlife, in line with the Government's policies on biodiversity net gain".

Bristol Waste- NO OBJECTION.

"Developers are advised to refer to the Planning Guidance for Waste and Recycling produced by Bristol Waste Company. When considering the layout, access and the design of the bin stores"

Coal Authority- NO OBJECTION

Crime Prevention Design Adviser- NO OBJECTION

Natural England- NO OBJECTION:

"Natural England has no detailed comments to make on this proposal".

Avon Wildlife Trust and Wessex Water were also consulted but no response has been received at the time of writing this report.

INTERNAL CONTRIBUTORS

In the interests of brevity, these comments have been summarised. Full comments are available on the website

Affordable Housing- NO OBJECTION:

"The site falls within the South zone and is subject to 30% Affordable Housing requirement. The tenure requirement is for 75% Social Rent and 25% Shared Ownership, or other affordable home ownership such as First Homes. If First Homes are to be delivered the Affordable Housing Statement submitted with the planning application should include proposed sales values for each house type/size, evidenced by a formal RICS valuation. This will enable identification of the appropriate units to be delivered as First Homes, where relevant to ensure that after 30% discount the sales values are not in excess of £250,000"

Air Quality- NO OBJECTION:

"This development will need to demonstrate no significant effect on air quality. A detailed air quality assessment may be required if the additional traffic on affected roads exceeds thresholds in the IAQM guidance. When a consultant is appointed, they should contact the air quality team to discuss scope for the assessment"

Arboricultural Officer- OBJECTION. Please see Key Issues B and C for further details

Archaeology- NO OBJECTION:

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“Archaeological evaluation of this proposed development site has established that there is extensive surviving evidence of occupation on the site dating back to the Romano-British period.

These remains lie relatively close to the surface and consist of ditched enclosures suggesting agricultural land use from the time. In addition to this agricultural use, the site has yielded evidence of Roman period glass working in the vicinity of the excavated trial trenches. Evidence of Roman period glass working is unique to this site in the Bristol region and is consequently of great archaeological significance.

Development of this site will cause a high degree of harm to this archaeological material. Consequently, a programme of archaeological works to include the excavation of the site by an approved contractor will be required to ensure the preservation by record of these remains.

These works can be secured through attaching the standard archaeological pre-commencement and pre-occupation conditions to any consent for development in accordance with the Archaeology and Development Supplementary Planning Document (SPD7). These conditions will secure an approved written scheme of works (WSI) and the deposition of the site record at a local museum and publication of the results of the excavation”.

Building Bristol- NO OBJECTION:

“Building Bristol confirm that we are happy with the content of the Employment and Skills template as provided. The applicant has confirmed that the requirement and responsibility for the full employment and skills plan will be passed to any future contractor. The applicant has been asked to ensure Building Bristol contact details are passed to contractors as appropriate, at the earliest opportunity so that a full employment and skills plan can be created in line with published guidance”.

Contaminated Land- NO OBJECTION. Conditions advised

Ecology- OBJECTION. Please see Key Issue B for further details

Flood Risk- NO OBJECTION:

“The initial drainage plans submitted for this site are acceptable overall. The SuDS measures proposed will provide benefits in terms of water quality, amenity value and biodiversity. Keeping the discharge rates to the existing QBAR greenfield runoff rates will help manage water quantity. By containing large volumes on site will help avoid an increase in the downstream, off site flood risk. This is important since there have been flooding problems on the lower levels Victory Park that flow over onto School Road. Confirmation from Wessex Water that the proposed sewer connections are acceptable will be required. As will the confirmation from BCC Parks team concerning the outlet to the drainage ditch. We await the detailed design of the drainage strategy for further review in due course”

Pollution Control- NO OBJECTION:

“I have looked through the application and the Noise Impact Assessment submitted with it and have no objection to the granting of outline permission for this development”.

Public Art- NO OBJECTION:

Public Rights of Way- NO OBJECTION

Landscape- OBJECTION. Please see Key Issue D for details

Sustainability- NO OBJECTION:

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“An energy and sustainability statement has been submitted with limited details. Full proposals are “reserved matters” to be submitted at a later stage of the planning process. Based on the information submitted, the outline proposals appear in accordance with BCS13, 14 and 15.”

Transport Development Management (TDM)- OBJECTION (Technical refusal as s106 and conditions are not yet fully resolved):

“We consider that the Design Code should be conditioned so that future development is of a high quality.

We are satisfied with the proposed accesses (which are not reserved matters) and these should be secured by condition.

We would require that the highway works are accompanied by a Road Safety Audit (which is standard procedure). We would flag that the Road Safety Audits should take place in term time and include periods before and after school to ensure that the movements of children through the area are fully taken into account.

Many design matters cannot be resolved until the Reserved Matters stage. We are not sure to what extent, if at all, it is appropriate to set out the design matters that will need to be considered at Reserved Matters stage by condition

We have asked that the Contours and Retaining Walls Plan is shown as “indicative only” as we have not accepted the proposed retaining wall and contour strategy but we are well aware that there will need to be a trade-off between construction and maintenance costs of large structures, as well as their impact on the liveability of the scheme, and making streets as accessible as possible . This will be a matter to resolved fully at Reserved Matters.

A Strategy to upgrade the PROWs through and adjacent to the site should be agreed and then implemented. This should be secured by condition.

On wider mitigation we have reached a point where, if various conditions can be secured, we would be satisfied that the impact of the development would be acceptable”

URBAN DESIGN- OBJECTION. Please see Key Issue D for details

RELEVANT POLICIES

National Planning Policy Framework – 2021

Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocations and Development Management Policies (Adopted July 2014) and (as appropriate) the Bristol Central Area Plan (Adopted March 2015) and (as appropriate) the Old Market Quarter Neighbourhood Development Plan 2016 and Lawrence Weston Neighbourhood Development Plan 2017 and the Hengrove and Whitchurch Neighbourhood Development Plan 2019.

In determining this application, the Local Planning Authority has had regard to all relevant policies of the Bristol Local Plan and relevant guidance.

KEY ISSUES

(A) PRINCIPLE OF DEVELOPMENT

The Site Allocation and Development Management Policies Plan was adopted in 2014 to support the Core Strategy (2011) and sets out detailed planning policies which are used by the council when assessing planning applications as well as identifying sites to be allocated for development.

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Under Site Allocation Ref. BSA1201 the Brislington Meadows proposal site (known as 'Land at Broomhill') is allocated for up to 300 new homes. As such, the principle of residential development at the proposal site has already been established and is considered acceptable.

The BSA1201 explanation text clarifies that a housing allocation in this location is appropriate as it is a sustainable location close to the supermarket and shops of Broomhill Road / Fermain Avenue Local Centre, the shops on the Brislington Retail Park, community facilities, employment areas and public transport infrastructure, with a residential context to the north and west

Additional support for the principle of development in this location is provided in Core Strategy policy BCS1 which states that South Bristol will be a priority focus for development and comprehensive regeneration. Development will be for a mix of uses to include the provision of around 8,000 new homes of a mix of type, size and tenure.

The policy states that development in South Bristol will primarily occur on previously developed land. However, the policy acknowledges that the delivery of new homes and regeneration will require the planned release of some open space sites which do not need to be retained as part of the area's green infrastructure provision.

The delivery of housing on previously undeveloped land is also referenced in the explanation text of allocation BSA1201 which states that a housing allocation in this location is appropriate as it 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.

Further to this, policy BCS5 sets out that the Core Strategy aims to deliver new homes within Bristol's existing built-up areas to contribute towards accommodating a growing number of people and households in the city. Between 2006 and 2026, 30,600 new homes will be provided in Bristol and policy BCS5 states that the development of some new homes will be developed on open space which does not need to be retained as part of the city's green infrastructure provision.

In terms of emerging local plan policies, the local plan review consultation of March 2019 proposed that all unimplemented site allocations from the Site Allocation and Development Management Local Plan should continue to be allocated in the new local plan. It is expected that the new local plan will be adopted in Spring 2024.

However, following the declaration of the ecological emergency in 2020, the council's political leadership has given heightened priority to biodiversity and this will be reflecting in emerging local plan policies.

It is understood that further Regulation 18 consultation on the local plan review is set to start on 28th November and will run to 20th January 2023. The consultation will be open for comments which will need to be taken into account before the next stage of the local plan is produced. That stage will not be until Summer 2023 when the publication version of the local plan will be made available for representations. The new local plan is timetabled to be adopted in Autumn 2024.

As part of the local plan review it will be proposed that site allocation BSA1201 should no longer be allocated for residential development. Depending on the timing of the decision, this would be a material consideration on any application on this site, albeit weight to be given would be limited.

Paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given).

As the Draft Local Plan is yet to progress through the Regulation 19 stage, the intention to remove the site from the allocation for housing can only be afforded limited weight in the planning balance and assessment of this planning application. Therefore, for the benefit of this assessment the proposal site is within an allocated site meaning the relevant local and national policy requirements in this respect remain applicable

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It is considered that the creation of up to 260 new homes would make a substantial and valuable contribution towards housing supply in accordance with the objectives of the policies detailed above. Therefore, the principle of residential development in this location is supported as it is compatible with the objectives of allocation BSA1201, Bristol Core Strategy Policies BCS1, BCS5 and policy SA1 of Site Allocation and Development Management Policies Plan

However, whilst the location of the application site may in principle be acceptable for residential development, this needs to be considered against the development considerations of allocation BSA1201 and also other policy requirements as discussed below.

(B) IMPACT ON ECOLOGY, HABITATS AND BIODIVERSITY

The development considerations contained within allocation BSA1201 relating to ecological issues include text that indicates any development should:

- *be informed by an ecological survey of the site and make provision for mitigation and compensation measures, including enhancement to the grazing land adjacent to Victory Park and compensation for the loss of semi-improved neutral grassland and damp grassland (the site currently has city-wide importance for nature conservation due to the presence and condition of particular species, habitats and / or features);*
- *retain or incorporate important trees and hedgerows within the development which will be identified by a tree survey;*
- *provide a green infrastructure link with Eastwood Farm Open Space to the north-east;*

The development considerations for allocation BSA1201 set out requirements for ecological survey, mitigation and compensation to address the loss of nature conservation which at least to some extent would inevitably arise from development of the site.

Policy BCS9: Green Infrastructure states that:

“The integrity and connectivity of the strategic green infrastructure network will be maintained, protected and enhanced. Opportunities to extend the coverage and connectivity of the existing strategic green infrastructure network should be taken.

Individual green assets should be retained wherever possible and integrated into new development. 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. Appropriate mitigation of the lost green infrastructure assets will be required.

Development should incorporate new and/or enhanced green infrastructure of an appropriate type, standard and size. Where on-site provision of green infrastructure is not possible, contributions will be sought to make appropriate provision for green infrastructure off site

National and local sites of biological and geological conservation importance will be protected having regard to the hierarchy of designations and the potential for appropriate mitigation. The extent to which a development would contribute to the achievement of wider objectives of the Core Strategy will be carefully considered when assessing their impact on biological and geological conservation”.

Policy DM15: Green Infrastructure Provision requires:

“The provision of additional and/or improved management of existing trees will be expected as part of the landscape treatment of new development”.

Policy DM17: Development Involving Existing Green Infrastructure states that:

“Proposals which would harm important features such as green hillsides, promontories, ridges, valleys,

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

All new development should integrate important existing trees. Development which would result in the loss of Ancient Woodland, Aged trees or Veteran trees will not be permitted. 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”

Policy DM19: Development and Nature Conservation states that:

“Development which would be likely to have any impact upon habitat, species or features, which contribute to nature conservation in Bristol will be expected to:

- i. Be informed by an appropriate survey and assessment of impacts; and*
- ii. Be designed and sited, in so far as practicably and viably possible, to avoid any harm to identified habitats, species and features of importance; and*
- iii. Take opportunities to connect any identified on-site habitats, species or features to nearby corridors in the Wildlife Network.*

Where loss of nature conservation value would arise development will be expected to provide mitigation on-site and where this is not possible provide mitigation off-site.

Development on or adjacent to sites of nature conservation value will be expected to enhance the site’s nature conservation value through the design and placement of any green infrastructure provided.

Policy DM19 also confirms that:

“Development which would have a harmful impact on the nature conservation value of a Site of Nature Conservation Interest will not be permitted”.

It is to be noted that the submission documents have incorrectly referred to the application site as no longer being classified as a Site of Nature Conservation Interest (SNCI). As evidenced by the Pinpoint Mapping system and records held by the Bristol Regional Environmental Records Centre, the proposal site lies within the Brislington Meadows SNCI but is also allocated for housing

However, as previously discussed in the site description section of this report, for the purposes of Section 38(6) the site is not considered to be within the SNCI as evidenced by the adopted Local Plan Policies Map which shows the site as being outside of this designation.

The SNCI status of the proposal site was taken into consideration during the allocation of the site for housing. The site allocation was proposed in the knowledge of its nature conservation interest and the balance of considerations resulted in it being allocated for development. Therefore, Officers have been advised that the allocation prevents the SNCI status from being an in-principle reason for refusal in accordance with this part of DM19.

However, all other policy requirements of DM19 remain applicable, in addition to policies BCS9 DM15 and DM17.

Further, as the report addresses below the importance of the site for nature conservation is highlighted within the policy allocation as is the importance of retaining or incorporating important trees on the site. While the current application seeks outline consent with only access to be determined in detail at this stage, the supporting documents for this application, specifically the Landscape Parameter Plan, show the degree of biodiversity loss on this site. This is further informed by the submitted Ecological Desk Study, Ecological Impact Assessment (EclA), 8No ecological appendices and Biodiversity Net Gain Assessment (BNGA).

In response to comments and objections raised by the BCC Ecologist and Arboricultural Officers, the applicant has also provided a Technical Response Note- Ecology and Arboriculture dated the 6th October

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which has also been considered by Officers.

What is shown on the landscape parameter plan and the results of the ecological and Biodiversity Net Gain (BNG) assessment forms the basis of the Ecology Officer's objection. This is then supported by development management policies and paragraphs from the NPPF which this proposal is not considered to accord with.

Brislington Meadows is a Site of Nature Conservation Interest (SNCI) which is allocated for development through the BCC adopted Local Plan 2014 (site allocation reference BSA1201). The site allocation establishes the acceptability in principle of residential development, with development considerations listed regarding nature conservation. These reference the site's ecological value (*"the site currently has city-wide importance for nature conservation due to the presence and condition of particular species, habitats and / or features"*) and must be considered in this proposal.

The Council's Ecological Officer has reviewed the submitted information and has confirmed that the ecological surveys carried out for this application are thorough, paint a good picture of the ecological features of the site and confirm that the site has high ecological value.

The Ecology Officer considers that this proposal is likely to result in multiple species displacement from the site due to extensive habitat loss. The Officer considers that this displacement would be likely to be permanent, as any habitat creation on or off-site post-development will not adequately replicate that which is going to be lost and which is currently supporting species on site.

Therefore, the Ecology Officer considers that the proposed development does not align with the development considerations of the BSA1201 site allocation regarding nature conservation. The proposed development has not identified mitigation and compensation measures for the loss of biodiversity on the site.

The NPPF states in paragraph 174 d) that *"Planning policies and decisions should contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity..."*.

Further to this, paragraph 179 b) clarifies that plans should *"identify and pursue opportunities for securing measurable net gains for biodiversity"*.

Paragraph 180 a) also states that *"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"*

The Technical Response Note provided by the applicant dated the 6th October states: *"While detailed proposals for biodiversity mitigation and compensation are not practical at this Outline stage, the submitted application commits to 10% biodiversity net gain and confirms this would be delivered through a comprehensive package of on and offsite measures which are still to be discussed and agreed with the Council"*.

The Ecology Officer has stated that there is insufficient evidence that the mitigation hierarchy has been followed so that offsite compensation is not favoured before retention, mitigation, and compensation on site. The information the ecological and BNG assessments present for this proposed development do not deliver confidence that the applicant can achieve a net gain in biodiversity because there is no agreement in place between the Council and Homes England yet for on and offsite measures. As no suitable land for BNG off setting has been identified or agreed with Officers, it is not considered that the proposal adequately demonstrates that it is possible to redress the identified loss of biodiversity from the site and secure an appropriate and acceptable BNG.

The proposed development has also not retained important hedgerows and trees within the development. Based on the details provided within the submitted Hedgerow Assessment Report and Historic

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Environment Desk-based Assessment, when assessed against the criteria contained within the Hedgerows Regulations 1997, five of the hedgerows contained within the proposal site are considered as “important” in terms of their archaeology & history, wildlife & landscape significance as specified in sections 5(a)(b) and 6(a) of Schedule 1 Part II.

These five “important” hedgerows are referred to in the Hedgerow Assessment Report as H1a, H2, H3, H4 and H5. As evidenced on the Landscape Parameter Plan, three “important” hedgerows are to be removed entirely (H2, H4 and H5) and it is proposed to remove a substantial portion of H3, in addition to a partial section of H1a. The submitted AIA identifies the important hedgerows that are to be removed as being G18, G20, G21, G24, G26 and G27.

The BSA1201 site allocation contains “*indicative capacity for 300 homes*”. The wording of the BSA1201 site allocation development considerations states “*The estimated number of homes for this site is 300*”. It clearly states that this number is an estimated capacity for the site, not what is definitively viable for the site.

The introduction of the ‘Site Allocations and Development Management Policies Annex: Site Allocations Information’ states that “*For those sites with a housing allocation, an estimated number of homes which could be developed on the site is provided. The precise number of homes to be developed will be determined through the planning application process*”.

As such, the development considerations for the BSA1201 site allocation should be met i.e “*incorporate important trees and hedgerows*”, before the number of viable houses on this site can be confirmed, especially on a site with “*city-wide importance for nature conservation*”.

Furthermore, Nature Conservation comments on the Pre-app for this site (19/05220/PREAPP) in 2019 stated the following: “*The current proposal involves a significant loss of hedgerows including species-rich hedgerows shown on the constraints and opportunities plan and is not considered ideal from an ecological perspective. The findings of the ecological surveys should be used to inform the layout and design of the scheme*”. The Ecology Officer has stated that this pre-app advice does not appear to have been followed in the current submission.

The Ecology Officer has stated that using the BCC Know Your Place mapping system online, the 1840s Tithe plan shows the same field structure in place as is existing currently at Brislington Meadows within the central part of the site. Only the northern boundary has changed since this date due to development of the school. This shows that the hedgerows and the standard trees present in them were in existence prior to the Enclosures Act (mainly passed between 1720 and 1840) and as such are considered ancient as defined by the DEFRA National Habitat Action Plan

Further evidence to support to this is provided by the Council’s Arboricultural Officer. The Officer considers that LIDAR mapping shows ditch and bank planting system which has been confirmed by a site visit and data collection. This system was utilised prior to and during the enclosures period and demonstrates the hedgerows are not a modern field system. The LIDAR mapping also identifies what appears to be ridge and furrow remains. The appellant has associated this to modern activity which includes allotment activity.

However, it is considered by Officers that there is no evidence of allotment activity within the site, the allotments occupying a site to the west and with different characteristics to the ridge and furrow to the east. The allotments adjacent to School Road date to Circa 1940’s (1946 aerial map) which originally extended to the northeast towards Allison Road but have never been located on the field system.

This means that the hedgerows on this site are demonstrably ancient and important features of this landscape, and support the high-level biodiversity shown by the ecological assessments produced. Replacing removed hedgerows with new hedgerows satisfies the requirements of the BNGA for hedgerow habitat but does not address the loss of an important and ancient feature of this landscape, the retention of which has been made a specific development consideration of the BSA1201 site allocation.

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It is also noted by the Ecology Officer that while badger activity on this site was originally only recorded on hedgerow 5, increased activity (latrines, snuffle holes and sett building) was recorded on the most recent site visit on 17th October with the Council's Ecology and Tree Officers. The majority of the activity appears to be on the western side of the site including in hedgerow 2 and 5, indicating that the hedgerows are supporting badgers.

Policy BCS9 states "*Appropriate mitigation of the lost green infrastructure assets will be required*" and this is reflected in the development considerations of site allocation BSA1201. Appropriate mitigation has not been provided. The hedgerows that are proposed for removal on this site are ancient and cannot be adequately replaced by new hedgerows.

Further to this, the BSA1201 site allocation development considerations clearly state that development should "*retain or incorporate important trees and hedgerows within the development*". The BSA1201 site allocation does not allow for the loss of these green infrastructure features.

The Technical Response Note provided by the applicant dated the 6th October states: "*The EclA fully acknowledges that it would take considerable time for habitat creation measures to replace the full biomass and ecological function of such well-established habitat. This is in part accounted for by the weightings applied within the BNG metric for habitat replacements, risks and complexities*".

The Ecology Officer confirms that the time it would take for habitat mitigation and compensation to replace the '*full biomass and ecological function of such well-established habitat*' is reason for objection, as in the interim of this site being developed and habitat creation measures being implemented, species such as breeding birds, badgers, bats, slow worms (all protected by the Wildlife and Countryside Act 1981, and The Conservation of Habitats and Species Regulations 2017), invertebrates, a high number of pollinators and others like deer and fox, will be permanently displaced from this site and Bristol will experience more wildlife decline (the trigger for BCC announcing an Ecological Emergency in 2020). This is directly in contravention of policy DM19 and paragraph 180(a) of the NPPF 2021

The Technical Response Note provided by the applicant also states that that the Nature Conservation objection "*appears to be a contention with the level of detail submitted or the outline stage, more so than an objection to the proposed scheme*".

In response to this statement, the Ecology Officer has confirmed that the level of detail submitted in the Ecological Desk Study, EclA and 8No ecological appendices are considered satisfactory for the level of planning they are informing.

Regarding paragraph 179 of the NPPF, Brislington Meadows is undeniably wildlife rich. Its components have been identified and mapped but not safeguarded for habitat management, enhancement, restoration or creation – especially not those which have been specifically mentioned in the development considerations in the BSA1201 site allocation. In addition, the proposed development does not "*promote the conservation, restoration and enhancement of priority habitats*", with those on this site being the important hedgerows.

In relation to paragraph 180 of the NPPF, an adequate mitigation or compensation plan is currently absent from this outline planning application. The Ecology Officer considers that it cannot be said in good confidence that the loss of biodiversity on this site is going to be adequately mitigated and compensated for in accordance with the development considerations. The proposed development has not given sufficient attention to ecological mitigation and compensation which form part of the site allocation's development considerations. The development proposal has not identified adequate opportunities "*to improve biodiversity in and around [the] developments*". Opportunities have been primarily referred to off-site, but this application lacks details as to how that will be achieved

Summary

As detailed in the development considerations for allocation BSA1201, the site currently has city-wide

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importance for nature conservation due to the presence and condition of particular species, habitats and /or features.

The ecological surveys that have been undertaken for this application confirm that the site has high ecological value. The Ecology Officer has confirmed that the proposal would result in multiple species displacement from site due to extensive habitat loss. This displacement would be likely to be permanent as any habitat creation on or off-site post-development will not adequately replicate that which is going to be lost and is currently supporting species on site.

Despite its allocation for housing, the proposed development is considered to result in extensive and arguably inappropriate loss of habitat considering the sites '*city-wide importance for nature conservation*' as detailed in the development considerations relating to nature conservation.

Of primary concern are the hedgerows on the site which have been surveyed and found to be 'important' under the hedgerow regulations 1997, habitats of principle importance (HPI), ancient habitat, and to support multiple species on site. Their retention was also made a specific development consideration of the site allocation. Despite this, 5No (3No fully and 2No partially) out of the 8 important hedgerows surveyed are proposed for removal

The loss of biodiversity on this site is considered too great and is completely inappropriate for a site this large, well-established and designated for nature conservation. BNG measures are unlikely to establish replacement habitat without first permanently displacing multiple species from this site due to how well-established the existing habitats are.

As no suitable land for BNG off setting has been identified or agreed between parties, it is not considered that the proposal adequately demonstrates that it is possible to redress the identified loss of biodiversity from the site and secure an appropriate and acceptable BNG.

It is recognized that a degree of biodiversity loss is implicit in the housing allocation on this site, however this proposed development presents a biodiversity loss which is beyond what might be acceptable or envisaged by the BSA1201 allocation and related development considerations relating to nature conservation (primarily that which states that important trees and hedgerows should be retained). Development on this site could be designed with less harm to the sites ecological features considering it is a site with "*city-wide importance for nature conservation*".

On balance, the development proposal as submitted does not adequately address the matters relating to nature conservation in the development considerations, resulting in a proposal which is not demonstrably a sustainable form of development.

Therefore, Members are advised that the proposed development is considered contrary to the development considerations of BSA1201, policies SA1, BCS9, DM15, DM17, DM19 and paragraphs 174, 179 and 180 of the NPPF

(C) IMPACT ON TREES

The development consideration contained within allocation BSA1201 that specifically relates to trees and hedgerows states that development should:

- *Retain or incorporate important trees and hedgerows within the development which will be identified by a tree survey.*

Policy DM15 clarifies that:

The provision of additional and/or improved management of existing trees will be expected as part of the landscape treatment of new development.

Policy DM17 states that:

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“All new development should integrate important existing trees. Development which would result in the loss of Ancient Woodland, Aged trees or Veteran trees will not be permitted. 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”

Further to this BCS9 states:

“The integrity and connectivity of the strategic green infrastructure network will be maintained, protected and enhanced. Opportunities to extend the coverage and connectivity of the existing strategic green infrastructure network should be taken.

Individual green assets should be retained wherever possible and integrated into new development. 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. Appropriate mitigation of the lost green infrastructure assets will be required.

Development should incorporate new and/or enhanced green infrastructure of an appropriate type, standard and size. Where on-site provision of green infrastructure is not possible, contributions will be sought to make appropriate provision for green infrastructure off site”.

Paragraph 131 of the NPPF states that:

“Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change... and that existing trees are retained wherever possible”.

The application is supported by an Arboricultural Impact Assessment (AIA), Hedgerow Assessment contained within Ecological Appendix Technical C and a Historic Environment Assessment which references historic hedgerows. The submitted Landscape Parameter Plan provides details as to which trees and wooded areas are to be retained together with their Root Protection Areas.

In response to comments and objections raised by the BCC Ecologist and Arboricultural Officers, the applicant has also provided a Technical Response Note- Ecology and Arboriculture dated the 6th October which has also been considered by Officers in addition to the issues raised in the appeal Statement of Case

Removal of Important Trees

TPO 1404 - Land at Broomhill Road was served during the pre-application process to identify the most important trees on site. Hedges and hedgerows cannot be the subject of a tree preservation order, however individual trees of merit within a hedgerow can. In total, 16 trees, 3 groups of trees and 1 woodland are included in TPO 1404.

TPO 1404 was served to identify the most important trees on site in accordance with the site allocation development considerations. It is to be noted that a tree preservation order is a material consideration within any planning application. However, it is accepted by the Council’s Arboricultural Officer that a development proposal could in principle include the removal of trees protected by a TPO.

Of the 16 important trees identified within the TPO, 3 are proposed for removal (TPO reference T10, T15 and T16). It is to be noted that paragraph 6.6 of the AIA incorrectly identifies these TPO trees for removal as being T9 and T18 and there is no mention of T15. These trees are identified for removal within the AIA, and are shown as either not having a Root Protection Area or as being in conflict with the capacity plan as shown on Tree Conflicts Plan Drawings 300, 301 and 302

Further to this, no details of TPO T15 are made within the AIA or shown on any plan drawing, however it is clear that this tree will need to be removed. This is evidenced by the Tree Conflicts Plan contained within

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the AIA where W2 (which includes T15) is shown as being dissected by a substantial amount of yellow hatching which is annotated as being "Trees in conflict with the capacity plan".

In addition to these TPO important trees being identified for removal within the AIA, the Landscape Parameter Plan (which has been submitted for approval), does not show these trees as being retained as evidenced by the lack of any Root Protection Areas for these TPO trees. Given the TPO status of these important trees, together with the development considerations of BSA1201, it is considered that the removal of these trees is a material consideration that should be afforded significant weight within the assessment of this Outline application

Whilst in some circumstances the removal of TPO trees is accepted (provided adequate justification and mitigation is provided), in this instance the development considerations of BSA1201 specifically state that development should "*retain or incorporate important trees and hedgerows within the development which will be identified by a tree survey*". *It is not clear that the extent of tree removal proposed is necessary or desirable to develop out the site in accordance with the development plan allocation.*

Therefore, the removal of existing important trees being TPO T10, T15 and T16, is considered contrary to the development considerations of allocation BSA1201 and policy SA1. Further to this, the removal of these trees is considered contrary to BCS9, DM15, DM17 and paragraph 131 of the NPPF

Site access arrangements and impact on trees

The application is made in Outline with all matters reserved except access. The proposed access layout details are provided in the following plan drawings:

- Broomhill Road Preliminary Access Layout Plan (KTC Drawing 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)

It is accepted by the Council's Arboricultural Officer that as the application is made in Outline, the final internal layout is yet to be finalized, meaning further details of tree removals and tree protection for the majority of trees on site will need to be secured at the Reserved Matters stage.

However, the Officer does have concerns in relation to trees that will be affected by the proposed access points into the site which have been submitted for approval and are to be considered as part of this Outline application.

In terms of the proposed access at Broomhill Rd, the submitted access layout plan (1066-007.D) only shows the access arrangements for approximately the first 30m into the site. Adjacent to his proposed access is the group of trees referenced as G39 in the AIA. This group comprises "*larger amenity trees such as oak, Norway maple and common ash growing in a narrow strip between the site and adjacent properties*". It is to be noted that this area lies outside of the site allocation area covered by BSA1201 but is not designated for any particular use on the Local Plan Policies Map

The BCC Arboricultural Officer has commented that the applicant has not provided an Arboricultural Method Statement or Tree Protection Plan in relation to where works are needed within the Root Protection Areas of trees G39. This is considered necessary to demonstrate that the construction of the access from Broomhill Road can be achieved without adversely affecting these trees proposed for retention. This lack of information also applies to the proposed School Road Pedestrian and Cycle link access as T34 is proposed for retention but again no Arboricultural Method Statement or Tree Protection Plan have been provided.

The Arboricultural Officer also raises concerns relating to the lack of detail that has been provided in relation to the impact that the Broomhill Rd access will have on the woodland group known as W2, which includes TPO tree T15. This woodland lies further into the site but is not shown on plan the Broomhill Access Plan 1066-077.D.

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The site access from Broomhill Road is the only vehicular access into the site. This location for the access was agreed with Officers at the pre-application stage. Although the Broomhill Access plan (1066-007.D) identifies the access as only extending a short distance into the site, its route through the former police station and into W2 are arguably fixed because there is no other route it can take due to the narrow width of the proposal site at this location

Therefore, in principle the loss of some trees in this location is accepted as there is no feasible way that the access route could be positioned here without the removal of some trees. The Bristol Tree Replacement Standard Table as set out in para 2.14 of the applicant's Technical Response Note dated 6th Oct demonstrates that 20 trees will need to be removed from W2 but this does not confirm which trees, most notably T15.

The approval sought as part of this Outline application for the vehicle access in this location primarily relates to highway safety issues related to its connection to the adopted highway being Broomhill Road. As the location for this access route has been agreed in principle (taking into consideration that it will require the loss of trees) it is considered reasonable and necessary to seek further details relating to any tree protection or mitigation as part of a pre-commencement condition.

The lack of detail provided in relation to the impact of the proposed development on trees G39 and T34 is a material consideration. However, the development consideration for this site relates to "important" trees, which in this case relates to those covered by the TPO. On balance, it is considered that adequate protection for these trees could be secured by pre-commencement condition so that the lack of detail at this stage is not considered to be a reason for refusing the application.

Summary

The proposed Landscape Parameter Plan (Dwg 7456_102) and the Tree Conflicts Plans (Dwgs D7507.21.300, 301, 302 and 303) all confirm that an excessive amount of trees will be removed to facilitate the proposed development. The importance of these trees has been confirmed within TPO 1404

The loss of important trees and hedgerows and further the applicant's emphasis to remove and mitigate, does not show a primary objective to conserve, or enhance biodiversity in accord with para 180 of the NPPF considering *"the site currently has a city-wide importance for nature conservation due to the presence and condition of particular species, habitats and/or features.* In addition, the application is not considered to retain existing trees wherever possible as required by paragraph 131 of the NPPF

This outline application has not responded to the site allocations and therefore important trees and hedgerows have been proposed for removal. Further, the additional supporting Isopachy plan demonstrates the site wide reprofiling that will permanently alter a site that is recognised as having city-wide importance for nature conservation due to the presence and condition of particular species, habitats and/or features.

Therefore, the proposal is considered contrary to the development considerations of BSA1201 and the requirements of policies BCS9, DM15, DM17 and paragraphs 131 and 180 of the NPPF Officers advise Members that this should form a reason for refusing the application.

(D) IMPACT ON LANDSCAPE AND DESIGN

BCS21 states that new development in Bristol should deliver high quality urban design.

The application is made in Outline with all matters reserved except access, however the applicant has sought approval for the submitted Design Code document. In addition to the submitted Parameter Plan and site access drawings, Landscape and Urban Design Officers have considered this document, along with the submitted Design & Access Statement (DAS) and Townscape Visual Impact Assessment (TVIA).

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In addition, the application is supported by a Trees Conflict Plan, Ecology Trees Overlay Plan, Proposed Contours & Retaining Walls Plan, Isopachytes Plan and Site Sections Plan. All of these have been considered by the Landscape and Urban Design Officers in their assessment of the application but have not been submitted for approval as part of this Outline application.

However, it is to be noted that the key concerns in respect of the landscape issues relate to the information set out in the Landscape Parameter Plan and Design Code, both of which have been submitted for approval.

The Brislington Meadows site is the northern part of a large area of landscape in the eastern part of Brislington. It is made up of agricultural fields, park, cemetery, woodland areas and brook with landscaped edges. This area of landscape forms part of a green infrastructure continuum from the green belt through Brislington to the wooded Brislington Brook valley and the River Avon landscape edge.

The site itself is a topography steep green hillside. The north part of which is a high point within the cityscape at approximately 60m AOD, which affords extensive view over the city and to Dundry Hill beyond. It is made up of a collection of small-scale agricultural grazing fields with generous hedgerow boundaries, which have remained largely unchanged since the 1840's field pattern.

As previously discussed in Key Issue B, these hedgerows are defined as ancient and important hedgerows, and are considered irreplaceable natural assets that create the field pattern landscape character. This makes this site a valued landscape meaning paragraph 174 of the NPPF applies which states;

'Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);'

It is noted that the NPPF states at paragraph 134:

'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design...'

In accordance with the site allocation, it is accepted that Brislington Meadow is a development site allocated for housing but recognizes Brislington Meadows is a sensitive landscape with high value landscape assets with ancient and important hedgerows.

The Landscape Officer has commented that the vision set out in the DAS has correctly stated the approach to the site should be 'landscape-led'. However, the Officer considers that the stated aim of the DAS is not considered to have been delivered within the information under consideration.

In addition to the concerns raised in relation to the removal of important hedgerows and trees as detailed in Key Issues B and C, the Landscape Officer has also objected to the proposed extent of removal of these features.

Policy DM17 Development Involving Existing Green Infrastructure states:

'Proposals which would harm important features such as green hillsides, promontories, ridges, valleys, gorges, areas of substantial tree cover and distinctive manmade landscapes will not be permitted.'

The following comments relate to the first Masterplan Principle on page 11 of the Design Code which looks to *'retain and enhance existing green corridors'*

The Landscape Officer has commented that the fragmentation of three retained green corridors within the internal part of the site, as indicated on page 11 of the Design Code and Landscape Parameter Plan, would undermine these hedgerows as green corridor continuums as proposed by the Masterplan Principle. These

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areas of hedgerow are referred to as Brislington Heights, The Gate, Brislington Green on the Landscape Parameter Plan. Parts of these green corridor hedgerow features are so reduced it would no longer be perceived as a hedgerow feature.

The loss of such a large percentage of hedgerows, which act a key landscape features and green corridor forming a green continuum to the adjacent site, is negatively impacted by the proposals and detrimental to the landscape character. This is exacerbated due to the poor integration of retained hedgerows into the proposed scheme shown on the Illustrative Masterplan. This approach fails to comply with policy DM26 which states;

“The design of development proposals will be expected to contribute towards local character and distinctiveness by:

i. Responding appropriately to and incorporating existing land for as, green infrastructure assets and historic assets and features”

The removal of such an extent of hedgerow also fails DM27 which states under the heading Landscape Design;

“In contributing to green infrastructure, design should incorporate valuable existing natural and manmade landscape features, while reinforcing it with new structural tree planting where appropriate”.

The following comments relate to the second Masterplan Principle on page 11 of the Design Code which looks to ‘Create a biodiverse wetland meadows’.

The Wetland Meadow along the southern edge of the site proposes two large areas with extensively engineered slopes to deliver a ‘Wetland Meadow’ that acts as SUDs attenuation basins.

The Landscape Officer has stated that the severe cut and fill required to achieve the attenuation basins impacts the landscape character as banking earthworks are adjacent to the Brook and the associated tree belt running the length of the southern boundary. The banking severs this landscape feature physically from the site lacking integration of this feature appropriately into the southern edge landscape strip. This approach is considered detrimental to this positive landscape feature and therefore contrary to policy DM27 which 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.’

It is also considered contrary to policy DM22 which requires:

‘Development which is adjacent to, or contains, waterways will be expected to: Take opportunities to enhance the recreation and leisure role of on-site waterway(s)..’

The Landscape Officer has commented that the engineered earthwork to create the basins are poorly integrated into the existing landform requiring cut into the slope of 4m raising up to banking up of approximately 2m above existing ground level. This approach creates an unnatural landform that runs contrary to the prevailing slope.

It is considered by the Landscape Officer that the earthworks are poorly integrated into the existing landform. This delivers an engineered character to the basin planted with predominantly neutral grassland. Gentler sloped SUDs features would integrate positively into the landscape, allowing additional plant variety and tree planting to visually enhance this area of public realm, with increasing multifunctionality and recreational use. The proposed approach is not an efficient use of land in accordance with the paragraph 120 of the NPPF which states decisions should;

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‘recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;

In addition, the Landscape Officer considers that the approximately 3m depth of the basin and likelihood that the basin will be filled with water would create a potential hazard for children as the depth would potentially mean poor visibility/overlooking from the houses.

The following comments relate to the third Masterplan Principle on page 11 of the Design Code which looks to *‘Set homes within the landscape’*.

The Landscape Officer considers that the masterplan principle proposes a landscape edge along Bonville Road, connecting an area of Broad leaf woodland with an area of mixed scrub altering the ‘modified grassland landscape’ in between to enhanced woodland.

The proposed tree planting within this landscape edge seeks to replace lost tree planting from within the site. This approach is contrary to the conservation hierarchy of retaining existing natural assets in the first instance and fails to retain the existing trees within the site which detrimentally impacts the landscape character of the site.

It is considered by the Landscape Officer that the ‘homes within landscape’ creates apartment blocks that relate poorly to Bonville Road and the proposed road internal to the site. The interface of the apartments and Bonville Road and the proposed road structure is considered ill-defined and incoherent.

Further to the third Masterplan Principle, Chapter 7 of the Design Code sets out the approach to the setting of the housing into the topography. The Landscape Officer has commented that to accommodate a traditional housing typology with single flat finish floor level, the site is proposed to be reprofiled with substantial earthworks as shown in the Isopachytes Plan. Only small areas around retained areas of hedgerow remain without reprofiling. This has resulted in an engineered approach to the sloping topography of site with extensive;

- retaining walls and tanking to the buildings faces;
- earthworks throughout the site fundamentally altering the landform.

The Landscape Officer considers that the overly engineered approach required to accommodate a standard housing typology, delivering extensive retaining walls with cut and fill impacts on the following:

- the character of the site defined by the topography;
- the existing landscape structure of hedgerows and trees requiring removal of the majority of these elements;
- the usability the garden areas with:
 - increased overshadowing
 - privacy issues for the garden and internally to the houses from the houses on the upper levels looking down on the lower level housing
 - reduced sunlight penetration
 - reduced usability of gardens due to the gradients
 - overbearingly large retaining wall and fence in the worse cases

Whilst considering Section 6 of the Design Code relating to Street Codes, the Landscape Officer has commented that this section shows a streetscape with predominately on-plot car parking for the housing and perpendicular parking dominating housing frontages.

The Officer has commented that On-street parking is preferred as it plays an important role in activating the street and;

- is an efficient use of land.
- requires less earthwork to achieve correct levels;

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- establishing a prominent building front not dominated with car parking;
- allows for street tree planting and greening of front gardens;
- reduces speeds in the road;
- creates a safe area between the parking space and house without driveway crossovers over the footway;
- creates a single level footway without needing lower kerbs that create an undulating footway creating issues for wheelchair users.

The approach to car parking with increased car parking on-street would increase efficient use of land in line with Section 11 of the NPPF. Car parking on street is more land efficient and would require less land to be developed leave more land as green infrastructure. Accordingly, this approach is considered more appropriate to this site.

Within the Design Code the landscape proposals have been described as character areas, including Wetland Meadow, The Gate, Brislington Green, Brislington Heights Pocket Park, The Greenway, Woodland and Bonville Glade.

Wetland Meadow

Concerns with the Wetland Meadow character area has been discussed previously in this Key Issue regarding the second Masterplan Principle on page 11 of the Design Code which looks to 'Create a biodiverse wetland meadows'.

The Gate

The Isopachytes plan within The Gate landscape character area shows it is likely that more of the centrally retained hedgerow/trees running north/south will require removal than currently shown due to the proximity of the earthworks and impact on the root protection zones.

The Gate landscape character edged with house side elevations, with central raised walkway will provide limited space for play and a poor relationship between the footpath and small areas of play. The lack of visual permeability from the houses, topography and limited space for play makes this area inappropriate as a LAP (a local area of play for very young children).

Concern is also raised that this area would attract anti-social behaviour as it is poorly overlooked with an indistinct amenity function beyond the visual of the retained central hedgerow.

The Greenway, Woodland and Bonville Glade

The Bonville Glade and Woodland is a strip of broadly retained areas of existing landscape planting. The proposals fail to define the amenity value of this area and lacks road edge tree planting definition. It is considered the side elevations of the flats edging the Bonville Glade fail to comply with Secure by design principles with poor overlooking. The proposals need to demonstrate that this ecological strip and associated animal species are robust to likely human activity from the residents of the flats, especially as these residents have not been provided with garden space.

The Greenway is accommodated within an Important Open Space. Further to this, there is a key concern that the proposals need to ensure both street trees and utilities can be accommodated within the space, without impacting the ecology and how a footpath/cycleway will be integrated into the proposals.

Brislington Heights and Brislington Green

The Brislington Green is a small area of green surrounded by houses with centrally retained trees/hedgerow. It is unclear if the retained planting within Brislington Green would be appropriate to this more formal area of space surrounded by housing and how this is compatible with this area as a play space. The central planting would potentially limit visual permeability of the space and therefore is contrary

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to Secure by Design principles.

The steep topography of the Brislington Heights space will limit the amenity use of this area, particularly as play space. Concern is raised that this area would attract anti-social behavior as it is poorly overlooked with an indistinct amenity function beyond the visual amenity of the retained trees. It should be shown that the area would comply with the design requirements for a LEAP.

The 'Homes within the landscape' masterplan principles locates the largest apartment edging along an area of landscape running along Bonville Road. This area of landscape lacks a distinct definition that relates to the road edge and delivers taller buildings more visually prominent on the higher part of the site.

It should be noted that the site has delivered no areas suitable for children to play ball games on a flat area.

Other comments from the Landscape Officer regarding the Design Code are as follows:

Back Gardens

The back gardens have been proposed as part of the ecology network throughout the site. This cannot be considered as providing a green corridor with native garden trees species as there is no control on how these areas will be managed. Some residents will choose to remove trees and pave over gardens which will undermine the ecological value and fail to provide the continuum of a green corridor.

Streetscape

The streets proposed inadequate numbers of street trees for some streets to provide sufficient tree canopy to ensure urban heat resilience.

Summary

While it is acknowledged that the site is allocated for development, a high level of consideration needs to be given to the natural assets on site to ensure the proposals contribute to the sense of place. Although this application is made in outline only seeking approval for access, information needs to be provided at this stage that gives confidence that a high degree of consideration has been given to the landscape character and natural assets within the site. The information within the Landscape Parameter Plan and Design Codes should deliver proposals recognising the landscape sensitivity of the site, including the ancient and important hedgerows.

A 'landscape lead approach' is necessary for this sensitive landscape to retain the key landscape features expected in accordance with the development considerations of the site allocation. However, the proposals seek to remove most of the important hedgerows and some important trees. This approach is contrary to policy and the design considerations of the site allocation failing to deliver the landscape led approach set out in the Design Code vision.

Three of the four Masterplan Principles contained within the Design Code are considered detrimental the landscape character, with the proposed SUDs and apartments poorly integrated into the existing landscape.

Although the planning application in made in outline, the information submitted for approval provides insufficient confidence that the design intent set out in Section 5 of the Design Code – 'Space codes' will be achievable and raises related landscape concerns.

The proposals fail to employ an appropriate housing typology and layout that is land efficient and minimizes earthworks, reducing the need for the engineered approach of retaining walls that fundamentally changes the landform and landscape character of Brislington Meadows.

The current landscape proposals rely heavily on areas of existing landscape infrastructure to provide

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amenity space, without providing information that shows that these areas of ecology would be robust to these dual uses of ecology and amenity.

For the reasons set out above, Members are advised that an objection is recommended by the Landscape Officer related to the landscape issues. Accordingly, the application is considered contrary to the development considerations of BSA1201, policies BCS21, DM17, DM22, DM26, DM27, DM28 and paragraphs 134 and 174 of the NPPF

(E) IMPACT ON HIGHWAY SAFETY

Policy BCS10 and policy DM23 require that development does not give rise to unacceptable and/or unsafe highway impacts. Development should not give rise to unacceptable traffic conditions and will be expected to provide safe and adequate access for all sections of the community within the development and onto the highway network. Development should be designed and located to ensure the provision of safe streets.

With regards to parking and servicing, policy DM23 specifies development proposals will be expected to provide an appropriate level of safe, secure, accessible and usable parking provision having regard to the Council's parking standards contained in the parking schedule at Appendix 2.

Policy DM32 also specifies that development must have regards to the need to provide and maintains safe and convenient access for occupants, while also providing satisfactory access for collection vehicles and operatives. The policy also states that development will not be permitted if recycling and refuse provision that meets the required capacity, design and access requirements cannot feasibly or practicably be provided.

Paragraph 111 of the NPPF states "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

The Council's Transport Development Management Officer has confirmed that they are satisfied with the proposed access details subject to conditions. It is considered that any remaining highways works or related design issues could be adequately dealt with via conditions or by further details being provided at the Reserved Matters stage.

However, the TDM Officer does advise that various financial contributions are required and will need to be secured via s106 obligations, please see Key Issue F for further details. As an appeal against non-determination has been made and Officers are recommending to Members that the proposal is refused, it will not be possible at this stage to agree and secure these required contributions. Therefore, the absence of a legal agreement to secure these contributions will need to form a reason for refusing the application.

(F) PLANNING OBLIGATIONS

New development often creates a need for additional or improved community services and facilities, without which there could be a detrimental effect on local amenity and the quality of the environment. Planning obligations are the mechanism by which measures are secured to enhance the quality of both the development and the wider environment, to help ensure that the development makes a positive contribution to sustainable development providing social, economic and environmental benefits to the community as a whole.

The legislative framework for planning obligations is set out in Section 106 of the Town and Country Planning Act 1990 as amended by Section 12 of the 1991 Planning and Compensation Act. Further legislation is set out in the Community Infrastructure Levy CIL Regulations (2010) (as amended). The NPPF at paragraph 57 details the tests that are required to be met when planning obligations are sought, namely that they should be necessary to make the development acceptable in planning terms; directly related to the development and, fairly and reasonably related in scale and kind to the development.

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Supplementary Planning Document entitled 'Planning Obligations' (2012) sets out the Council's overall approach to planning obligations and the types of obligation that the Council may seek to secure and complements BCS11.

Draft Heads of Terms for necessary planning obligations, which if permission were to be granted, would need to be secured via section 106 agreement are provided in Appendix A of the appellants Statement of Common Ground and are listed as follows:

- 1) Provision and timing of up to 30% affordable housing
- 2) Financial contributions towards:
 - off-site ecological mitigation
 - fire hydrants
 - public transport facilities
 - amending Traffic Regulation Orders
 - [tree planting]
 - [training and employment initiatives]
- 3) Management and maintenance of on-site public open space
- 4) Travel Plan:
 - audit fee
 - contribution
- 5) Highways – cycle and pedestrian works through Bonville trading estate

As an appeal against non-determination has been made and Officers are recommending the proposal is to be refused, the finalized required contributions have not been agreed between parties at this stage

Therefore, in the absence of a legal agreement to secure any necessary contributions to mitigate against impacts that may result from the development proposal, the application should be refused on this basis.

(G) EQUALITIES ASSESSMENT

The Equalities Act 2010 sets out the Public Sector Equalities Duty (“PSED”). Case law has established that this duty is engaged when planning applications are determined and consequently this duty has to be taken into account in the determination of this application.

During the consideration of this application due regard has been given to the impact of this scheme in relation to the Public Sector Equalities Duty in terms of its impact upon the groups with protected characteristics as set out in the Equalities Act 2010. These characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. There is no indication or evidence (including from consultation with relevant groups) that different groups have or would have different needs, experiences, issues and priorities in relation this particular proposed development. Overall, it is considered that this application would not have any significant adverse impact upon different groups or implications for the Equality Act 2010.

PLANNING BALANCE AND CONCLUSION

When determining an application at a local level, it is the role of the local planning authority (or authorities) to exercise their judgement in weighing up the relevant factors in the context of Section 38(6) to decide whether or not to grant planning permission.

This exercise, known as the planning balance, requires weight to be apportioned to a scheme’s benefits and to any harm caused and a judgement to be made as to whether the harm, as weighted, sufficiently outweighs the benefits so as to require refusal of the planning application

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The location of housing in this location on an allocated site accords with the Core Strategy's aspiration of regenerating South Bristol and the proposal is recognized as making a significant and valuable contribution to the supply of housing (approx.260 units) on a sustainably located site. This accords with policy BCS5 of the Core Strategy and allocation BSA1201 and is awarded significant weight in the planning balance.

On 14th January 2022, the government published the results of its 2021 Housing Delivery Test, which aims to measure how effectively each local authority is delivering housing against NPPF requirement to demonstrate a five-year supply of deliverable housing sites plus five per cent land supply buffer.

Bristol was found to be delivering only 74% of the housing requirement (approximately 3.7 years of supply), but a recent appeal decision at Silverthorne Lane (APP/Z0116/V/20/3264641 and 3264642) indicates that this figure could be lower being at the upper range of 2.59-2.96 years.

The penalties for this are that Bristol is now required to provide a "buffer" of sites for 20% more homes than are needed to meet its five-year target, to produce a Housing Action Plan, and that the presumption in favour of development in the NPPF will apply.

In view of the fact that the LPA is not able to demonstrate a five year housing land supply, paragraph 11(d) of the NPPF is engaged, and the tilted balance applies meaning the presumption in favour of sustainable development as set out in paragraph 11d of the NPPF is applicable. This indicates that planning permission should be granted unless 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:

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

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".

The relevance of this is that it could be argued that less weight should be attributed to the proposal's downsides, and more weight should be attributed to the proposal's housing benefits. The fact that policies have to be considered out-of-date does not mean that they can carry no weight. To carry weight, policies must be consistent with the NPPF, and as explained within this report, the policies that this development has been found to be contrary to are considered consistent with the NPPF. As such, Officers advise that whilst these policies may be considered out-of-date for reasons of inadequate housing land supply, they still carry significant weight.

Further, when considering the purpose of the planning system is to achieve sustainable development as set out by paragraph 7 of the NPPF, Officers advise that approving this development would fail to meet the NPPF's social and environmental objectives set out in paragraph 8, by nature of its unacceptable impact on ecology, trees, hedgerows and landscape.

Against this identified harm the proposal's benefits have been weighed. In terms of the benefits of the development, the proposal would make a substantial contribution to the area's housing stock and mix of housing (including 30% affordable housing). The provision of a range of dwelling sizes and types would meet the needs of different occupiers and will assist in creating a strong and balanced community. The proposal site is in a sustainable location with convenient and direct walking and cycling connections helping to access and sustain local services and business. The scheme would provide a significant amount and variety of landscaped open space and enhanced links to the existing public open space to the south of the site comprising Victory Park and to the north, comprising Eastwood Farm.

In terms of economic benefits, the proposals would contribute to the economic role of sustainable development by delivering land to improve choice and competition in the residential marketplace. The proposed development would contribute to economic growth both during construction and over the life of the development. Construction of the development would support jobs directly on site as well as indirect support to additional jobs in the supply chain. Additionally, during the construction phases, the development

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of the site would support the construction sector which will include local businesses. The construction of new housing creates a range of employment opportunities within the local and wider economy and has been acknowledged by the Government as a key driver for boosting housing delivery as required by the NPPF. In addition, the proposed development and introduction of new residents would generate funds through additional Council Tax payments.

The development would be liable for the Council's Community Infrastructure Levy from which the funds generated will be spent on city-wide infrastructure. The development would also be subject to specific S106 financial contributions towards specific improvement works directly associated with the development of the site.

However, as discussed within Key Issue B of this report, the proposed development is considered to result in an unacceptably adverse impact on ecology, biodiversity and loss of habitats on a piece of land of significant ecological value

The Council's Ecology Officer has stated that the proposal would result in multiple species displacement from site due to extensive habitat loss. It is considered that this displacement would be likely to be permanent, as any habitat creation on or off-site post-development will not adequately replicate that which is going to be lost and is currently supporting species on site.

It is not considered that the proposal makes adequate provision for mitigation and compensation measures for this ecological impact as there is no agreement in place between the applicant and the Council to secure any required offsite mitigation measures. This is not considered to comply with the development considerations for BSA1201, local plan policies or paragraphs of the NPPF

Further to this, the habitat that is proposed to be lost is very well established (in some cases 'ancient') and also includes "important" hedgerows as defined under the Hedgerows Regulations 1997.

Key Issue C also details that there are a number of "important" trees (as identified by TPO 1404) which are proposed to be removed.

Officers acknowledge that the allocation allows for the loss of some habitats, hedgerows and trees in order to facilitate the residential development of this site. It can be reasonably argued that all hedgerows cannot be practicably retained in situ as this would prevent adequate circulation around the site.

However, the development considerations clearly state that all important trees hedgerows should be retained and incorporated so the complete removal of 3 important hedgerows and the partial removal of 2 is considered excessive and contrary to the development considerations of the site allocation, relevant development plan policies and paragraphs of the NPPF

Similarly, the removal of 3 "important" TPO trees is also considered contrary to the development consideration of the site allocation, together with a number of development plan policies and paragraphs of the NPPF

Finally, as discussed in Key Issue D, the proposed development is not considered acceptable in relation to the identified harm on landscape character, as detailed in the submitted parameter plans and Design Code.

On balance, the proposal is not considered to provide adequate mitigation and compensation measures for the loss of ecology, biodiversity, habitats, does not suitably retain or incorporate important trees and hedgerows and would also be detrimental to the landscape character of the area. Therefore, the proposed development is not considered to accord with the development considerations of BSA1201, the requirements of policies SA1, BCS9, BCS21, DM15, DM17, DM19, DM22, DM26 and DM27 and also the development plan when viewed as a whole.

These issues are considered to significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in the NPPF as a whole, which Officers consider to be sufficient to justify the

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refusal of permission even when the tilted balance is applied.

RECOMMENDATION

- A) Officers recommend Members to resolve that, if the Committee had the power to determine the application, it would REFUSE planning permission on the grounds of:
- 1) The proposed development is considered to result in the displacement of multiple species from site due to the extensive loss of habitat. Further to this, the proposal has not identified adequate on or off-site mitigation and compensation measures for the loss of existing habitats and biodiversity. The application is therefore considered contrary to the development considerations of allocation BSA1201 of the Site Allocations and Development Management (2014), policy BCS9 of Bristol Development Framework Core strategy (2011) policies SA1, DM17 and DM19 of the Site Allocations and Development Management (2014), and paragraphs 174, 179 and 180 of the NPPF (2021)
 - 2) The proposed development is not considered to retain sufficient important hedgerows and trees within the proposal site. Therefore, the proposal is considered contrary to the development considerations of allocation BSA1201 of the Site Allocations and Development Management (2014), policy BCS9 of Bristol Development Framework Core strategy (2011) policies SA1, DM15, DM17 and DM19 of the Site Allocations and Development Management (2014).
 - 3) The proposed development fails to adhere to the landscape and urban design policy considerations by virtue of excessive damage to the existing features on the site. The proposed plans and supporting documents present unsympathetic responses to the natural assets on the site and surrounding context and would prejudice the future design and delivery of an appropriate scheme. The proposal will fail to meet the requirements of the NPPF; policy BCS21 of the Core Strategy 2011; and policies SA1, DM26, DM27, DM28 and BSA1201 of the Site Allocations and Development Management Policies 2014.
 - 4) In the absence of an appropriate agreement under s106 of the Town and Country Planning Act 1990, the proposed development fails to make provision for the following:
 - Affordable Housing,
 - Ecological Mitigation (including BNG Biodiversity Off Setting),
 - Financial Contributions towards Fire Hydrants, Public Transport Facilities, amending Traffic Regulation Orders, Tree Planting, Training and Employment Initiatives,
 - Management and Maintenance of on-site Public Open Space,
 - Travel Plan Audit Fee and contribution,
 - Highway works including cycle and pedestrian works though Bonville Trading Estate.

These are required in order to mitigate the impacts of the development. The proposal is therefore contrary to policies BCS10, BCS11 and BCS17 of the Bristol Local Plan: Core Strategy (2011) policies DM15, DM16, DM17, DM19, DM23 of the Bristol Local Plan: Development Management Policies (2014) and the Planning Obligations SPD (Adopted 2012).

- B) Officers request Members to agree that the Head of Development Management in consultation with the Head of Legal Services be authorised :-
- (a) To draft and sign the Council's Statement of Case for the appeal
 - (b) To agree and sign the Statement of Common Ground for the appeal
 - (c) To negotiate and complete any s106 obligation that can be negotiated with the applicant that mitigates the impact of the development
 - (d) To prepare and present the evidence on behalf of the Council based on the recommended reasons for refusal outlined in this report
 - (e) To take all necessary decisions arising during the course of the Inquiry proceedings relating

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to the presentation of the Councils case.