

**Land at Broom Hill / Brislington Meadows,  
Broom Hill, Bristol**

**Proof of Evidence of  
Charles Crawford MA (Cantab), Dip LA, CMLI  
on behalf of the Appellant**

**Landscape and Urban Design Matters**

**Appeal Ref. APP/Z0116/W/22/3308537**

**Volume 1: Main Proof**

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## **Appendices (separately bound)**

1. Amended Parameter Plans and Regulating Plan
2. Design Evolution Document
3. Analysis of Hedgerows H2 and H4
4. Sections A-A to F-F
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6. Excerpts from GLVIA3

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

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## **1.0 Summary Proof**

### **1.1. Background to my Evidence**

- 1.1.1. LDA Design was commissioned by Homes England in June 2020 to provide planning, masterplanning, landscape design and townscape and visual impact assessment services in support of the preparation and submission of an Outline planning application for the Appeal Site. We led the co-ordination of the wider design team on behalf of the Appellant.
- 1.1.2. I was not personally involved in the project prior to the submission of the appeal but became involved in November 2022 due to my extensive experience as an expert witness on landscape and urban design matters.
- 1.1.3. My evidence primarily addresses reason for refusal ("RFR") 4, which focusses on matters of landscape and urban design. My evidence covers two broad areas:
  - Masterplanning, landscape and urban design
  - Landscape/townscape and visual impact assessment

### **1.2. Amendments to Drawings**

- 1.2.1. In preparing my evidence, a number of minor discrepancies have been identified on the parameter plans and the regulating plan in the Design Code. I provide updated versions of these plans in Appendix 1 to my Proof and invite the Inspector to determine the appeal on the basis of the amended plans. The modifications are minor in nature and their acceptance would not cause any conceivable prejudice.

## **1.3. Design of the Appeal Scheme**

- 1.3.1. The planning application was submitted in Outline, with all matters reserved save for access. The matters that would be fixed if the scheme is consented are set out on the application form, the site location drawing, the parameter plans, the site access drawings and in the Design Code, which was submitted voluntarily and for which the Appellant invites approval.
- 1.3.2. The Design Code is intended to fix certain design requirements to ensure a good quality development as perceived from the public realm. The Code does not address the details of housing parcels or building design or typology. Two recent appeal decisions in Basildon provide useful guidance in considering Design Codes in Outline decisions (CD6.3 and CD6.4).
- 1.3.3. The Appellant appointed a team of experienced consultants with all the relevant specialist skills. Throughout the period from June 2020 to March 2022, the team undertook appropriate surveys and assessments and comprehensively explored and tested scenarios for development in light of the technical constraints. They also undertook pre-application engagement with Bristol City Council, extensive community consultation and an independent design review with Design West. There was considerable iteration of the design in response to the scenario testing, technical studies and feedback from stakeholders and members of the public. An overview of the design process is provided in the Design Evolution Document contained in Appendix 2 to my Proof.

## **1.4. The Allocation**

- 1.4.1. Under policy SA1 of the Site Allocations and Development Management Policies, July 2014 (CD5.3), the Council allocated the Appeal Site for development as site BSA1201, with an estimated capacity of 300 homes.
- 1.4.2. On visiting the Appeal Site, two key characteristics are immediately apparent as presenting significant constraints to masterplanning development:
- The steeply sloping topography
  - The strong network of hedgerows, which divide the site into a series of small fields.
- 1.4.3. In my opinion, the Council must have taken these constraints into account in arriving at its estimated capacity of 300 dwellings. I therefore assume that the Council took one of three approaches:
- 1) In defining a developable area, the Council could have assumed that all hedgerows and trees were to be removed to create a large development parcel, and that there would be substantial reprofiling of the topography to create level platforms for development.
  - 2) On the other hand, the Council might have assumed that all hedgerows were to be retained, with a buffer to either side to protect root zones. This would have allowed for more limited reprofiling within the individual fields, creating a series of small development parcels and, overall, a much smaller developable area. A far higher density would have been required to achieve an estimate of 300 dwellings.

3) Alternatively, the Council could have taken a middle course, allowing for the retention of some hedgerows and the removal of others. This is the approach taken by the Appeal Scheme.

1.4.4. The Appellant's team have thoroughly explored how to respond to the physical constraints of the Appeal Site and the quantum of development envisaged by the allocation, in the context of the types and mix of housing needed in the local area. In striking what is considered to be an appropriate balance between retention and removal of existing features (topography and vegetation) whilst delivering an appropriate mix (and therefore density) of housing, the conclusion of the Appellant's team is that the appropriate quantum of development on the site is 260 dwellings, well below the capacity assumed by the Council in its allocation. This enables a significant proportion of the hedgerows and trees on the Appeal Site to be retained within the development, whilst allowing others to be removed as necessary to create appropriate parcels for development.

1.4.5. In estimating a capacity of 300, the Council must either have been assuming a larger developable area (and thus greater reprofiling and removal of vegetation) or have been assuming a significantly higher density of development (which would be likely to result in more apartment blocks and greater building heights).

## **1.5. Response to Key Design Considerations**

1.5.1. In my Proof, I review the main considerations that have informed the design of the Appeal Scheme, including the overhead powerlines, trees and hedgerows, topography and earthworks, drainage strategy and building heights. In responding to these



considerations, I provide an explanation and justification of key aspects of the design relevant to this appeal.

## **1.6. Response to RFR4**

- 1.6.1. In its Statement of Case (SoC), the Council makes a substantial number of criticisms of the design approach taken in the application. Some of these relate to matters that would not be fixed by an Outline consent. Others appear to derive from the quantum of development proposed, although the Council has not suggested an alternative approach that would deliver the quantum envisaged by the allocation.
- 1.6.2. I have reviewed the criticisms raised by the Council and conclude that the approach taken in the Outline application is appropriate. Given the steeply sloping topography and the strong network of hedgerows with associated trees, it is not possible to deliver the allocated development without significant change to the existing natural features of the Appeal Site, and to the character of the site. The approach taken requires a significant proportion of the key features to be retained, and the Design Code sets out principles that encourage the retention of further features through detailed design at Reserved Matters stage. In addition, the Code establishes a framework for the creation of a rich and characterful public realm through the detailed design process.
- 1.6.3. Parameters established for building heights respond appropriately both to the relationship between new buildings on the Appeal Site and the immediate surroundings of the site, and to the relatively low prominence of the site in views from the wider townscape of Bristol.

- 1.6.4. The Townscape and Visual Impact Assessment concludes that Adverse impacts will be limited to the Appeal Site itself, with impacts beyond the site reducing rapidly with distance and being Neutral rather than Adverse. It appears from its SoC that the Council does not take issue with these findings. However, there is a suggestion in the Officers' report (CD10.2) that the Appeal Site is a 'valued landscape' within the meaning of NPPF paragraph 174(a). I have carried out an evaluation of the site in accordance with the appropriate guidance (CD8.18) and conclude that it does not meet the threshold of a 'valued landscape'.

## **2.0 Experience and Qualifications**

### **2.1. Professional Qualifications**

- 2.1.1. I am a Chartered Landscape Architect and a Director of LDA Design.
- 2.1.2. I graduated from Cambridge University in 1983 with a BA Honours Degree in Law (Class II.1), subsequently upgraded to MA (Cantab) as was the usual practice at the time. After qualification and several years in practice as a solicitor, I changed careers to landscape architecture.
- 2.1.3. I was awarded a Post Graduate Diploma in Landscape Architecture at the University of Central England in 1998. I completed my qualification as a Chartered Landscape Architect and became a full Member of the Landscape Institute in 1999.

### **2.2. Experience**

- 2.2.1. I joined LDA Design in 1995. I have 27 years' experience of professional practice ranging from strategic planning and masterplanning, through landscape and environmental assessment to design and implementation. I have been responsible for a wide range of projects including the planning, design and implementation of residential and other developments at all scales, and projects relating to historic landscapes, public parks, renewable energy, infrastructure and planting schemes. My work involves site and contextual appraisals; masterplanning, urban and landscape design; landscape and visual assessments; consultation; implementation of hard and soft landscape works; and ongoing management and maintenance of landscape

schemes. I work on behalf of both public and private sector clients.

- 2.2.2. Much of my work is concerned with the design and planning of new development. One of the major issues is often the integration of development into its surrounding context, where the ability to analyse and understand the urban or rural context within which a site is located is essential.
- 2.2.3. I am a Member of Design:Midlands, the Design Review Panel for the East and West Midlands. The role of the Panel is to objectively audit development proposals at the request of either developers or local planning authorities and offer independent advice on matters of design. As a Member of the Panel I advise on landscape architecture and urban design. The 2009 edition of the CABI document Design Review: Principles and Practice included a profile of me in my capacity as a Member of the Panel, in which I emphasised the importance of assessing design in relation to its context.
- 2.2.4. I am an experienced expert witness, having given evidence at numerous public inquiries and hearings on masterplanning, urban design, landscape design, LVIA and Green Belt matters.

## 2.3. LDA Design

- 2.3.1. LDA Design is one of the UK's leading design and environmental consultancies providing services in landscape architecture, planning, masterplanning, urban design, environmental planning, environmental impact assessment and ecology. We work on development and regeneration projects of all kinds in both urban and rural locations, ranging from regional-scale studies to

individual small development sites. Our work covers all stages of the development process from strategies and appraisals through visioning and design to implementation and ongoing management of sites.

- 2.3.2. We work for a wide range of private and public sector clients and provide advice to national and local government, government agencies, developers, landowners and others on design and sustainable development. The practice has won numerous design, landscape, planning and other awards for its work.

## **2.4. Endorsement**

- 2.4.1. The evidence I provide in this Proof of Evidence has been prepared and is given in accordance with the guidance of my professional institution, The Landscape Institute. I confirm that the opinions expressed are my true and professional opinions.

### 3.0 Introduction

#### 3.1. Background to my Evidence

3.1.1. LDA Design was commissioned by Homes England in June 2020 to provide planning, masterplanning, landscape design and townscape and visual impact assessment services in support of the preparation and submission of an outline planning application in respect of land at Broom Hill / Brislington Meadows, Broomhill Road, Brislington ("the Appeal Site").

3.1.2. The planning application, which was submitted with all matters reserved save for access, sought permission for:

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

3.1.3. Following the submission of an appeal by Homes England on the grounds of non-determination, Bristol City Council's ("the Council") Planning Committee met on 7 December 2022 and agreed five putative reasons for refusal ("RFR"). RFR4 focusses on matters of landscape and urban design, and I quote it here for ease of reference:

*4) 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.*

3.1.4. In responding to the issues raised by the reasons for refusal, my evidence primarily addresses RFR 4. RFR 1-3 are addressed by Mr Francis Hesketh but, since the harm they allege in terms of loss of vegetation and habitat is a consequence of the approach taken to the design of the Appeal Scheme, Mr Hesketh relies on my evidence in that respect.

3.1.5. RFR 5 relates to s.106 matters and is addressed by Mr Paul Connelly.

## **3.2. Role of LDA Design**

3.2.1. Since our commission by Homes England in June 2020, LDA Design have been responsible for advising on planning, urban design, landscape design, and the assessment of townscape and visual impacts associated with the Appeal Scheme. We led the co-ordination of the wider design team on behalf of the Appellant.

3.2.2. As described further in section 4 of this Proof, the LDA Design team led the design of the scheme, testing scenarios and developing the Appeal Scheme proposals in response to contextual analysis and technical assessment of the site opportunities and constraints, and informed by engagement with key stakeholders and the wider community engagement process.

3.2.3. LDA Design was responsible for the preparation of the following submitted documents and drawings in relation to the scope of my evidence:

## Documents and Drawings for Approval

- Site Location Plan (LDA Design No. 7456\_016) (CD1.1)
- Parameter Plans
  - Land Use (LDA Design Drawing No. 7456\_103 PL1) (CD1.2)
  - Heights (LDA Design Drawing No. 7456\_104 PL1) (CD1.3)
  - Access and Movement (LDA Design Drawing No. 7456\_101 PL1) (CD1.4)
  - Landscape (LDA Design Drawing No. 7456\_102 PL1) (CD1.5)
- Design Code (April 2022, CD1.14) - providing a greater level of detail on the approach to designing key streets and spaces and the approach to dealing with topography, parking and the public realm. The Design Code was submitted for approval and provides mandatory design principles and supporting guidance and images to guide future Reserved Matters applications, to ensure the detailed design is of high quality and accords with the principles established at outline stage.

## Other Documents and Drawings

- Illustrative Masterplan (LDA Design Drawing No. 7456\_105 L) (CD1.10)
- Design and Access Statement (DAS) (April 2022, CD1.13) - that outlines the design evolution of the scheme, the masterplanning principles applied to the site and the parameters developed for the Appeal Scheme.
- Townscape and Visual Impact Assessment (TVIA) (April 2022, CD1.20)



- 3.2.4. Following the submission of the appeal, LDA Design were retained to provide continuing support in relation to all of the above services (planning, urban design, landscape, townscape and visual impact).

### **3.3. My role in relation to the Appeal**

- 3.3.1. I was not personally involved in the project prior to the submission of the appeal but became involved in November 2022 due to my extensive experience as an expert witness on landscape and urban design matters.
- 3.3.2. I have reviewed the relevant documents, including those identified above. I have visited the site and surrounding area, and have had numerous meetings and discussions with members of the LDA Design team who were involved in preparing the planning application, and who have supported me in preparing my evidence.
- 3.3.3. Through this work, I have built up a good understanding of the site and its context, the issues and opportunities, the Appeal Scheme proposals and the technical work underpinning them. I rely on this work, previously undertaken by others, in my evidence, but this evidence contains my own opinions and judgments having considered that earlier work (as well as other matters).

### **3.4. Structure of my Evidence**

- 3.4.1. The scope of my evidence covers two broad areas:
- Masterplanning, landscape and urban design
  - Landscape/townscape and visual impact assessment

- 3.4.2. Since an understanding of the design of the Appeal Scheme underpins any consideration of the alleged harms arising from it, the first main section of my Proof (section 4) provides an overview of the scheme design and explains and justifies the approach taken in relation to key aspects of the design, including the main elements which appear to be in issue, namely trees and hedgerows, earthworks, surface water drainage and building heights.
- 3.4.3. In section 5, I address the specific allegations of harm raised by RFR 4, drawing also on the Council's Statement of Case (SoC) (CD10.1) for further understanding of the Council's position.
- 3.4.4. In section 6, I address impacts on landscape/townscape character and visual amenity, focussing specifically on the aspects that appear to be of concern to the Council.
- 3.4.5. In section 7, I provide my summary and conclusions.
- 3.4.6. I have reviewed the Statement of Case provided by the Rule 6 Party (Bristol Tree Forum, Greater Brislington Together and Save Brislington Meadows Group) and it does not appear to raise any issues within the scope of my evidence. However, I reserve my position should it become apparent that the Rule 6 Party does raise issues relevant to my evidence.
- 3.4.7. Where necessary, I rely on the evidence of the Appellant's two other witnesses, Mr Connelly and Mr Hesketh, including material prepared by other members of the Appellant's team which is appended to their Proofs, as follows:
- Mr Francis Hesketh, Director of Ecology at The Environment Partnership –

Mr Hesketh deals with arboricultural, ecological and heritage matters. He appends statements from others on heritage matters and veteran tree issues.

- Mr Paul Connelly, Director of Planning and Regeneration, LDA Design –  
Mr Connelly deals with planning and policy matters. He appends technical evidence from others on heritage and archaeology (response to Rule 6 Statement of Case), transport matters, housing need and housing land supply, and drainage.

### **3.5. Amendments to Drawings**

- 3.5.1. In preparing my evidence, a number of minor discrepancies have been identified on the parameter plans and the regulating plan in the Design Code. I provide updated versions of these plans in Appendix 1 to this Proof and invite the Inspector to determine the appeal on the basis of the amended plans. The modifications are minor in nature and their acceptance would not cause any conceivable prejudice.

## **4.0 Design of the Appeal Scheme**

### **4.1. Introduction**

- 4.1.1. The first three RFR allege harm to biodiversity, and harm arising from the loss of important hedgerows and trees and from the loss and deterioration of Irreplaceable Habitat. The approach taken to the design of the Appeal Scheme has a major influence on the degree and extent of any such harm that may arise.
- 4.1.2. RFR 4 alleges harm arising from damage to existing features on the Appeal Site, unsympathetic responses to natural assets and that the application plans and supporting documents would prejudice the future design and delivery of an appropriate scheme.
- 4.1.3. The implication of all four RFR is that the Council considers that the design approach established in the application would lead to unacceptable levels of harm but that an alternative approach would lead to significantly reduced harm, such that the scheme would then be acceptable.
- 4.1.4. To address this issue, I first provide an overview of the design process that led to the submitted Appeal Scheme. To provide clarity on the issues, I then set out the elements of design that would be fixed by the outline consent if this appeal is successful. I then provide an explanation and justification of key aspects of the design relevant to this appeal.
- 4.1.5. Throughout this and the following section of my Proof, I refer to a document we have prepared which sets out the evolution of the design of the Appeal Scheme from 2019-22. This document

(“Design Evolution Document”) is contained in Appendix 2 to my Proof.

## **4.2. Design Process**

- 4.2.1. Before the Appellant purchased the site, an illustrative masterplan had been prepared by Barton Willmore (see item 1 in Appendix 2) in late 2019. This masterplan showed 300 homes at a density of 56 dwellings per hectare (dph). It is apparent looking at the Barton Willmore scheme that all of the hedgerows within the site would be removed to facilitate the development proposed. Whilst this was prior to LDA Design’s involvement in the Appeal Scheme, I make reference to it in my evidence as it forms part of the design evolution process that has been undertaken to inform the development proposals as submitted.
- 4.2.2. The Barton Willmore masterplan was submitted to the Council for a pre-application enquiry. The Council’s pre-application advice was issued in January 2020 (CD7.1). The pre-application response highlighted concerns about the proposed loss of trees and hedgerows, as well as the importance of providing a green infrastructure linkage with Eastwood Farm to the north of the Appeal Site. It was suggested that the layout be amended to better retain and incorporate these features.
- 4.2.3. Homes England acquired the site in March 2020. LDA Design were appointed as part of the wider consultant design team in June 2020 to advise on planning, urban design and landscape and visual impact matters.
- 4.2.4. The wider team of technical consultants covered a range of disciplines that informed the Appeal Scheme, including:

- Ecology
- Arboriculture
- Heritage and archaeology
- Topography and engineering
- Flood Risk, Drainage and ground conditions
- Highways
- Utilities and Services
- Viability and market testing

4.2.5. Following appointment of the consultant team, a full review of the previous illustrative masterplan prepared by Barton Wilmore was undertaken, as well as further contextual analysis, technical assessment, survey work and capacity analysis, to inform the approach to masterplanning the site and understanding the key opportunities and constraints. This process is summarised in the Design Evolution Document in my Appendix 2.

4.2.6. During the course of 2020-21, LDA Design, on behalf of Homes England and alongside the wider design team, undertook a series of informal pre-application discussions with BCC. Detail of this engagement with the Council is provided in Section 4 of Mr Connelly's Proof.

4.2.7. Extensive community consultation was also undertaken, including a formal public consultation event in early December 2021. Brislington Meadows Advisory Group (BMAG) comprising of local residents including neighbours, councillors and community group representatives was established, and eight meetings undertaken. Two community webinars took place in Oct 2020; two community

newsletters supported by 'register for updates' emails and a dedicated project website with FAQ.

4.2.8. In response to these actions and discussions, a number of key design decisions were taken, as summarised in Section 4 of the submitted DAS (CD1.13) including:

- Overall reduction in number of dwellings from allocation estimate of 300 to c. 260 homes to better retain existing natural assets such as more trees and hedgerows
- Limiting maximum building heights in the north of the site to 2 storeys where directly adjoining existing properties
- Location of apartment blocks in the east of the site in response to lower level topography and less sensitive adjacent neighbouring uses
- Consideration and testing of main points of access to the site
- Consideration of topography and response to site levels, to minimise earthworks and retaining structures on the site.
- Introduction of the pedestrian and cycle link to the north ('School Link')
- Enhancement of existing public rights of way through the site/ creation of new routes east-west that are all-weather routes to improve connectivity for existing residents to and from Broomhill Trading Estate.

4.2.9. The outline planning application proposals were presented to the Design West independent review panel in January 2022 (CD7.2). The proposals were well received. In their written response (CD7.2), Design West praised the landscape-led approach and observed that the project had the potential to be exemplary. They

made suggestions on various matters they considered worthy of further consideration, many of which related to matters to be addressed within subsequent Reserved Matters applications rather than at the Outline stage. A number of changes were made following receipt of Design West's comments, as detailed at items 33-35 in Appendix 2.

- 4.2.10. Throughout the process described above, which lasted from June 2020 to March 2022, the Appellant's team tested numerous development scenarios and there was considerable iteration of the design in response to the scenario testing, technical studies and feedback from stakeholders and members of the public, as described in Appendix 2.

### **4.3. The Allocation**

- 4.3.1. The full policy context for the appeal is addressed by Mr Connelly in his Proof. I have had regard to those matters (as well as the discussion of planning policy in the Appellant's Planning Statement and Statement of Case), but I comment here on one aspect, namely the allocation of the Appeal Site for development.
- 4.3.2. Under policy SA1 of the Site Allocations and Development Management Policies, July 2014 (CD5.3), the Council allocated sites for development, BSA1201 being one. BSA1201 is the Appeal Site, albeit with some discrepancies in the site boundaries, the most significant of these being the location of the access from Broomhill Road, which was not included in the allocation. BSA1201 is stated to have an estimated capacity of 300 homes.



- 4.3.3. On visiting the Appeal Site, two key characteristics are immediately apparent as presenting significant constraints to masterplanning development:
- The steeply sloping topography
  - The strong network of hedgerows, which divide the site into a series of small fields.
- 4.3.4. Given their nature, both of these characteristics pre-date the allocation. They are acknowledged at paragraph 3.8.40 of the Council's Statement of Case (CD10.1).
- 4.3.5. The Appellant's team does not know how the Council arrived at its estimated capacity of 300 dwellings. It is to be hoped that the Council's witnesses will provide a full explanation of this within their evidence. In my experience, such capacity calculations are generally undertaken by identifying an approximate area for development and applying an assumed average density to it. It can reasonably be inferred that that the Council must have done this as part of preparing a plan which it, and the examining Inspector, considered to be sound. In doing so, the Council must have taken account of the topography and hedgerows. I therefore assume that the Council took one of three approaches:
- 1) In defining a developable area, the Council could have assumed that all hedgerows and trees were to be removed to create a large development parcel, and that there would be substantial reprofiling of the topography to create level platforms for development. This was the approach taken by the Barton Willmore plan (item 1 in my Appendix 2) which indicated a capacity of 300 homes.

- 2) On the other hand, the Council might have assumed that all hedgerows were to be retained, with a buffer to either side to protect root zones. This would have allowed for more limited reprofiling within the individual fields, creating a series of small development parcels and, overall, a much smaller developable area. A far higher density would have been required to achieve an estimate of 300 dwellings, as shown at option 1 under item 3 in Appendix 2, which shows a density of 68 dph to achieve 300 dwellings.
- 3) Alternatively, the Council could have taken a middle course, allowing for the retention of some hedgerows and the removal of others. This is the approach taken by the Appeal Scheme.

4.3.6. In striking what is considered to be an appropriate balance between retention and removal of existing features (topography and vegetation) whilst delivering an appropriate mix (and therefore density) of housing, the conclusion of the Appellant's team is that the appropriate quantum of development on the site is 260 dwellings, well below the capacity assumed by the Council in its allocation. In estimating a capacity of 300, the Council must either have been assuming a larger developable area (and thus greater reprofiling and removal of vegetation) or have been assuming a significantly higher density of development (which would be likely to result in more apartment blocks and greater building heights).

4.3.7. I recognise that the Development Consideration for allocation BSA1201 refer to 300 homes as the "*estimated*" capacity of the Appeal Site, rather than a fixed number. Nevertheless, the Council's purpose in stating the estimated number as 300 must

clearly have been to establish a broad capacity or order of magnitude for development of the site. A development of much smaller scale, say 100 or 200 dwellings, would clearly be inconsistent with the estimated capacity stated in the allocation and would not represent efficient use of the allocated site. Such a reduced development would also fail to make the important contribution to the provision of housing expected by the Council in the development plan.

## **4.4. What would be fixed by a Consent?**

- 4.4.1. The application was submitted with all matters reserved save for access. The matters that would be fixed if the scheme is consented are set out on the application form, the site location drawing, the parameter plans, the site access drawings and in the Design Code. I expand on all of these below, referring where appropriate to the amended plans in Appendix 1 (see section 3.5 above).
- 4.4.2. Other design material submitted in support of the application, such as the illustrative masterplan CD1.10 and the Design and Access Statement CD1.13, is illustrative and would not be fixed by an Outline consent.
- 4.4.3. In addressing the concerns raised by the Council in this appeal, it is essential to focus on those aspects of the design which would be fixed within the Outline consent if the appeal is granted. I approach the subsequent sections of my Proof on this basis.

### **CD1.11 Application form**

#### **Fixes**

- **Project description, including maximum number of dwellings**

**CD1.1 Drawing no. 7456\_016 Site Location**

Fixes      Application site boundary

**Drawing no. 7456\_103 Land-Use Parameter Plan Rev PL2 (in Appendix 1)**

Fixes      Areas of residential development  
              Areas of open space  
              Locations of pedestrian and cycle links to north and west  
              Location of underground sewer connection to south

Not           Indicative primary street alignment  
 Fixed       Indicative location of pumping station

**Drawing no. 7456\_104 Heights Parameter Plan Rev PL2 (in Appendix 1)**

Fixes      Areas of maximum 4, 3, 2.5 and 2 storey buildings.  
              The heights parameters do not preclude lower buildings being included within an area, for example 2 or 2.5 storey buildings within the area shown for 3 storey buildings would be acceptable.

Not           Indicative primary street alignment  
 Fixed

**Drawing no. 7456\_101 Access and Movement Parameter Plan Rev PL2 (in Appendix 1)**

Fixes      Locations of site accesses for various modes of user  
              Public rights of way crossing the site  
              North-south pedestrian link across the site  
              Developable area (corresponding to areas for residential development on the Land-Use Parameter Plan)

Not Fixed   Indicative primary street alignment

## Indicative secondary streets alignments

### **Drawing no. 7456\_102 Landscape Parameter Plan Rev PL2 (in Appendix 1)**

Fixes	Open space areas (corresponding to Land-Use Parameter Plan) Existing trees and wooded areas to be retained – whilst this requires that those identified on the plan are to be retained, it does not preclude other areas of vegetation from being retained, either within the open space areas or within the area for residential development Identifies root protection areas
Not Fixed	Indicative play area locations and quantum Indicative primary street alignment

### **CD1.6 Drawing No. 1066-007D Broomhill Road Preliminary Access Layout**

### **CD1.7 Drawing No. 1066-014 Bonville Road Emergency Access**

### **CD1.8 Drawing No. 1066-016 School Road Pedestrian and Cycle Link**

### **CD1.9 Drawing No. 1066-003H Allison Road Pedestrian and Cycle Link**

Fixes (in all 4 access drawings)	Points of access into the site for all users and detailed design for these. Extents and alignments of roads, cycle paths and footways as shown. Pedestrian crossings, road markings, bollards and other highway features as shown.
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### **CD1.14 Design Code**

- 4.4.4. Whilst the Design Code is intended to be secured by a condition attached to any Outline consent, the design elements it would fix

are by no means the entirety of the document. It may assist the Inspector to have the Design Code (CD1.14) to hand when reading this section of my Proof, together with the amended Regulating Plan in Appendix 1 to my Proof.

- 4.4.5. The structure of the Design Code is explained at section 1.2 of the document and divides it into two parts, namely chapters 1 – 3 and chapters 4 – 10.
- 4.4.6. Chapter 1 is the introduction and does not in itself fix any design requirements.
- 4.4.7. Chapter 2 sets out four masterplan principles and the text explains that they are *“guidelines that set out the key components that should structure the overall development layout”*. The principles are expressed on page 11 by means of a short phrase and a diagram for each. Being ‘guidelines’, they do not definitively fix any aspects of the design; rather, developers are expected to generally follow them, with scope to depart from them where this can be justified and it can be demonstrated that the approach will still achieve *“a high-quality design in line with Building for a Healthy Life”* (see paragraph 4.4.11 below).
- 4.4.8. Chapter 3 sets out overarching principles for the design. They are expressed in relatively high level terms but are intended to be fixed by an Outline consent and as per the parameters shown on the submitted parameter plans.
- 4.4.9. In relation to Chapters 4 – 10, section 1.2 explains that each chapter contains a list of design requirements (shown within a green box) which Reserved Matters proposals should comply with – these would therefore be fixed by the Outline consent. It should be noted that many of the design requirements are still high level

and reflect good design practice, for example providing active frontages, ensuring no blank facades or elevations, consistent approach to the use of building materials or boundary treatments, and the approach to setting parking within a landscape setting.

- 4.4.10. Each of Chapters 4 – 10 commences with material that is expressed in more general terms as guidance and therefore is not fixed. For example, section 5.1 sets out key elements referred to in the Design and Access Statement that *“provide an important guide for Reserved Matters design proposals to consider”*. Each chapter also includes photographs and other illustrative material including good and bad examples which, as section 1.2 explains, *“show different ways the design requirements and overall aspirations can be achieved”* – this material similarly is not fixed.
- 4.4.11. The checklist on pages 84-85 summarises the mandatory requirements to aid Reserved Matters applicants. However, it notes that *“innovation in the approach to housing typologies, materials and design is encouraged”* and recognises that *“this may mean that not all the requirements of this Code are met. In these instances a design justification should be provided demonstrating that the proposal achieves a high-quality design in line with Building for a Healthy Life”*.
- 4.4.12. Two recent appeal decisions, both in Basildon, are relevant in considering the role of a Design Code in fixing design matters within an Outline consent.
- 4.4.13. The first is the decision for Eastgate Shopping Centre (CD6.3). Like the Appeal Scheme, the application was in Outline and included a Design Code. At paragraph 53, the Inspector noted that there is no legal requirement for a developer to produce a design

code and that, *“in the context of an outline application, the Design Code would provide the appropriate steer alongside tools such as conditions, the obligations, and the ability to control detail at reserved matters stage”*. He thus made clear that approval of a Design Code as part of an Outline consent does not rigidly fix the content of the Design Code so as to prevent detailed considerations being addressed at Reserved Matters stage.

4.4.14. The second decision was for Basildon Town Square North (CD6.4).

The appeal was on a hybrid application, with phase 1 in detail and phase 2 in outline. No Design Code had been submitted. At paragraphs 43-44, the Inspector commented that, whilst it may well have been preferable to submit a design code with the application, *“the parameter plans, along with the other principles set out in the DAS, provide an appropriate basis to inform the development of a design code...”* and that that the *“high level design principles... set down in the DAS... could be conditioned...”*. In granting the appeal, the Inspector imposed a condition (no. 18) requiring submission of a Design Code prior to submission of any Reserved Matters applications for phase 2, and requiring the Design Code to have regard to the key principles of the Outline DAS.

4.4.15. In the present appeal, whilst I invite the Inspector to agree that the Design Code is sound and should be fully supported, the Basildon decisions indicate that there are two options open to the Inspector should she have any concerns with the Code. First, as per the Eastgate Shopping Centre decision, she could take the view that, if she approves the Design Code in granting Outline consent, flexibility remains to depart from the Code when



addressing matters in detail at Reserved Matters stage.

Alternatively, she could choose to exclude the Code from the Outline consent and, as per the Town Square decision, she could impose a condition requiring submission of a new Design Code prior to submission of any Reserved Matters applications.

#### **4.5. Response to Key Design Considerations**

4.5.1. The Council's Statement of Case makes a number of criticisms of the Appeal Scheme in the sections on landscape and urban design. I address these in detail in section 5 of this Proof. In this section, I explain the approach taken by the Appellant's team in relation to the main design considerations at this Outline stage. As is apparent from the Design Evolution Document in Appendix 2, the team undertook a lengthy process of design development and testing, so what I present below is inevitably a relatively high level summary. It is intended to provide an understanding of the reasoning behind the design decisions that have been taken on the key matters that would be fixed by an Outline consent and on the proposals shown on the Illustrative Masterplan (CD1.10), which would not be fixed. I confirm that I support the design decisions taken by the Appellant's team, which I consider are sensible and appropriate.

4.5.2. Hedgerow numbers referred to in the following paragraphs are shown on drawing 2 appended to Mr Hesketh's Proof.

#### **Overhead Powerlines**

4.5.3. The southern extent of the residential development areas shown on the parameter plans is informed by the offset distance required from the overhead powerlines, which run across the lower part of

the site (shown on the Constraints Plan on pages 70-71 of the Design and Access Statement (CD1.13)). In October 2020, Campbell Reith obtained 'cleargraphs' from Western Power Distribution (WPD), showing the sag and swing of the overhead powerlines, and the height difference required between the swing and the ground level for roads, drainage features and buildings. The cleargraphs showed that the required offset from the centreline of the powerline route and towers is a maximum 16m for buildings and 19m for roads, based on existing ground levels to the north side of the route. These are stated as maximum figures because the offset varies along the length of the cable route as it takes into consideration the sag and swing in the cable, which is greater at the midpoint between towers. Development is not precluded within the offset, provided the ground levels and heights of buildings and structures provide the required clearance for the land use type.

- 4.5.4. The design team adopted a precautionary 25m buffer from the centreline of the route, to allow a degree of flexibility in future design of the public open space, to account for potential earthworks required and to factor in the SuDS basins, which on the Illustrative Masterplan are located within the buffer zone. Footpaths, cycleways, roads and drainage features can be located within this buffer zone.
- 4.5.5. The southern extent of the residential parcel shown on the Land Use Parameter Plan (amended version in Appendix 1) west of Hedgerow H1 follows this 25m buffer. The southern extent of the residential parcel east of H1 extends slightly into the buffer zone in two places, but is still outside the 16m/19m offset stipulated by

WPD. The part of the residential area that extends into the buffer zone accommodates part of a road and/or a pedestrian/cycle route on the Illustrative Masterplan.

## Trees and Hedgerows

- 4.5.6. From the outset, in line with pre-application advice received on the Barton Willmore plan (item 1 in Appendix 2), a landscape-led approach was taken to masterplanning the site, with a preference to retain existing trees and hedgerows where feasible. This is reflected in the Design Code (CD1.14, p.11-12 – see para 5.2.4 of this Proof).
- 4.5.7. There are two key considerations if hedgerows (and their associated trees) are to be successfully retained:
  - To ensure appropriate future management, retained hedgerows and trees would need to be sited within areas of public open space with clear, relatively level ground either side to allow access, rather than forming the boundaries of private gardens.
  - The ground levels within the root protection areas (RPAs) of retained hedgerows and trees should remain unchanged to avoid damage to their roots. The reprofiling necessary to develop the site must therefore be kept outside these areas.
- 4.5.8. In relation to the first of these considerations, the Design Code contains a requirement (CD1.14 p.13 and 21) that development should front on to areas of public open space and streets, in line with good urban design practice and Secure by Design principles. The Design Code permits occasional side elevations onto public areas provided the elevations have activated facades with windows.

- 4.5.9. As shown at item 3 in Appendix 2, one of the first steps the Appellant's team undertook was a capacity testing exercise exploring options for retention or removal of trees and hedgerows within the interior of the site. This issue was revisited throughout the design process and the ultimate conclusion was that the majority of the north-south hedgerows could be successfully retained within areas of public open space without impeding the delivery of housing; these hedgerows are therefore shown on the Landscape Parameter Plan (Appendix 1) and their retention would be secured by an Outline consent.
- 4.5.10. The northernmost section of hedgerow H1 is not shown for retention on the parameter plan because a section of it will need to be removed where the primary street will cross. Until the detailed design is undertaken, it is not possible to identify which section of H1 will need to be removed, but the remainder of it is likely to be retained. Hedgerow H5 is not shown for retention on the parameter plan, although some of the associated trees are. As with H1, it is likely to be possible to retain parts of this hedgerow but the specific sections to be retained would depend on the detailed design of earthworks and pedestrian routes to be undertaken at the Reserved Matters stage.
- 4.5.11. The east-west orientated hedgerows, H2, H3 and H4, are harder to retain within the development as they divide the site into small fields which would create narrow blocks of development. This has two main implications:
- To achieve the objective of siting the retained hedgerows within areas of public open space surrounded by building fronts or occasional activated side elevations, some of the development

blocks are too narrow for a conventional back-to-back housing layout. Whilst other approaches, such as siding on to one or other hedgerow, can be employed, they create irregular plot arrangements and depths, and potentially result in additional road infrastructure to serve the dwellings. A reduced back-to-back distance could be achieved between properties if unconventional house types are used such as those shown on the Illustrative Masterplan at the entrance into the site or along the Wetland Meadow; however, this is an unusual typology and, if widely used, may be less attractive to house buyers, undermining Homes England's aim of releasing the site for development quickly.

- To avoid changes to ground levels within the RPAs of the retained hedgerows and any associated maintenance strip, the required level changes would need to be accommodated within the narrow block depth. With buildings fronting the hedgerows (see paragraph 4.5.8 above), the streets and paths accessing them need to have acceptable crossfalls, and Building for a Healthy Life principles require properties to have level access from the street to their front door. This extends the relatively level platform from the retained hedgerow further into the development block. The level changes must therefore be largely accommodated through a combination of retaining walls between back gardens, and sloping back gardens (up to 1:10, whilst allowing 2m of level ground at the rear of the building for a terrace or patio) and/or through split level housing. This would be difficult to achieve on the steep slopes and would result in significant retaining structures. If some of the retained hedgerows are addressed by building sides, with streets aligned

north-south, houses would need to step down the slope to accommodate the level changes, resulting in additional retaining walls between properties and potential conflicts with Building for a Healthy Life principles.

4.5.12. Appendix 3 contains a fuller exploration of these issues in relation to hedgerows H2 and H4, resulting in the conclusion that it would be inappropriate to require their retention within the Outline application. This does not preclude further exploration of the issue at Reserved Matters stage, which might result in sections of them ultimately being retained.

4.5.13. The Landscape Parameter Plan shows the western and central parts of hedgerow H3 being retained. With H4 potentially being removed, the development parcel south of H3 is less constrained and offers greater flexibility in terms of layout, thus enabling the creation of a linear open space (Brislington Green), through which H3 and the primary street would pass. The easternmost section of H3 is not shown for retention, enabling it to be removed so as to create a strong gateway into the main part of the development once the primary street has passed through the retained woodland to the rear of the former police station site (Sinnott House), but the parameter plans retain a narrow strip of open space to provide a connection to the woodland with new planting.

## **Earthworks**

4.5.14. The existing topography is one of the key constraints arising from the Appeal Site. Most areas are steeply sloping. The field known as the Paddock, adjoining School Road in the north western part of the site, has existing levels at circa 63m AOD in the north dropping down to 46m AOD in the south. This equates to 17m

level difference and a 1:8 slope generally in this part of the site with an even steeper slope of 1:6 in the south of this area.

Gradients in the remainder of the site are less extreme but still around 1:10 in places. Considerable earthworks will therefore be required for any development proposal.

4.5.15. The levels strategy adopted by the Appellant's team was driven by the following main considerations:

- The need to tie into the site boundaries and access points without retaining walls
- The need to tie into retained trees and hedgerows with no intrusion into RPAs
- Findings from ground investigation works that the bedrock of mudstone in the north of the site is at a relatively shallow depth, which may preclude any cutting into the slope to reduce levels, meaning that gradients further down the slope would be informed by the plot levels in the north of the site
- The need to provide pedestrian gradients of 1:20 where possible, as per the Pre-Application advice letter (CD7.1)
- The need to provide level access to homes (in accordance with Building for a Healthy Life)
- A preference for flat rear gardens, as the Council has a statutory requirement to consider accessibility by all members of the community in accordance with the Equalities Act.

4.5.16. During 2020 and the early months of 2021, the team tested various development scenarios, as set out in the Design Evolution Document (Appendix 2), including the use of split level house types (Appendix 2, item 16). Following an internal design review

workshop in March 2021, it was decided that the earthworks should be redesigned to significantly reduce the amount of earth moving and the extent of retaining walls. Where the topography prevents 1:20 gradients being achieved for roads without excessive earthworks or retaining walls (e.g. for north-south connections), a relaxation to a 1:12 gradient was adopted in accordance with the Pre-Application Advice letter, whilst still ensuring that alternative pedestrian routes could be accommodated within the scheme to be DDA compliant. In addition, 1:10 gradients in gardens were adopted to assist with level changes and because this was closer to the existing lie of the land.

- 4.5.17. With these relaxations in place, the Illustrative Masterplan minimises the large-scale earthworks and retaining walls required on the site, whilst avoiding any impact upon retained trees and hedges. This approach requires small-scale level changes, such as under-build for some plots (ground floor levels raised on filled ground), stepped access to some plots, small retaining walls within gardens between the patio and garden, and small retaining walls between adjacent properties. A larger retaining wall is required along the southern edge of the residential areas, overlooking the SuDS ponds, due to the constraints of the shallow bedrock in the north of the site (see paragraph 4.5.15, 3<sup>rd</sup> bullet).
- 4.5.18. The outcome of the design testing and iteration is a levels strategy that works with the natural landform of the site as much as possible and has helped enable the Illustrative Masterplan to:



- manage the scale of engineering works, i.e. reduced concrete retaining structures and earthworks to create development platforms
- effectively balance cut and fill across the site, the indicative volumes of which are considered to be acceptable
- retain trees and hedgerows, with a level interface between the development plots and retained vegetation and avoiding encroachment into RPAs
- create accessible streets and minimise the amount of level change on the primary and secondary streets, with an adoptable highway gradient down the slope
- incorporate accessible paths with shallow gradients to overcome steep gradients that could be caused by retained development platforms
- facilitate natural surface water drainage to the lower part of the site
- minimise overlooking on existing residents and, where practical, to respect their views as new homes step down the slope. This includes avoiding unbalanced plot levels raised above or below the street
- capture the best key views out of the site from the upper reaches of the site

## **Drainage Strategy**

4.5.19. The ground conditions assessment ascertained that the infiltration potential of the site was relatively low and, as such, the development would require open SuDS attenuation ponds to control surface water drainage. The zone at the bottom of the

slope, where development is restricted due to overhead powerlines was the most practical location for the drainage ponds, which would be combined with ecological mitigation measures. Indicative locations for these ponds were established, sized for the proposed quantum of development and positioned so that they are wholly within the offset buffer to the overhead powerlines and do not impact upon tree RPAs.

4.5.20. Due to the need to avoid the RPAs of trees along the southern site boundary, the banks to the SuDS ponds have been modelled with a standard 1:3 slope, although at the detailed design stage it may be possible to ease the gradients to blend more sympathetically with the existing topography.

4.5.21. Sections C-C to F-F in Appendix 4 to my Proof have been prepared to illustrate the potential design of the SuDS ponds and how they relate to the adjacent ground levels, boundary vegetation and housing area.

## **Housing Mix**

4.5.22. Throughout the design process, the Appellant's team were advised that the development should contain a maximum of 30% apartments, given the need in the local area. The requirement for the housing mix to include at least 70% houses affects the overall density of development that can be achieved. This advice is confirmed in the evidence on housing need appended to Mr Connelly's Proof.

## **Building Heights**

4.5.23. Policy DM27 in the Site Allocations and Development Management Policies (CD5.2) states (inter alia):

“The height, scale and massing of development should be appropriate to the immediate context, site constraints, character of adjoining streets and spaces, the setting, public function and/or importance of the proposed development and the location within the townscape.”

- 4.5.24. The height parameters were developed as part of the iterative design process, including through feedback from the public consultation in December 2021. In line with the requirements of Policy DM27, the approach to building heights has been considered both in terms of the relationship between the site and its immediate surroundings and in terms of views towards the site from the wider area. Both aspects have been informed by the findings of the TVIA, which I address in section 6 of this Proof, and by a thorough analysis of the urban context surrounding the site, as set out in sections 2 and 3 of the Design and Access Statement (CD1.13).
- 4.5.25. To the north, the site is bounded by suburban, predominantly two storey housing in Belroyal Avenue, St Cuthberts Drive and Allison Road. The heights parameter plan (amended version in my Appendix 1) shows development in the adjacent areas of the site limited to 2 storeys, and a small area at up to 2.5 storeys adjacent to Broomhill Junior School playing field. Moving southwards, away from the adjoining built areas and down the slope, development up to three storeys is permitted in the central parts of the site.
- 4.5.26. To the west, the predominant character along School Road is of similar suburban housing but there are taller buildings such as 3 storey apartment blocks on elevated ground adjacent to the

north-west corner of the site, and the 11 storey Castlegate House a short distance south of the site. The parameters plan allows development up to 2.5 storeys in the western part of the site north of the allotments, which is considered appropriate within this context.

- 4.5.27. To the east of the site, Bonville Road is bounded by an extensive industrial estate. Whilst most of the buildings along Bonville Road are 2 storey, they are of a significantly larger scale than residential buildings due to the larger floor plans and increased ceiling heights used in commercial premises. The team therefore concluded that this part of the site could accommodate a larger scale of development and the parameter plan allows for up to 4 storeys, which would form an appropriate transition from industrial to residential use.
- 4.5.28. Extending the area for potential 4 storey buildings onto the upper slopes in the north eastern part of the site enables the creation of a focal point on arrival in the main part of the site from Broomhill Road and assists with wayfinding. As described in the Design and Access Statement (CD1.13, p.97) the primary street has been designed as a route through a series of spaces. Brislington Green is the first of these important spaces along the route, and it is important to have a building that marks the transition as the road emerges through the woodland onto the Green. A taller building in this location would also act as wayfinding point along the existing public right of way.
- 4.5.29. In views from greater distance, the TVIA found that the site is not prominent. To the extent that buildings on the site would be visible they would be seen as part of the wider urban area of

Bristol and would not be particularly distinctive in these views. Including buildings of 3 and 4 storeys in the areas shown on the parameter plan would not increase the prominence of the development as seen from the wider townscape and such buildings would not appear out of place in this location.

### **Design Code**

- 4.5.30. A Design Code was submitted for approval and sets out design requirements and principles relating to the landscape, public realm, built form, boundary treatment and parking. The purpose of seeking approval of a Design Code at the Outline stage is to give the Council a tool with which to assess Reserved Matters applications and ensure that the principles established in the Outline consent are complied with. As set out in section 4.4 above, only certain material in the Code, including the items in green boxes, would be fixed by an Outline consent. Other material is illustrative and indicates ways in which the design principles could be applied. The Code includes a checklist that Reserved Matters applicants would be expected to submit as part of their application to demonstrate compliance with the Code; this could include design justification for any departures to the Code.
- 4.5.31. The Design Code uses a tried and tested methodology, whereby fixes and design guidance focus on those parts of the development that will be accessible and visible from the public realm; for example, areas of public open space, and/or the edges of parcels that directly adjoin key streets or spaces within or adjacent to the site. The Code does not prescribe what should happen within the interior of the residential parcels, allowing flexibility at Reserved Matters stage – for example in the

arrangement of housing and potential retention of additional hedgerows within the parcels. Furthermore, the Code does not prescribe building design or typologies, leaving this for Reserved Matters; for example, it does not preclude the use of split-level housing or other innovative housing typologies to respond to changes in levels.

- 4.5.32. The Regulating Plan within the Design Code combines the requirements of the four parameter plans onto one drawing. Further items have been added to the drawing to help users navigate the Design Code, for example the areas of green space have been named, and a reference to the chapter of the Code added. The plan does not fix anything beyond what is fixed on the parameter plans.

## 5.0 Response to RFR4

### 5.1. Introduction

5.1.1. RFR4 speaks in general terms of damage to the existing features on the site and unsympathetic responses to the natural assets on the site and surrounding context. The Council's Statement of Case (SoC) (CD10.1) sets out its criticisms in more detail. Mr Hesketh addresses the matters covered in section 3.5 (ecology, habitats and biodiversity) and 3.6 (arboriculture) of the Council's SoC, and Mr Connelly addresses the planning matters raised in section 4. My understanding is that the matters raised in section 3.7 (landscape and design) and 3.8 (no heading but the paragraph numbers change on page 14) of the Council's SoC relate to RFR4 and I address them in this section of my Proof. As discussed in section 4.4 of this Proof, I focus my attention on matters which would be fixed by an Outline consent, rather than matters which would remain open to be addressed at Reserved Matters stage, as there is no reason why such matters cannot come forward at that stage in an acceptable manner.

5.1.2. I identify the following matters as being in issue (paragraph numbers refer to the Council's SoC):

- Removal of hedgerows (3.7.4a, 3.7.6-9, 3.8.49)
- Earthworks for SuDS features (attenuation basins) (3.7.4b, 3.8.13-16, 3.8.68)
- Dual use of land for amenity space and wildlife (3.7.4c, 3.8.19-21, 3.8.70)
- Approach to earthworks and setting of housing on topography (3.7.4d, 3.8.23-25, 3.8.68-69)

- Efficient use of land to reduce impacts on landscape character and increase tree planting (3.7.4e, 3.8.28)
- Analysis of constraints and opportunities (3.8.52-54)
- Building heights and context (3.8.56-60, 3.8.70)
- Movement and connectivity (3.8.62-64)

5.1.3. I address these issues in turn below. Other points are raised within the Council's SoC, such as issues regarding ownership and management of the public realm at paragraphs 3.8.30-31. These are issues which do not impact on anything that would be fixed by an Outline consent, so do not need to be resolved at this stage. Consequently, I do not address them in my evidence.

5.1.4. I reserve my position should the Council raise any other relevant issues in its evidence.

## **5.2. Hedgerows and Trees**

5.2.1. The Council's concerns appear to raise three issues relating to the existing hedgerows and trees, which I deal with in turn:

The amount of hedgerows and trees to be removed

5.2.2. I provide an explanation of the approach taken to identifying hedgerows and trees for retention and those which may be removed at section 4.5 of this Proof.

5.2.3. Landscape Parameter Plan (amended version in Appendix 1) shows trees and hedgerows which are required to be retained. This does not preclude others being retained when a detailed design for the scheme is produced at Reserved Matters stage.

5.2.4. The first 'masterplan principle' on page 11 of the Design Code (CD1.14) is "*Retain and enhance existing green corridors*", and



the principles for sustainability and nature recovery in section 3.0 of the Code state *“The mitigation strategy of firstly avoiding removal of habitats, secondly mitigate removal and lastly compensate has been a key driver for the design proposal throughout the Outline Application stage and should continue to drive design responses at Reserved Matters stage”* (page 12, under Biodiversity Net Gain). This principle makes clear that, in developing a detailed scheme at Reserved Matters stage, the priority should be to avoid removing habitats (including hedgerows and trees) and, with the Code secured as part of an Outline Consent, the Council will be in a position to enforce this principle.

- 5.2.5. In addition, the design requirements for public realm details in the green box on page 75 of the Code state, as mandatory requirements, that removal of hedgerows should be kept to a minimum, that any impact on veteran tree T6 must be avoided and that high quality (category A) and moderate quality (category B) trees should be retained wherever possible.
- 5.2.6. As noted in section 4.3 of my Proof, in allocating the Appeal Site for an estimated 300 dwellings, the Council must either have anticipated the loss of significant sections of hedgerows and associated trees or must have anticipated a very high density of development within small development parcels between retained hedgerows. Whilst the capacity of 300 homes in the BSA1201 allocation is expressed as an estimate, it is clearly intended to establish an order of magnitude for the anticipated development. At a maximum of 260 dwellings, the Appeal Scheme is within the

order of magnitude established by the allocation, albeit well below the estimate of 300.

The impact of earthworks on hedgerows and trees identified for retention

- 5.2.7. As stated above, the retention of a significant proportion of the existing hedgerows and trees would be secured by the parameter plan in the Outline consent. The Design Code, which would also be secured, is clear that further trees and hedgerows should be retained if possible. A condition is proposed requiring the preparation of a Tree Protection Plan and Arboricultural Method Statement. Alongside the approval of details of levels, this would enable the Council to control earthworks and other activities in proximity to retained vegetation at the Reserved Matters stage.

Whether sections of hedgerow shown for retention in areas of public open space can successfully be retained

- 5.2.8. The design of open space areas within the development is a matter for the Reserved Matters stage. The controls mentioned in the previous paragraph will apply equally to retained vegetation in defined areas of public open space. In addition, the mandatory design requirements for relevant open spaces within the Design Code impose specific requirements regarding retained hedgerows and trees, for example:

- Brislington Green (page 23) states “the space should be defined by the retained hedgerow and trees centrally located”
- The Gate (page 31) states “retain existing hedgerow and trees as shown on the Regulating Plan with minimal breaks to the hedgerow, maintaining the north-south connection”

- Brislington Heights (page 34) states “the existing trees should remain connected to the vegetated boundaries with the allotment”

5.2.9. In relation to The Gate, sections A-A and B-B in Appendix 4 to my Proof show how the levels can be managed in such a way as to secure the retention of the hedgerow.

### **5.3. Earthworks for SuDS features (attenuation basins)**

5.3.1. The approach to surface water drainage is explained in section 4.5 above.

5.3.2. The second ‘masterplan principle’ on page 11 of the Design Code is “*Create a biodiverse wetland meadow*”. Specific requirements for the Wetland Meadow are set out in section 5.6 of the Code. Whilst the location and size of surface water attenuation areas is not shown on the parameters plans, any development proposal is likely to include such areas along the southern boundary, which is the lowest part of the site and within the overhead powerline corridor, where development is excluded. The illustrative masterplan (CD1.10) shows two such areas, one in the south-west corner and one in the south-east corner of the site. Of these, the south-west corner has the steeper existing topography, with significant falls from north to south across the proposed attenuation area, and from east to west along its length.

5.3.3. Sections C-C to F-F in Appendix 4 illustrate how the SuDS ponds could be accommodated. It should be noted that the Wetland Meadow is not intended as play-space, which is primarily to be accommodated in other parts of the site, and is available in Victory Park to the south. The Wetland Meadow is primarily aimed

at enhancing ecological aspects and providing accessible walking and cycling routes including boardwalks, to provide access across the SuDS features without detriment to the wet grassland habitat within them.

#### **5.4. Dual Use of Land for Amenity Space and Wildlife**

- 5.4.1. The Council's criticism is that the open space along the boundary with Bonville Road will be unable to simultaneously perform the dual functions of an ecological corridor and an area for amenity and recreation. This is alleged to be due to the width of this area and the likely need for significant earthworks around the apartment blocks shown on the illustrative masterplan.
- 5.4.2. The minimum width of this area, known as Bonville Glade, is shown on page 26 of the Design Code as 12 metres. For the majority of its length, it is significantly wider. The nature, size and location of the proposed buildings (which are within the 4 storey area on the heights parameter plan (CD1.3) would be determined at Reserved Matters stage, along with the detailed ground modelling in this area. Through this process, the minimum width of the ecological corridor could be increased if considered necessary. The design requirements on page 27 of the Code require a range of vegetation types to create a variety of habitats supporting invertebrates, birds, bats and other fauna. Vegetation and habitats of this type can occur on steeply sloping as well as more level ground. Indeed, a greater variety of micro-topography would be likely to increase ecological diversity. This issue is also addressed by Mr Hesketh at paras 5.33-5.35 of his Proof.
- 5.4.3. The material that would be fixed by an Outline Consent does not impose any requirement to provide recreational use of this area

other than the provision of a surfaced footpath along its length with connections to the public rights of way leading from Bonville Road. There is no inherent incompatibility between recreation and ecology within the material to be fixed by an Outline Consent. Any perceived issues could be addressed at Reserved Matters stage.

## **5.5. Approach to Earthworks and Setting of Housing on Topography**

- 5.5.1. The Council's SoC refers at 3.8.24 to the Isopachytes Plan and at 3.8.68 to the Proposed Contours & Retaining Walls Plan. Both these plans are based on the layout shown on the illustrative masterplan and neither is intended to be or will be fixed by an Outline Consent.
- 5.5.2. I explain the approach taken in relation to earthworks in section 4.5 of my Proof. Given the steeply sloping topography of the site, reprofiling is inevitable to enable development to take place, whatever housing typologies and mix are used. The Council must clearly have anticipated a significant amount of reprofiling when it allocated the site for development with an estimated capacity of 300 homes. The comments made in the Council's SoC at paragraphs 3.8.23-25 and 3.8.68-69 are, as noted above, based on the current illustrative layout. The Council will be able to control details of the layout and levels through the Reserved Matters process.
- 5.5.3. Paragraphs 3.8.24 and 3.8.69 criticise the use of single-level house types but the material to be fixed by an Outline Consent does not preclude the use of split-level buildings. The illustrative proposals are based on single-level units to demonstrate that it is feasible to use such units whilst resolving the levels in an

acceptable manner, and I have not seen anything from the Council that explains why they consider the illustrative proposals fail to achieve this. The use of split-level units in some locations could be explored at Reserved Matters stage, and is allowed for as per the Design Code (see page 66).

## **5.6. Efficient Use of Land to Reduce Impacts on Landscape Character and Increase Tree Planting**

- 5.6.1. Paragraph 3.8.28 of the Council's SoC encourages a tighter grain of development with bespoke housing typologies and different car parking options. The comment is clearly based on the illustrative masterplan rather than on anything that would be fixed by an Outline Consent. The Design Code sets out requirements for a range of different parking typologies but leaves flexibilities as to which typologies should be used in different locations and does not preclude the use of other typologies.

## **5.7. Constraints and Opportunities**

- 5.7.1. Paragraphs 3.8.52-54 of the Council's SoC criticise the mapping of opportunities and constraints at pages 68-71 of the Design and Access Statement (DAS) (CD1.13).
- 5.7.2. The comments appear to assume that the material on pages 68-71 of CD1.13 formed the only basis from which design proposals were developed, but it is merely a summary of key items from the technical evidence.
- 5.7.3. Section 3 of the DAS sets out the various matters that informed the design. These include ecological surveys (DAS section 3.5) and the arboricultural survey (DAS section 3.6). Items 10 and 11 in the Design Evolution Document (my Appendix 2) show the

analysis of the performance of the hedgerows which informed the design process (concluding that H1, H3 and H5 are the highest performing and H4 the lowest performing).

- 5.7.4. This and other analysis informed the parameter plans, which will be secured if the appeal is successful.

## **5.8. Building Heights and Context**

- 5.8.1. Comments are made at paragraphs 3.8.56-60 of the Council's SoC in relation to the Heights Parameter Plan (amended version in my Appendix 1). These comments are in the section of the SoC covering urban design considerations rather than the section on landscape. They do not appear to relate to the formal assessment of townscape and visual impacts within the TVIA (CD1.20), which I address in section 6.0 of my Proof.
- 5.8.2. The criticisms in the SoC relate to the number of photomontages provided and what is shown on the photomontages.  
Photomontages are a form of visualisation of a development proposal in relation to a photograph of an existing view. Guidance on the preparation of visualisations is set out in the Landscape Institute's Technical Guidance Note 06/19 (CD8.19).
- 5.8.3. In relation to the number of visualisations provided, I include relevant correspondence in Appendix 5. On 25 November 2021, LDA Design wrote to BCC regarding LVIA methodology and viewpoints. On page 3 of the letter, we provided details of eight proposed representative viewpoint locations and on page 4 we stated that the LVIA would include panoramic photographs (i.e. of the existing view) from the representative viewpoints. We then stated that we proposed to provide two wireframe visualisations,

from viewpoints 1 and 4. It should be noted that wireframes (or photowires) represent the proposed development as a simple outline of buildings; this is different from photomontages, which include a fully rendered, photo-realistic representation of the proposed development.

- 5.8.4. After several follow up emails, BCC responded by email dated 22 February 2022 suggesting additional viewpoints but making no comment on the wireframe visualisations we had proposed. We responded on 24 February, saying we would incorporate the suggested views as 'illustrative viewpoints', for which our letter of 25 November stated we would provide panoramic photographs but not visualisations.
- 5.8.5. There was no suggestion at any time that more than two visualisations should be provided, nor that the visualisations should be photomontages as opposed to photowires.
- 5.8.6. The photowires appear as Figure 7 in the TVIA (CD1.20) and are based on the layout shown on the illustrative masterplan. The buildings appear slightly stretched in the vertical dimension because 1.5 metres was added to their heights to allow for the possibility of the finished ground levels being higher than those in the ground model. The intention was to ensure that the photowires show what is very much a worst-case scenario.
- 5.8.7. Some of the comments made in the Statement of Case, such as criticisms of "regimented ... gable end houses" relate to matters that would not be fixed within an Outline Consent and could be addressed at Reserved Matters stage.
- 5.8.8. More generally, I explain the strategy for building heights as shown on the heights parameter plan in section 4.5 of my Proof.



## 5.9. Movement and Connectivity

- 5.9.1. The Council's comments at paragraphs 3.8.62-64 of its SoC do not appear to make any specific criticisms of the Appeal Scheme. 3.8.62 notes that an access is not proposed to School Road, although the Development Considerations in the BSA1201 allocation raised the possibility of an access off School Road through the existing allotments. The Appellant did not consider it appropriate to take allotment land for the creation of an access. The Appellant's team explored the possibility of creating an access where the appeal site boundary adjoins School Road immediately north of the allotments (item 5 in Appendix 2) but substantial earthworks would be required due to the significant change in levels on this boundary and a considerable number of trees and other vegetation would be lost. The team therefore concluded that the harms arising from such an access outweighed its benefits, given that an alternative access had been secured from Broomhill Road via the site of the former police station, which had not been anticipated by the allocation.
- 5.9.2. Paragraph 3.8.62 of the SoC appears to acknowledge this outcome but not to criticise it.
- 5.9.3. At paragraph 3.8.64, the SoC observes that access routes (it is not clear whether the reference is to some or all of the proposed routes) are constrained by various factors and flags the need for *"thorough consideration for effective design and management ... at an early stage to address the concerns"*. This implies that the Council is content for this issue to be addressed at Reserved Matters stage and does not regard it as a reason to refuse an Outline Consent.

## 6.0 Townscape and Visual Impact Assessment

### 6.1. Introduction

- 6.1.1. The appropriate basis for assessing harm to character and appearance is by means of a Landscape and Visual Impact Assessment (LVIA), often called a Townscape and Visual Impact Assessment (TVIA) in urban areas. The nationally recognised best practice guidance on LVIA/TVIA is *Guidelines for Landscape and Visual Impact Assessment, 3<sup>rd</sup> Edition* (GLVIA3), published by the Landscape Institute and Institute of Environmental Management and Assessment (2013). I include relevant excerpts from GLVIA3 as Appendix 6 to this Proof.
- 6.1.2. Other technical guidance documents are relevant to the production of an LVIA/TVIA, such as the Landscape Institute's Technical Guidance Notes (TGNs) *Assessing Landscape Value outside National Designations* (TGN 02/21) (CD8.18) and on *Visual Representation of Development Proposals* (TGN 06/19) (CD8.19).
- 6.1.3. A TVIA (CD1.20) was submitted in support of the planning application for the Appeal Scheme and assessed the landscape, townscape and visual impacts of the Appeal Scheme. I have reviewed it and agree with its findings.
- 6.1.4. From the RFR and the Council's SoC, landscape, townscape and visual impacts do not appear to be a particular issue in the appeal. Therefore, I do not discuss the TVIA in any detail in my Proof, although I will refer to it in my oral evidence if required. At this stage, I simply set out below a tabulated summary of the effects identified in the TVIA and provide a few observations pertinent to the appeal. If in their written evidence the other parties raise

issues regarding landscape, townscape and/or visual impacts, I will respond as necessary in a Rebuttal Proof.

## 6.2. Summary of Landscape, Townscape and Visual Effects

Table 1: Summary of Effects on Landscape and Townscape Character

Receptor	Sensitivity (Value + Susceptibility)	Magnitude	Significance	Positive / Neutral / Adverse
TLCA 1. Brislington Meadows:				
Effects on the Appeal Site – <i>Medium-term and Permanently</i>	Medium – Low (Community Value + Medium Susceptibility)	High	Major – Moderate	Adverse
Effects beyond the extent of the Appeal Site – Medium-term and Permanently		Low	Slight	Neutral
TLCA 3. Victory Park				
Effects on the Appeal Site – <i>Medium-term and Permanently</i>	Medium (Local Value + Medium Susceptibility)	Low	Slight	Neutral
Effects beyond the extent of the Appeal Site – Medium-term and Permanently		Negligible	Minimal	Neutral

Table 2: Summary of Visual Effects

Receptor	Sensitivity (Value + Susceptibility)	Magnitude	Significance	Positive / Neutral / Adverse
<b>Visual Receptor Group 1: The Site and its local context</b>				
PRoWs within the Site – Medium-term and Permanently	High – Medium (Community Value + High Susceptibility)	High	Major	Adverse
Local Roads within the Site's immediate context (School Road) – Medium-term and Permanently		Medium – Low	Moderate	Neutral
Local Roads within the Site's immediate context (Broomhill Road) – Medium-term and Permanently		Low	Slight	Neutral
Local Roads beyond the Site's immediate context – Medium-term and Permanently		Negligible	Minimal	Neutral

Visual Receptor Group 2. Victory Park				
Effects of Victory Park – Medium-term and Permanently	High – Medium (Local Value + Medium Susceptibility)	Medium – Low	Moderate	Neutral

- 6.2.1. Paragraph 3.35 of GLVIA3 (see Appendix 6) advises that LVIA/TVIA should distinguish between effects *“that are likely to influence the eventual decision and those of lesser concern”*. The TVIA states on page 9 that *“Effects that are towards the higher level of the scale (Major) are those judged to be most important, whilst those towards the bottom of the scale are “of lesser concern”*”. It is usually considered that effects of Major and Major-Moderate significance are likely to influence planning decisions, and it is my professional opinion that only effects at this level of significance should influence the decision on this appeal. Effects of Moderate or lower significance are regarded as being of lesser concern.
- 6.2.2. The only effects of Major or Major-Moderate significance identified in the TVIA are effects on the landscape character of the Appeal Site itself and on the visual amenity of users of the public rights of way that traverse the Appeal Site. These would be Adverse effects, reflecting the change from an area of open fields and hedgerows to new development, albeit the proximity of the surrounding urban area is always apparent.
- 6.2.3. Effects on landscape character and visual amenity beyond the Appeal Site would reduce rapidly with distance, due the high degree of visual containment provided by buildings, landform and vegetation within the surrounding area. I also agree with the

TVIA's assessment that effects within the wider context would be Neutral rather than Adverse, due to the dominating urban character of the wider area and views experienced within it.

- 6.2.4. Effects that are Neutral cannot be regarded as harmful, and therefore should not weigh against the Appeal Scheme in the planning balance.

### **6.3. 'Valued Landscape' under NPPF paragraph 174(a)**

- 6.3.1. Although not mentioned in the RFR or the Council's SoC, the Officers' report (CD10.2, pdf page 22) contains the following statement:

"... these hedgerows are defined as ancient and important hedgerows... This makes this site a valued landscape meaning paragraph 174 of the NPPF applies..."

It then goes on to quote sub-paragraph a) of NPPF paragraph 174.

- 6.3.2. Whilst it would appear that the Council does not intend to pursue this point, I am taking this opportunity to address it.
- 6.3.3. The current guidance on identifying 'landscape value' is set out in TGN 02/21 (CD8.18). The TGN provides the following definition at page 42, paragraph A4.2.11:  

"A 'valued landscape' is an area identified as having sufficient landscape qualities to elevate it above other more everyday landscapes"
- 6.3.4. At paragraph A4.2.12 (p.42-43), the TGN sets out key points to note, including:

- "It would be expected that a 'valued landscape' would demonstrate the presence of a number of indicators of landscape value, as set out in Table 1 (of TGN 02/21), although it is possible for one indicator to be of such importance (e.g. rarity, association or perceptual aspects) that the landscape is judged to be a 'valued landscape' even if other indicators are not present.
- The identification of landscape value needs to be applied proportionately ensuring that identification of 'valued landscape' is not over used."

6.3.5. The TVIA (CD1.20, p.6) defines the following hierarchy of value:

- **"National/International:** Designated townscapes which are nationally or internationally designated for their townscape value.
- **Local/District:** Locally or regionally designated townscape; also areas which documentary evidence and/or Site observation indicates as being more valued than the surrounding area.
- **Community:** 'Everyday' townscape which is appreciated by the local community but has little or no wider recognition of its value.
- **Limited:** Despoiled or degraded townscape with little or no evidence of being valued by the community."

6.3.6. Therefore, for a landscape to qualify as a 'valued landscape' in accordance with the guidance in TGN 02/21, it would be expected to have a number of qualities valued under the TVIA hierarchy as Local or above. A landscape valued as Community or Limited would not qualify as a 'valued landscape'.

6.3.7. I present below an evaluation of the value of the Appeal Site using the criteria set out in Table 1 on page 7 of the TGN. My evaluation is based upon the evidence contained with the following documents submitted as part of the planning application, alongside my own professional judgement and observations:

- TVIA (CD1.20)
- Ecological Impact Assessment ('EcIA') (CD1.21)
- Historical Environmental Assessment ('HEA')(CD1.18a)
- Arboricultural Impact Assessment ('AIA') (CD1.19)

Evaluation of The Appeal Site's landscape value		
Factor: Natural Heritage		
Definition	Indicators/Evaluation	Value
Landscape with clear evidence of ecological, geological, geomorphological or physiographic interest which contribute positively to the landscape.	<p><u>Indicators:</u> The Appeal Site contains a number of features that contribute positively to the ecology of landscape, which are as follows:</p> <p>The EcIA identifies that the Appeal Site comprises a group of neutral grassland fields with outgrown scrubby field and site boundaries and small areas of secondary woodland, which range from poor to good condition; with habitats likely to support low densities of terrestrial amphibian such as common frog and common toad.</p> <p>The EcIA identifies and defines 5no hedgerows as 'important' under the ecological criteria of the Hedgerow Regulations 1997, on the basis of the presence of bluebell in the ground flora.</p> <p>The HEA identifies and defines 7no field boundary hedgerows as important under the historical criteria of the</p>	Local



	<p>Hedgerow Regulations 1997, on the basis that they can be identified from a study of tithe mapping from the 1840s.</p> <p>The AIA identifies that 1no veteran tree has been identified within the Appeal Site.</p> <p>The AIA did not identify any Ancient Tress or Ancient Woodland within the Appeal Site.</p> <p>The Appeal Site was formerly designated as a Site of Nature Conversation Interest ('SNCI'), although this designation no longer applies to the Appeal Site, as per the development plan.No distinctive geological, geomorphological or pedological features have been identified within the extent or adjacent to the Appeal Site.</p> <p><u>Evaluation:</u> The features identified within the Appeal Site are valuable assets to the existing environment and character of the Appeal Site and its surroundings. However, none of the assets identified should be considered as of district/national/international value, rather they are important locally and should be valued as such.</p>	
<b>Factor: Cultural Heritage</b>		
<b>Definition</b>	<b>Indicators/Evaluation</b>	<b>Value</b>
<i>Landscape with clear evidence of archaeological, historical or cultural interest which contribute</i>	<p><u>Indicators:</u> The Appeal Site displays characteristics of a strong landscape structure, reflecting an intact historic field pattern. As noted above, the HEA and AIA identify the following assets within the Appeal Site:</p> <p>The HEA identifies and defines 7no field boundary hedgerows as important under the historical criteria of the</p>	Local

<i>positively to the landscape.</i>	<p>Hedgerow Regulations 1997, on the basis that they can be identified from a study of tithe mapping from the 1840s.</p> <p>The AIA identifies that 1no veteran tree has been identified within the Appeal Site.</p> <p>No other historic landmark, structure or designed landscape elements, historic parks and gardens or areas of landscape which contribute to the significance of heritage assets are recorded or evident within the Appeal Site.</p> <p><u>Evaluation:</u> The features identified within the Appeal Site are valuable assets to the existing environment and character of the Appeal Site and its surroundings. However, none of the assets identified should be considered as of district/national/international value, rather they are important locally and should be valued as such.</p>	
Factor: Landscape condition		
Definition	Indicators/Evaluation	Value
<i>Landscape which is in a good physical state both with regard to individual elements and overall landscape structure.</i>	<p><u>Indicators:</u> The Appeal Site displays characteristics of a strong landscape structure, reflecting an intact historic field pattern. However, presently it is not an actively managed or worked area of land.</p> <p><u>Evaluation:</u> The Appeal Site's landscape is in relatively good condition, although it has been identified from observation made in the field that it is in need formal management. Whilst valued by the local community, there is no recorded evidence to suggest that its condition should be considered of higher value</p>	Community

	than other areas of land of a similar nature elsewhere in the local area.	
<b>Factor: Associations</b>		
<b>Definition</b>	<b>Indicators/Evaluation</b>	<b>Value</b>
<i>Landscape which is connected with notable people, events and the arts.</i>	<p><u>Indicator:</u> No records have been identified to indicate that the Appeal Site has any associations with any notable people, literature, art or events.</p> <p><u>Evaluation:</u> There is no indication that the Appeal Site has any value in terms of associations.</p>	Limited
<b>Factor: Distinctiveness</b>		
<b>Definition</b>	<b>Indicators/Evaluation</b>	<b>Value</b>
<i>Landscape that has a strong sense of identity</i>	<p><u>Indicators:</u> The character of the Appeal Site's landscape contrasts with the surrounding areas that comprises residential, commercial and industrial buildings. Its sense of place is derived from its contrast to the existing built development. However, there are no distinctive features (rare or unusual) that confer a stronger sense of place or identify. It does not form a gateway or approach to the area of Brislington and is detached from the character of the settlement as a result of its limited accessibility.</p> <p><u>Evaluation:</u> Whilst valued by the local community, there is no evidence to indicate that the Appeal Site should be considered of a higher value than other areas of land of a similar nature elsewhere in the local area.</p>	Community
<b>Factor: Recreational</b>		
<b>Definition</b>	<b>Indicators/Evaluation</b>	<b>Value</b>
<i>Landscape offering recreational</i>	<u>Indicators:</u> The Appeal Site makes a small contribution to the local Green Infrastructure ('GI') through the two	Community

<i>opportunities where experience of landscape is important</i>	<p>PRoWs which traverse the Appeal Site and provides links between School Road, Bonville Road and Broomhill Road. Other informal paths are well used by the local community, although formal recreational opportunities are limited as the Appeal Site is in private ownership.</p> <p>The Appeal Site has some limited visibility from the adjoining Victory Park (a designated Important Open Space), although no evidence has been found that indicates that the Appeal Site is important to the enjoyment of recreational activities within the parkland. The great majority of the Appeal Site (the area allocated for development) is excluded from the Important Open Space designation.</p> <p><u>Evaluation:</u> Whilst valued by the local community, there is no evidence to indicate that the Appeal Site should be considered of a higher value to other areas of land of a similar nature elsewhere in the local area.</p>	
<b>Factor: Perceptual (Scenic)</b>		
<b>Definition</b>	<b>Indicators/Evaluation</b>	<b>Value</b>
<i>Landscape that appeals to the senses, primarily the visual sense</i>	<p><u>Indicators:</u> Parts of the Appeal Site have a strong sense of visual containment and intimacy, offering a natural area which is in contrast to the surrounding residential, commercial and industrial land-uses which characterise the adjoining townscape of Brislington and Broomhill. From some locations on higher ground within the Appeal Site, there are extensive views across the city of Bristol.</p>	Community

	<p>The Appeal Site has no particularly distinctive features or strong aesthetic qualities.</p> <p><u>Evaluation:</u> Whilst valued by the local community, there no evidence to indicate that the Appeal Site contains any distinctive features which contribute to the appreciation of the wider landscape; nor is the Appeal Site highly visible from the surrounding area. There is also no evidence to show that views from within the Appeal Site or adjacent to it to the wider city of Bristol and its surrounding landscape have been recorded or promoted locally.</p>	
<b>Factor: Perceptual (Wildness and Tranquillity)</b>		
<b>Definition</b>	<b>Indicator</b>	<b>Value</b>
<i>Landscape with a strong perceptual value notably wildness, tranquillity and/or dark skies</i>	<p><u>Indicators:</u> A degree of tranquillity is experienced within the Appeal Site as a contrast to the surrounding urban area, however the presence of the surrounding townscape is notable, and the area remains a perceptual part of the wider city.</p> <p><u>Evaluation:</u> There is no evidence to indicate that the Appeal Site is noted for its 'Dark Skies' or area of wildness, and there is a limited tranquillity to the area.</p>	Limited
<b>Factor: Functional</b>		
<b>Definition</b>	<b>Indicator</b>	<b>Value</b>
<i>Landscape which performs a clearly identifiable and valuable function, particularly in the healthy</i>	<p><u>Indicators:</u> Whilst the Appeal Site is a remnant of former countryside, it has for many years been surrounded by urban development and severed from the wider countryside. A brook is located to the immediate south of the Appeal Site, traversing the southernmost extents of the Appeal</p>	Limited

<i>functioning of the landscape</i>	<p>Site. There is no evidence to indicate that the Appeal Site (or its landscape elements) contribute in any significant way to the 'healthy functioning' of the landscape.</p> <p><u>Evaluation:</u> There is limited indication that the Appeal Site contributes to the 'healthy functioning' of the landscape and should be considered of higher value than other areas of land of a similar nature elsewhere in the local area.</p>	
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- 6.3.8. On the basis of this evaluation, it is my opinion that there a few landscape qualities identified within the Appeal Site that elevate it above an 'everyday' landscape. As set out in the table above, I evaluate only two of the criteria as being of 'Local' value, with most of the criteria being either of 'Community' value or 'Limited' value. Taking all the criteria together, it is clear that the landscape of the Appeal Site does not *"demonstrate the presence of a number of indicators of landscape value"* (see paragraph 6.3.4 above). I therefore agree with the conclusions of the TVIA (CD1.20, p.29) that the landscape of the Appeal Site should be considered as being of 'Community' value, which is defined as an *"'everyday' townscape which is appreciated by the local community but has little or no wider recognition of its value"*.
- 6.3.9. TGN 02/21 makes clear at paragraph A4.2.12 (p.42) that, "where possible the development plan should be referenced to support the value placed on the landscape. Where the development plan is silent, evidence should be provided in the form of professional analysis". In the case of the Appeal Site, the development plan does not contain evidence that the landscape has particular value. On the contrary, the Site Allocations and Development

Management Policies 2014 (CD5.2) allocates the Appeal Site for development.

- 6.3.10. I am therefore of the opinion that the Appeal Site does not meet the threshold of a 'valued landscape' within the meaning of NPPF paragraph 174(a).

## 7.0 Summary and Conclusions

- 7.1.1. Developing the Appeal Site is inevitably challenging due to the existing topography and vegetation structure. Nevertheless, in its Site Allocations and Development Management Policies 2014 (CD5.3), the Council chose to allocate it for housing development, with an estimated capacity of 300 dwellings, and with awareness of the potential environmental impacts. In 2019, the Council invited the Appellant to help deliver the development and in 2020, the Appellant purchased the site.
- 7.1.2. The Appellant appointed a team of experienced consultants with all the relevant specialist skills. Through 2020-22, the team undertook appropriate surveys and assessments and comprehensively explored and tested scenarios for development in light of the technical constraints, as summarised in my Appendix 2. An Outline planning application was prepared, with all matters reserved save for access, with key matters intended to be fixed by an Outline consent set out on parameter plans.
- 7.1.3. Though not required for an Outline application, a Design Code was also submitted, which is intended to fix certain design requirements to ensure a good quality development as perceived from the public realm. The Code does not address the details of housing parcels or building design or typology. Two recent appeal decisions in Basildon provide useful guidance in considering Design Codes in Outline decisions (CD6.3 and CD6.4).
- 7.1.4. The Appellant's team have thoroughly explored how to respond to the physical constraints of the Appeal Site and the quantum of development envisaged by the allocation, in the context of the types and mix of housing needed in the local area. The team has



struck a balance between quantum and the site constraints, concluding that the appropriate quantum of the development for the site is 260 dwellings, well below the capacity of 300 assumed by the Council in the allocation. This enables a significant proportion of the hedgerows and trees on the Appeal Site to be retained within the development, whilst allowing others to be removed as necessary to create appropriate parcels for development.

- 7.1.5. In its SoC, the Council makes a substantial number of criticisms of the design approach taken in the application. Some of these relate to matters that would not be fixed by an Outline consent. Others appear to derive from the quantum of development proposed, although the Council has not suggested an alternative approach that would deliver the quantum envisaged by the allocation.
- 7.1.6. I have reviewed the criticisms raised by the Council and conclude that the approach taken in the Outline application is appropriate. Given the steeply sloping topography and the strong network of hedgerows with associated trees, it is not possible to deliver the allocated development without significant change to the existing natural features of the Appeal Site, and to the character of the site. The approach taken requires a significant proportion of the key features to be retained, and the Design Code sets out principles that encourage the retention of further features through detailed design at Reserved Matters stage. In addition, the Code establishes a framework for the creation of a rich and characterful public realm through the detailed design process.
- 7.1.7. Parameters established for building heights respond appropriately both to the relationship between new buildings on the Appeal Site

and the immediate surroundings of the site, and to the relatively low prominence of the site in views from the wider townscape of Bristol .

- 7.1.8. The TVIA concludes that Adverse impacts will be limited to the Appeal Site itself, with impacts beyond the site reducing rapidly with distance and being Neutral rather than Adverse. It appears from its SoC that the Council does not take issue with these findings. However, there is a suggestion in the Officers' report (CD10.2) that the Appeal Site is a 'valued landscape' within the meaning of NPPF paragraph 174(a). I have carried out an evaluation of the site in accordance with the appropriate guidance (CD8.18) and conclude that it does not meet the threshold of a 'valued landscape'.