

**DRAFT STATEMENT OF COMMON GROUND BETWEEN:**

HOMES AND COMMUNITIES AGENCY (trading as HOMES ENGLAND)

AND

THE CITY COUNCIL OF BRISTOL

In relation to an appeal by Homes England against the failure of Bristol City Council to determine an application for planning permission (reference. 22/01878/P) for the 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 on land at Broomhill / Brislington Meadows, Broomhill Road, Bristol

Planning Inspectorate Reference: APP/Z0116/W/22/3308537

Bristol City Council Reference: 22/01878/P

**Signature**

**Date:**

**Name:**

**Position**

**On behalf of HOMES AND COMMUNITIES AGENCY (trading as HOMES ENGLAND), One Friargate, Coventry, CV1 2GN**

**Signature**

**Date:**

**Name:**

**Position**

**On behalf of THE CITY COUNCIL OF BRISTOL, City Hall, College Green, Bristol, BS1 5TR**

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## 1. The Planning Application and Agreed Description of Development

### 1.1 The parties agree that:

1.1.1 the appeal reference is APP/Z0116/W/22/3308537

1.1.2 the site address is as follows:

*Land At Broom Hill/Brislington Meadows Broomhill Road Bristol BS4 4UD*

1.1.3 the description of development is as follows:

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

### The Planning Application

- 1.2 The Appellant applied for outline planning permission (all matters reserved apart from access) to Bristol City Council ('the Council') in April 2022, via the Planning Portal (online submission only).
- 1.3 The planning application was registered as valid by the Council on 27 April 2022 and given the reference 22/01878/P.
- 1.4 Following consultation on the application documents and some submission of further information, the statutory determination period for the application ended on 27 July 2022 (13 weeks). The application was not determined in this timeframe and no extension of time was formally agreed with the Council.
- 1.5 The appeal submission against non-determination of the application was made on 7 October 2022. In accordance with Recommendation 3 of the Rosewell Review into inquiry appeals, the Appellant gave notice to the Local Planning Authority and Planning Inspectorate not less than 10 working days prior to the intended date for the submission of the appeal.

### Bristol Development Control Committee

- 1.6 In appeals against non-determination, the Council is required to put forward to the Planning Inspectorate the basis upon which the planning application would have been determined if a decision had been taken by the Local Planning Authority. The Council therefore presented their recommendation for the determination of the application to the Bristol Development Control Committee on 7 December 2022. This was set out in a report (LPA's Statement of Case Appendix 1) to the Committee, with the putative reasons considered by the Committee being set out in the Amendment Sheet (LPA's Statement of Case Appendix 2) as these had been revised since the main report was published.

1.7 The Officer's recommendation was for the refusal of the application which was agreed by Members.

1.8 The putative reasons for refusal were agreed by Members as follows:

- 1) *The proposed development is considered to result in significant harm to biodiversity, for which it provides neither adequate mitigation nor compensation (whether on or off site). The application is therefore considered contrary to the development considerations of allocation BSA1201 of the Site Allocations and Development Management (2014), policy BCS9 of Bristol Development Framework Core strategy (2011) policies SA1, DM17 and DM19 of the Site Allocations and Development Management (2014), and paragraphs 174, 179 and 180a of the NPPF (2021).*
- 2) *The proposed development fails to retain important hedgerows and trees within the proposal site and is therefore considered contrary to the development considerations of allocation BSA1201 of the Site Allocations and Development Management (2014), policy BCS9 of Bristol Development Framework Core strategy (2011) policies SA1, DM15, DM17 and DM19 of the Site Allocations and Development Management (2014).*
- 3) *The proposal would lead to the loss and deterioration of Irreplaceable Habitat without either a wholly exceptional reason or a suitable compensation strategy. It is therefore contrary to the development considerations of allocation BSA1201 of the Site Allocations and Development Management (2014), policy BCS9 of Bristol Development Framework Core strategy (2011) policies SA1, DM15, DM17 and DM19 of the Site Allocations and Development Management (2014) and paragraph 180c of the NPPF.*
- 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.*
- 5) *In the absence of an appropriate agreement under s106 of the Town and Country Planning Act 1990, the proposed development fails to make provision for the following:*
  - *Affordable Housing*
  - *Ecological Mitigation (including BNG Biodiversity Off Setting),*
  - *Financial Contributions towards Fire Hydrants, Public Transport Facilities,*

*amending Traffic Regulation Orders, Tree Planting, Training and Employment Initiatives,*

- *Management and Maintenance of on-site Public Open Space,*
- *Travel Plan Audit Fee and contribution,*
- *Highway works including cycle and pedestrian works though Bonville Trading Estate.*

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

1.9 It was also agreed that,

*The Head of Development Management in consultation with the Head of Legal Services be authorised :-*

- (a) To draft and sign the Council's Statement of Case for the appeal*
- (b) To agree and sign the Statement of Common Ground for the appeal*
- (c) To negotiate and complete any s106 obligation that can be negotiated with the applicant that mitigates the impact of the development*
- (d) To prepare and present the evidence on behalf of the Council based on the recommended reasons for refusal outlined in this report*
- (e) To take all necessary decisions arising during the course of the Inquiry proceedings relating to the presentation of the Council's case.*

## 2. List of plans and documents submitted to the Council

2.1 The parties agree that the following list of plans and documents are those that have been submitted to and consulted on by the Council prior to this appeal:

### Reports:

- **Application Form & Certificates** – April 2022, submitted by LDA Design
- **Planning Statement** - April 2022, prepared by LDA Design
- **Design and Access Statement** - April 2022, prepared by LDA Design
- **Transport Assessment** – April 2022, prepared by Key Transport Consultants
- **Framework Travel Plan** – March 2022, prepared by Key Transport Consultants
- **Outline Construction Environmental Management Plan** – March 2022, prepared by Campbell Reith
- **Historic Environment Summary (including built heritage and archaeology evaluations)** – April 2022, collated and summary provided by The Environment Partnership
- **Arboricultural Impact Assessment** – March 2022, prepared by The Environment Partnership
- **Townscape and Visual Impact Assessment** – April 2022, prepared by LDA Design
- **Ecology Impact Assessment and Technical Appendices** – April 2022, prepared by The Environment Partnership
- **Outline Biodiversity Net Gain Assessment** – April 2022, prepared by The Environment Partnership
- **Noise Impact Assessment** – March 2022, prepared by Accon UK Environmental Consultants
- **Air Quality Assessment** – April 2022, prepared by Accon UK Environmental Consultants
- **Sustainability and Energy Statement** – April 2022, prepared by Kovia Consulting
- **Contamination – Land Quality Statement** – March 2022, prepared by Campbell Reith

- **Flood Risk Assessment and Drainage Strategy** – March 2022, prepared by Campbell Reith
- **Health Impact Assessment** – April 2022, prepared by Kovia Consulting
- **Statement of Community Involvement** – March 2022, prepared by Cadence PR
- **Utilities Assessment** – March 2022, prepared by Campbell Reith
- **DRAFT Planning Obligations Heads of Terms**

For approval

- Design Code - April 2022, prepared by LDA Design
- Location Plan (LDA Design No. 7456\_016)
- Parameter Plans
  - Land Use (LDA Design Drawing No. 7456\_103 PL1)
  - Heights (LDA Design Drawing No. 7456\_104 PL1)
  - Access and Movement (LDA Design Drawing No. 7456\_101 PL1)
  - Landscape (LDA Design Drawing No. 7456\_102 PL1)
- Access Layout Details
  - Broomhill Road Preliminary Access Layout Plan (Key Transport Consultant No. 1066-007.D)
  - Bonville Road Emergency Vehicle Access (Key Transport Consultant Drawing No. 1066-014)
  - School Road Pedestrian and Cycle Link (Key Transport Consultant Drawing No. 1066-016)
  - Allison Road Pedestrian and Cycle Link (Key Transport Consultant Drawing No. 1066-003.H)

Drawings for illustrative purposes only

- Illustrative Masterplan (LDA Design Drawing No. 7456\_105 **L**)

Additional Information submitted to the Council post-submission of the application (prior to submission of this appeal):

- Outline Biodiversity Net Gain Metric 3.0 calculation – *submitted to the Council on 24 May 2022*
- Arboricultural Impact Assessment (V2) – *submitted to the Council on 26 May 2022*
- Applicant's response to initial urban design comments received from the Council's City Design Group (CDG) – *submitted to the Council on 19 July 2022*

- Site Sections (LDA Design Drawing No. LDX\_7456\_XX\_XX\_DR\_2001\_Rev A)
  - Isopachtyes Plan Formation Against Topsoil Strip Tree Survey Overlay (Campbell Reith Drawing No. DR-C-5007-P1)
  - Drawing 3: Tree Conflict Plan (Full Site) (TEP Drawing no. D7507.21.303)
  - Ecology, Trees, Estimated Ground Level Changes, Estimated Habitat Losses and Development Platform Overlay CONFIDENTIAL (TEP Drawing No. G7507.20.064)
- Building with Nature (BwN) assessment and accreditation – *submitted to the Council on 19 July 2022*
  - BwN Summary of Award (July 2022)
  - BwN Certificate of Accreditation of 2.0 Design Award (12 July 2022)
  - BwN Audit (July 2022)
- Employment and Skills Statement – *submitted to the Council on 23 June 2022*
- Applicants' response to initial highways comments received from the Council's Transport Development Management team (TDM) – *submitted to the Council on 8 August 2022*
  - Proposed Improvements to Pedestrian Route to East Sheets 1 of 7 (KTC drawing no. 1066-020-01)
  - Proposed Improvements to Pedestrian Route to East Sheet 2 of 7 (KTC drawing no. 1066-020-02)
  - Proposed Improvements to Pedestrian Route to East Sheets 3 of 7 (KTC drawing no. 1066-020-03)
  - Proposed Improvements to Pedestrian Route to East Sheets 4 of 7 (KTC drawing no. 1066-020-04)
  - Proposed Improvements to Pedestrian Route to East Sheets 5 of 7 (KTC drawing no. 1066-020-05)
  - Proposed Improvements to Pedestrian Route to East Sheets 6 of 7 (KTC drawing no. 1066-020-06)
  - Proposed Improvements to Pedestrian Route to East Sheets 7 of 7 (KTC drawing no. 1066-020-07)
  - Isopachyte Drawing (Campbell Reith Drawing No. DR-C-5001-P4)
  - Indicative Contour and Retaining Wall Plan (Campbell Reith Drawing No. DR-C-5001-P4)
- Applicant's response to the statutory consultation comments received from the Council's Landscape Officer – *submitted to the Council on 7 October 2022*
- Applicant's response to the statutory consultation comments received from the Council's Nature Conservation Officer and Arboricultural Officer – *submitted to the Council on 7 October 2022*



**3. List of new plans and documents not previously seen or consulted on by the Council**

- Comparison Plan of Site Location Boundary and adopted Polices Map Extract (LDA Design Drawing No. 7456\_046).

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#### 4. Relevant planning history

- 4.1 The parties agree that the only relevant planning history of the Appeal Site is as follows:

Reference	Address	Scheme	Decision
19/05220/PREAPP	Land At Broom Hill (Meadows) Broomhill Road Bristol BS4 4UD	Provision of up to 300 residential units with infrastructure	Response – January 2020
20/05675/SCR	Land At Broom Hill (Meadows) Broomhill Road Bristol BS4 4UD	Request for a Screening Opinion as to whether an Environmental Impact Assessment is required for a residential development comprising up to 300 homes.	Response – December 2020
21/00550/P	Land At Broom Hill (Meadows) Broomhill Road Bristol BS4 4UD	Outline application for preliminary works to deliver a 'Green Link' between Brislington Meadows and Broomhill Road, including the laying of a pedestrian footpath, ecological enhancements and provision of a temporary construction access and compound within the site to facilitate the preliminary works.	Pending determination

## 5. List of the relevant development plan policies for determining the application

5.1 The statutory adopted development plan, insofar as it relates to this appeal, comprises the following:

- Site Allocations and Development Management Policies Plan (2014) and Annex: Site Allocations Information (2014) – Site Reference. BSA1201
- Core Strategy (2011)
- Policies Map (2014)

5.2 The parties agree that the following are relevant policies in the development plan for the purposes of the determination of the appeal. Those policies cited in the Reasons for Refusal are marked with an asterix (\*).

### Site Allocation Development Management Policies Plan (2014)

- Policy SA1 - Site allocation ref. BSA1201\*
- Policy DM1 – Presumption in favour of sustainable development
- Policy DM15 – Green Infrastructure Provision\*
- Policy DM16 – Open Space for Recreation
- Policy DM17 – Development Involving Green Infrastructure\*
- Policy DM19 – Development and Nature Conservation\*
- Policy DM22 – Development adjacent to waterways
- Policy DM23 – Transport Development Management\*
- Policy DM26 - Local Character and Distinctiveness\*
- Policy DM27 – Layout and Form\*
- Policy DM28 – Public Realm\*
- Policy DM29 – Design of New Buildings
- Policy DM31 – Heritage Assets
- Policy DM35 – Noise Mitigation

### Core Strategy (2011)

- Policy BCS1 – Development in South Bristol
- Policy BCS5 – Housing Provision
- **Policy BCS7 – Centres and Retailing**
- Policy BCS9 – Green Infrastructure\*
- Policy BCS10 – Transport and Access Improvements
- Policy BCS11 – Infrastructure and Developer Contributions
- Policy BCS13 – Climate Change

- Policy BCS15 – Community Facilities
- ~~Policy BCS13 – Climate Change~~
- Policy BCS16 – Flood Risk and Water Management
- Policy BCS17 – Affordable Housing Provision
- Policy BCS18 – Housing Type
- Policy BCS20 – Effective and efficient use of land
- Policy BCS21 – Quality Urban Design\*
- Policy BCS22 – Conservation and the Historic Environment

5.3 Since the submission of the appeal, the Council has now published a further draft policies and site allocations plan for Regulation 18 consultation as part of the Local Plan Review. The consultation runs from 28 November 2022 – 20 January 2023.

5.4 The emerging Local Plan intends to allocate new sites for development and to retain most of the undelivered sites allocated for housing in the current adopted Development Plan. However, in respect of the Appeal Site the Council propose to remove the allocation for housing. Paragraph 11.15 of the current consultation document states:

*The local plan consultation in 2019 proposed that development site allocations from the existing local plan which had not yet been developed should be retained in the new local plan. It is proposed that this should remain the approach, with the exception of two locations where a change is considered necessary to reflect the greater priority for biodiversity required in response to declaration of the ecological emergency.*

5.45.5 The weight to be afforded to the emerging Local Plan is discussed in Section 9 (Matters Not Agreed).

### **Other relevant planning policy and guidance**

5.55.6 The parties agree that the following items of current and adopted planning policy and planning guidance are relevant to the determination of the appeal:

Item
NPPF
NPPG
National Model Design Code
Bristol Urban Living SPD (November 2018)
Bristol Affordable Housing SPD (April 2019)

Public Rights of Way

~~5.6~~5.7 The Appellant has acknowledged that various rights of way over the Appeal Site are likely to have been established through long use or presumed dedication at common law. The Appellant is in discussions with the Council and it is agreed that these rights of way can be adequately dealt with through separate statutory processes, such that they do not weigh against the Appeal Scheme in the planning balance. This matter is established in the land agreement between the Council and the Appellant.

**6. Appeal Site and Surroundings**

- 6.1 The parties agree that paragraphs 2.1 to 2.13 of the Appellant's Statement of Case (September 2022) accurately describe the appeal site ('the Appeal Site') and surrounding area.

## **7. The Appeal Scheme**

- 7.1 The parties agree that paragraphs 3.1 to 3.7 of the Appellant's Statement of Case (September 2022) accurately describe the appeal scheme ('the Appeal Scheme') and development proposals.
- 7.2 The Council do not agree paragraphs 3.8 and 3.9 of the Appellant's Statement of Case. These are set out in Section 9 (Matters Not Agreed).

## **8. Matters Agreed between the Appellant and the Council**

8.1 This section sets out the matters which are agreed between the parties.

### Scope of the Application

8.2 The application is submitted in outline, with all matters reserved apart from access. This is considered to be appropriate and the information submitted with the application was sufficient for the validation of the application. There has been no request by the Council for further details to be submitted on any reserved matter, as per article 5(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

8.3 The following documents are submitted for approval by the Appellant:

- Land Use Parameter Plan (LDA Design Drawing No. 7456\_103 PL1)
- Heights Parameter Plan (LDA Design Drawing No. 7456\_104 PL1)
- Access and Movement Parameter Plan (LDA Design Drawing No. 7456\_101 PL1)
- Landscape Parameter Plan (LDA Design Drawing No. 7456\_102 PL1)
- Broomhill Road Preliminary Access Layout Plan (Key Transport Consultant No. 1066-007.D)
- Bonville Road Emergency Vehicle Access (Key Transport Consultant Drawing No. 1066-014)
- School Road Pedestrian and Cycle Link (Key Transport Consultant Drawing No. 1066-016)
- Allison Road Pedestrian and Cycle Link (Key Transport Consultant Drawing No. 1066003.H)

- Design Code (April 2022)

8.4 The Parameter plans and the Design Code have been submitted with this Outline applications in order to “bridge the gap” between the high level of detail formally determined at that stage and the Reserved Matters stage. The Parameter plans and Design Code mean that sufficient certainty about the nature of a development can be committed at the Outline stage, without the applicant having to go to the full level of detail that would constitute a Full planning application. Future Reserved Matters submissions have to conform to the parameters agreed at Outline stage. This is recognised through the Appellants’ proposed condition 3 (see SOCG) which lists the Parameter plans and Design Code as approved plans and states that “the development hereby permitted shall be carried out in accordance with the following approved plans...”

#### Principle of Development

8.5 The majority of the Appeal Site (93.1% of the total Appeal Site area) is allocated for development in the adopted development plan (Site Allocations and Development Management Plan, 2014).

8.6 The allocation for the Appeal Site states that the Appeal Site has an estimated capacity for 300 homes. This conclusion was reached based on the Council’s high level consideration of the site during the adoption of the Site Allocations and Development Management Policies Plan (2014). The annex to this document includes the following text:

“For each site an explanation for the allocation is provided. For those sites with a housing allocation, an estimated number of homes which could be developed on the site is provided. The precise number of homes to be developed will be determined through the planning application process”.

8.58.7 The allocation states that the Appeal Site has an estimated capacity for 300 homes. Policy SA1 and allocation BSA1201 require that any proposal should accord with specific development considerations and details set out in the Site Allocations and Development Management Annex.

8.68.8 The Appellant’s capacity testing led to an application for up to 260 homes, which is well below the Council’s estimate for 300 homes, taking into account the site opportunities and constraints.

8.78.9 In planning development plan policy terms the application site is not considered to be within an SNCI, as evidenced on the Council’s adopted Local Plan Policies Map.



Therefore, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, for the purposes of the determination of the Appeal site it is not considered to be within the SNCI as it is not shown as being so in the development plan.

**8.88.10** In total, 93.1% of the Site is allocated for housing and the adopted development plan supersedes the previous designation of the site as an SNCI under the 1997 Local Plan (confirmed by Appendix 3 to the Site Allocation Development Management Policies Plan (2014)).

**8.98.11** It is noted that the Council's Pinpoint Mapping system and records held by the Bristol Regional Environmental Records Centre indicate that the proposal site lies within the Brislington Meadows SNCI. It is agreed that these documents do not form part of the adopted Development Plan for the reasons set out in paragraph 8.8 above.

**8.108.12** It is agreed that Site Allocation BSA1201, under Policy SA1, prevents any SNCI status of the Appeal Site as being an 'in principle' reason for refusal in accordance with the relevant part of Policy DM19 which relates to SNCIs.

**8.118.13** There are five small areas of land included in the application red line boundary which fall outside of the site allocation area defined under Policy SA1 - Site Allocation ref. BSA1201. Together these constitute 6.9% of the total Appeal Site area. This includes the site of the former Sinnott House police station on Broomhill Road which comprises previously developed land, as well as land to the rear of the former police station which is designated as Important Open Space on the Council's Policies Map. The agreed recommendations of the Council's Cabinet meeting 1<sup>st</sup> November 2016 confirmed that primary vehicle access to the allocated land will be via a new access built on this land parcel.

**8.128.14** The Appeal Site also comprises two existing points of connection in the south-western corner of the site, also allocated as Important Open Space on the Council's Policies Map. This comprises the existing pedestrian and cycle access to School Road which will be retained and enhanced, as supported by the site allocation, as well as the existing pedestrian access into Victory Park which has been included to facilitate drainage connections and which will be retained as a pedestrian and cycle connection once the drainage works have been completed.

**8.138.15** It is agreed that these are appropriate uses of those areas of unallocated land, in order to deliver the [development of the allocated site. Appeal Scheme.](#)

**8.148.16** These two points of connection are also still allocated as part of the wider Victory Park SNCI designation according to the adopted Local Plan Policies Map, however it is agreed that the function of this existing land in providing points of pedestrian and cycle access will be retained as a result of the Appeal Scheme.

**8.158.17** Two further areas of unallocated land are included in the Appeal Site boundary. This includes the proposed emergency access, pedestrian and cycle connection to Bonville Road, as supported by the site allocation, and the proposed 'School Link' pedestrian and cycle connection to Allison Road. These areas are not

subject to any specific designation according to the adopted Policies Map but have been included as a result of a comprehensive Masterplanning exercise and to facilitate sustainable travel connections to the local area, as envisioned in the site allocation. It is agreed that this is consistent with the explanation and aspiration underpinning the allocation.

8.168.18 It is agreed that the Appeal Site comprises a sustainable location close to the Broomhill Road / Fermaine Avenue Local Centre and local shops, community facilities, employment areas and public transport infrastructure, as explained under Site Allocation BSA1201.

8.178.19 It is agreed that the principle of -, as distinct from the extent of, residential development in this location has already been established and is considered acceptable.

#### Bristol Housing Supply

8.188.20 The Appeal Scheme will deliver up to 260 homes. It is agreed that this will make an important -substantial and valuable- contribution to the Council's housing supply, set out under Core Strategy Policies, BCS1, BCS5 and as explained under Site Allocation BSA1201.

8.198.21 The Council cannot currently demonstrate a five-year housing land supply. The extent of the shortfall is being discussed between the parties and will be the subject of a specific agreed paper. The latest Five Year Housing Land Supply Assessment 2020 to 2025 (June 2021) concludes that the Council had 3.7 years supply.

8.20 The Council acknowledge the Inspector's findings in April 2022 in respect of the called-in decision for land at Silverthorne Lane, Bristol (Appeal Refs. 3264641 and 3264642) and the evidence presented by the witness which confirmed that the housing land supply position is worse than the June 2021 Statement, at c. 2.59 years. The Council therefore agrees that its housing land supply position is worse than the position stated in the Five-Year Housing Land Supply Assessment 2020 to 2025 (June 2021).

8.21 It is also agreed that in the most recent Housing Delivery Test results for 2021 (published January 2022), Bristol was found to be delivering only 74% of the housing requirement. The penalties for this are that Bristol is now required to provide a "buffer" of sites for 20% more homes than are needed to meet its five year target, to produce a Housing Action Plan, and that the presumption in favour of development in the NPPF will apply.

8.22 Whilst the Council cannot demonstrate a five year housing land supply, paragraph 11d (i) is applicable to this appeal due to the presence of veteran trees at the site. 11d is engaged due to the development plan policies being technically defined as out of date (due to the 5YHLS position), however the presumption in 11d to grant permission is subject to (i), which states unless "the application of policies in this Framework that

protect areas or assets of particular importance provides a clear reason for refusing the development proposed”.

8.23 Footnote 7 of 11d (i) refers to those NPPF policies including “irreplaceable habitats”. The NPPF Glossary includes in the definition of Irreplaceable Habitats “...ancient and veteran trees”.

8.24 This therefore brings 180c of the NPPF into consideration which states “development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists”. No wholly exceptional reasons have been put forward.

8.25 As a result, the appeal is to be determined in accordance with 11d (i), and 11d (ii) is not applicable to this appeal.

#### Affordable Housing

8.26 In accordance with Core Strategy Policy BCS17 and the Council’s Affordable Housing SPD, the Appeal Scheme provides a policy compliant level of affordable housing. In total, 81 units (30%) will be delivered as affordable dwellings. [A](#)

8.27 During consultation on the application, comments were received from the Council’s Strategy and Enabling Planning team in respect of the planning application (Appendix B, CD3.4). Officers had no objection to the proposals in principle and offered comments on the detailed requirements in terms of the mix and location of the affordable dwellings.

8.28 The Appeal Scheme would make a substantial contribution to the area’s housing stock and mix of housing (including 30% affordable housing) which weighs in favour of the scheme.

8.29 The provision of 30% affordable housing on the Appeal Site would be secured in the legal agreement attached to an outline planning permission, and this is agreed through the proposed Heads of Terms for the planning obligations agreement (Appendix A of this Statement).

8.30 Final details in respect of the mix of affordable units in terms of tenure split, size and location of the dwellings would be agreed pursuant to future applications for reserved matters.

#### Energy and Sustainability

8.31 An initial Sustainability Statement and Energy Statement were submitted to support the outline application. The measures set out in these reports demonstrate how the Appeal Scheme would be designed to comply with the relevant policies contained within the

Bristol Local Plan and also Building Regulations and the Future Homes Standards as a minimum.

- 8.32 A full Energy Strategy would be provided at detailed design stage, once full details of the proposed scheme are confirmed.
- 8.33 The Council's Sustainable City Team have provided comments on the application (Appendix B, CD3.5). They have no objection to the proposals and the suggested planning conditions are agreed (see Section 10 of this Statement) between the parties.

#### Flood Risk and Drainage

- 8.34 The Appeal Site is located entirely within Flood Zone 1 as shown on the Environment Agency mapping. As the Appeal Site is larger than 1ha in size, a Flood Risk Assessment and Drainage Strategy was submitted with the application.
- 8.35 The Council's Flood Risk and Drainage Team had no objection to the outline Flood Risk Assessment and Drainage Strategy submitted with the application (Appendix B, CD3.2), subject to suggested conditions requiring further details to be submitted prior to construction of the Appeal Scheme.
- 8.36 Wessex Water were also consulted on the application and had no objection to the proposals.
- 8.37 The suggested conditions are agreed between the parties and listed in Section 10 of this Statement.

#### Refuse and Recycling

- 8.38 Bristol Waste had no objection to the application (Appendix B, CD3.3). They offered detailed comments on the detailed waste and recycling requirements based on the proposed housing numbers and unit mix.
- 8.39 It is agreed between the parties that this is a matter for detailed design stage and a refuse strategy would need to be provided with any reserved matters application. This is secured by planning condition listed in Section 10 of this Statement.

#### Crime

- 8.40 Avon and Somerset Police provided comments on the application (Appendix B, CD3.1) comprising detailed advice in relation to measures for designing out crime and raising no objection to the current proposals.
- 8.41 It is agreed between the Parties that this is a matter for detailed design stage and any reserved matters application will need to demonstrate how the detailed layout and other matters of the development have been designed to provide a safe and secure environment, and in accordance with the initial principles in relation to security set out in the submitted Design Code.

#### Pollution Control

- 8.42 The application was supported by an Air Quality Impact Assessment and a Noise Impact Assessment.
- 8.43 The reports detail that the Appeal Scheme would not give rise to unacceptable impacts in respect of noise or air quality, that could not be appropriately mitigated or addressed. The scope of these impact assessments considers both impacts within the Appeal Scheme itself, as well as the relationship with the existing Brislington Trading Estate, as required by the site allocation.
- 8.44 An outline Construction Environmental Management Plan (CEMP) was also submitted with the outline application to identify initial construction impacts and outline mitigation measures. It is agreed that between the parties that a full CEMP, to include working hours and noise and dust mitigation measures, will be secured by planning condition (see Section 10 of this Statement).
- 8.45 The Council's Pollution Control officer commented on the outline application and raised no objection to the Appeal Scheme.
- 8.46 Further detail in relation to proposed noise impacts and any required mitigation measures in respect of the detailed design proposals will be secured by planning condition as suggested by the Council (Section 10 of this Statement).
- 8.47 It is therefore agreed between the parties that matters of noise, air quality and construction impacts do not form part of the reasons for refusal.

#### Heritage and Archaeology

- 8.48 The application was supported by a Historic Environment Desk-Based Assessment, Geophysical Survey and Archaeological Evaluation reports (April 2022, collated report from TEP). The scope of the reports was agreed with the Council prior to submission of

the outline application. The reports conclude that the Appeal Scheme will not give rise to unacceptable impacts in heritage or archaeological terms.

- 8.49 No comments have been received from the Council's historic environment officer and no concerns raised in respect of built heritage impacts.
- 8.50 The Council's Archaeological officer has responded to the application and raised no objection to the proposals. It is agreed that any harm caused to archaeological remains can be mitigated through a programme of archaeological works. The suggested planning condition to secure the further archaeological works is agreed between the parties and set out in this Statement (Section 10).
- 8.51 It is agreed between the parties that built heritage and archaeological matters do not form part of the reasons for refusal.
- 8.52 It is agreed between parties that the Appeal site hosts five important hedgerows of both archaeological & historic and wildlife & landscape significance as defined in the Hedgerows Regulations 1997. These five important hedgerows are referred to in the Hedgerow Assessment Report as H1a, H2, H3, H4 and H5. As evidenced on the Landscape Parameter Plan, three of these important hedgerows are to be removed entirely (H2, H4 and H5) and it is proposed to remove a substantial portion of H3, in addition to a partial section of H1a. This totals approximately 74% of the important hedgerows as being proposed for removal.

### Transport

- 8.528.53 Whilst the application was submitted in outline, matters relating to access are applied for in detail. The information submitted in relation to transport and access was considered to be sufficient by the Council's Transport Development Management (TDM) team for determining the application.
- 8.538.54 The findings of the Transport Assessment submitted with the outline application are not disputed in relation to traffic and highways safety impacts. The methodology used by the Transport Assessment is not disputed and is acceptable.
- 8.548.55 The application is supported by detailed highways drawings relating to points of pedestrian, vehicle and cycle access to the Appeal Site, which are applied for in detail. The proposed access arrangements are considered to be acceptable and the Council's TDM team had no objection to the details submitted. It is agreed that the submitted access drawings will be approved by condition (see Section 10 of this Statement).
- 8.558.56 It is agreed between the parties that a Road Safety Audit (as standard procedure) will be prepared. This will take place in term time and include periods before



and after school to ensure that the movements of children through the area are fully taken into account.

~~8.56~~8.57 It is agreed that a strategy for dealing with the existing Public Rights of Way through the site is required. This is being pursued by the Appellant through separate statutory processes which is agreed as being appropriate.

~~8.57~~8.58 The proposed School Link connection aligns with the aspirations specified in the land agreement between the Council and the Appellant and is therefore acceptable.

~~8.58~~8.59 The suggested planning obligations and financial contributions are agreed between the parties (as set out in Appendix A of this Statement):

- The requested financial contribution towards public transport facilities (£143,208) is agreed.
- The requested financial contribution towards amending the required Traffic Regulation Orders (£25,240) is agreed.
- Travel Plan:
  - audit fee (£5,165)
  - contribution (£37,440)
- Offsite highways works including cycle and pedestrian works through Bonville Road trading estate.

~~8.59~~8.60 It is agreed between the parties that further detail will be provided as reserved matters, or prior to construction of the Appeal Scheme as requested. This is secured by suggested planning condition (section 10 of this Statement).

~~8.60~~8.61 It is agreed between the parties that the outstanding objection to the Appeal Scheme from the TDM team will be addressed and resolved through the resolution of the S106 agreement and planning conditions.

#### Contamination

~~8.61~~8.62 The outline application was supported by a Land Quality Statement (April 2022) prepared by Campbell Reith which concluded that any risks from contamination are considered to be very low and that targeted remediation works to mitigate contamination issues are considered necessary.

~~8.62~~8.63 The Council's contaminated land officer had no objection to the Appeal Scheme. The suggested condition in terms of further remediation works is agreed between the parties and included in his Statement (Section 10).

#### Urban Design

~~8.63~~8.64 The application is submitted in outline, with detailed approval sought for access only. It is agreed that matters relating to layout, scale, landscaping and appearance are reserved for future determination. This is secured by planning condition as set out in Section 10 of this Statement. Any outline planning permission granted will be informed and limited by the associated approval of the submitted Parameter plans and Design Code. Condition 3 in Section 10 of this Statement requires Reserved Matters submission to be “carried out in accordance with the following approved plans” (list includes Design Code and Parameter plans).

~~8.64~~8.65 Pre-application discussions were held between the Appellant and the Council, including discussions with the City Design Group (CDG). The CDG also attended the Design West review panel in January 2022 ~~and provided supportive verbal comments on the application.~~ The Design and Access Statement submitted with the outline planning application details how the Appeal Scheme evolved and responded to the design comments received.

~~8.65~~8.66 The submitted Design Code (April 2022) prepared by LDA Design provides parameters and principles for the future detailed design proposals. It is agreed that future reserved matters submission(s) must demonstrate compliance with the design requirements set out in the Design Code (see list of planning conditions in this Statement). At this stage, therefore, if the submitted Design Code is approved, reserved matters proposals that comply with the Design Code would be granted consent.

~~8.66 The submitted Design Code sets out principles and design requirements that will help to ensure future development proposals will comply with the Building for a Healthy Life.~~

### Landscape

8.67 It is agreed that in allocating the Appeal Site for development for an estimated 300 homes, there will be some landscape/townscape impacts and loss of some existing landscape features. The Development Considerations set out as part of the allocation are there to guide the nature and extent of these impacts and losses. These include:

- Be informed by an ecological survey of the site and make provision for mitigation and compensation measures, including enhancement to the razing land adjacent to Victory Park and compensation for the loss of semi-improved grassland and damp grassland (the site currently has city-wide importance for nature conservation due to the presence and confirion of particular species, habitats and /or features)
- Retain or incorporate important trees and hedgerows within the development which will be identified by a tree survey



- Provide a green infrastructure link with Eastwood Farm Open Space to the north-east

8.68 The context for the Development Considerations is the following text set out in the introduction to the Site Allocation Annex:

“Each section provides details about the site allocations listed under Policy SA1. This includes the development considerations for each site. Policy SA1 states that the sites listed in the policy will be developed for the uses identified and in accordance with the accompanying development considerations set out in this Annex. For each site an explanation for the allocation is provided. For those sites with a housing allocation, an estimated number of homes which could be developed on the site is provided. The precise number of homes to be developed will be determined through the planning application process”.

~~This was considered to be acceptable at the time the Local Plan was prepared and adopted, having regard to the development considerations set out within the Site Allocation. This remains acceptable today.~~

~~8.68.69 The application is supported by a Townscape and Visual Impact Assessment (TVIA), the scope of which and selected viewpoints were agreed with Officers prior to submission. The TVIA was prepared in accordance with nationally recognised best practice guidance, namely *Guidelines for Landscape and Visual Impact Assessment, 3rd edition* (Landscape Institute and Institute of Environmental Management and Assessment, 2013), commonly referred to as GLVIA3. The methodology in the TVIA is acceptable and not in dispute.~~

~~8.68.70 None of the following designations apply to the site or to those parts of the surrounding area that are relevant to this appeal:~~

- Nationally designated landscape
- Locally designated landscape
- Registered Historic Park and Garden
- Open access land
- Common land
- Local green space
- Published or designated key views
- Local landscape designations, as per the adopted development plan

~~8.69 It is not considered that the site is of historic landscape value and there have been no comments made on the application by the heritage officer accordingly.~~

~~8.70 The TVIA concludes that the greatest effects on local townscape / landscape character and visual receptors would arise within the extent of the Appeal Site and would be, in TVIA terms, considered adverse owing to the change from the existing baseline to a new area of development. Beyond the Appeal Site's boundaries, effects would reduce with distance and are not judged to be adverse. These conclusions of the TVIA are agreed.~~

~~8.71 It is agreed that the Land Use and Landscape parameter plans submitted will ensure that a significant amount of open space on the site, c. 45% of the total site area, will be retained.~~

~~8.72 It is agreed that given the site's topography, an element of earthworks and reprofiling of the site, with resulting impact on the existing landscape of the site, would be required to facilitate development for an estimated 300 homes.~~

~~8.73 It is accepted that full details relating to the proposed earthworks strategy will be dependent on the final layout of the scheme and other matters to be determined through reserved matters applications. It is acknowledged that the information submitted in relation to cut and fill impacts to date is indicative only.~~

#### Biodiversity and Ecology

~~8.748.71~~ It is agreed that in allocating the Appeal Site for development for an estimated 300 homes, some the loss of habitats would inevitably arise from the development, and would need to be mitigated and compensated accordingly. The Development Considerations set out that proposals should be informed by an ecological survey of the site and refer to the site's city-wide importance for nature conservation. This was considered ~~to be acceptable~~ at the time the Local Plan was prepared and adopted and is accounted for in the Development Considerations set out to support the Site Allocation.

~~8.758.72~~ It is agreed between the parties that the scope of the Ecological Impact Assessment (EciA) and associated technical appendices, submitted with the outline application, is appropriate. The methodology of the EciA is acceptable and is agreed. The methodologies used in producing the EciA and technical surveys in its appendices are also agreed.

~~8.768.73~~ The Outline Biodiversity Net Gain assessment methodology submitted with the outline application, undertaken in accordance with Metrix 3.0, is considered by the Council to be acceptable. There is no objection to the methodology or calculations undertaken which are considered to be thorough and accurately reflect the ecological value of the site.

~~8.77 It is agreed that the Appellant has committed to delivering 10% BNG, through on and off site measures. It is agreed that the Council do not have an adopted development plan policy which requires 10% BNG.~~

~~8.788.74~~ It is agreed that the land agreement dated 20 March 2020 between the Council and the Appellant, supports the use of "Additional Mitigation Land" for offsite ecological enhancements. Additional Mitigation Land is defined in the agreement as

being any land adjoining the site which, at the date of the agreement was owned by the “Seller” (i.e. the Council), other than land which comprises adopted highway. Consequently, Victory Park, which adjoins the site, and includes existing recreational playing pitches that would have to be retained or re-located, would fall within the definition of Additional Mitigation Land under the land agreement. The terms of the land agreement preclude detailed discussion in relation to offsite ecological mitigation with the Council until outline planning consent has been granted.

8.798.75 Pre-Application advice from the Council, including consultation with the Council’s Parks Team, also agreed the principle of a financial contribution towards off-site mitigation through the restoration and enhancement of species-rich grassland in the vicinity of the Appeal Site. There was a further discussion between the Appellant and the Council’s Parks Team on 27 January 2022 and it was again agreed that there may be in principle scope for enhancement of Victory Park and that this should be explored further following more detailed assessment of that land. No agreement has currently been reached between the parties on this issue, and no further discussions undertaken since the submission of this application.

8.808.76 It is acknowledged that in respect of other outline planning applications submitted to and determined by the Council (for example, Hengrove Leisure Park, ref. 22/00531/P), that the submission of an updated BNG assessment at detailed design stage, based on final details relating to landscape and layout, was secured by planning condition. The same planning condition has been accepted by the Appellant in respect of the Appeal Scheme, as included at Section 10 of this Statement.

8.818.77 It is agreed that it would take a significant period of time for habitat mitigation and compensation to replace the full biomass and ecological function of the existing well-established habitat. ~~It is agreed that in the interim, the preparation and submission of, and compliance with, a detailed Construction Environmental Management Plan (as agreed in the suggested planning conditions in this statement) would help to manage and mitigate any impacts to existing wildlife and habitats.~~

8.828.78 It is agreed that open space across the site has been designed to be largely multi-functional. This would be managed and mitigated through the preparation and submission of, and compliance with, a detailed Landscape and Ecological Management Plan (as agreed in the suggested planning conditions in this statement). This approach is acceptable.

#### Arboriculture

8.838.79 It is agreed that in allocating the Appeal Site for development for an estimated 300 homes, there will be some loss of existing trees and hedgerow. The Development Considerations highlighted that the nature and extent of this was to be informed by a tree survey and an ecological survey, and this was considered to be acceptable at the time the Local Plan was prepared and adopted. This remains acceptable today.

~~8.84~~8.80 It is agreed that the Arboricultural Impact Assessment (“AIA”) submitted with the outline application was considered sufficient for the validation of the application.  
~~The methodology used by the AIA is acceptable and agreed.~~

~~8.85~~8.81 It is agreed that the request for additional information relating to impacts on trees as a result of the detailed access work was not formally made until the final comments from the tree officer were shared with the Appellant on 28 November 2022.

~~8.86~~8.82 It is agreed that the Appeal Site includes an area covered by TPO 1404. In total, 16 trees, 3 groups of trees and 1 woodland are included in TPO 1404. It is agreed that the illustrative masterplan submitted would result in the loss of three TPO trees only (BCC TPO ref. T10, T15 and T16), ~~although T6 will also be impacted on.~~

~~8.87 There is only one veteran tree on the Appeal Site, Tree T6 as identified in the submitted AIA. This will not be harmed by the Appeal Scheme.~~

## **9 Matters Not Agreed between the Appellant and the Council**

9.26 This section sets out the matters which are not yet considered to be agreed between the Appellant and the Council. These matters will likely form the basis of the Inquiry.

### Emerging Local Plan

9.27 The weight to be afforded to the emerging Local Plan that has just been published for Regulation 18 Consultation (ending 20 January 2023) is not agreed between the Parties.

9.28 The Appellant considers that no weight should be afforded to the emerging Plan at this early stage in the local plan process and given the high degree of uncertainty with the Plan at present.

9.29 The Council consider limited weight should be afforded to the emerging Plan.

### Biodiversity, ~~and Ecology~~ and Arboriculture

9.30 It is not agreed that the submitted details provide confidence that the Appeal Scheme can achieve a net gain in biodiversity. The Council considers it necessary to have an agreement in place between the Council and Homes England for on and offsite mitigation and compensation measures.

9.31 It is not agreed that there is sufficient evidence to demonstrate that the mitigation hierarchy has been followed and that offsite compensation has been favored before retention, mitigation and compensation on site.

9.32 It is not agreed that the biodiversity interest of hedges and trees, and therefore the impact associated with their loss, has been appropriately assessed by the applicant. It is not agreed that the possible recent increase in badger activity, observed by the Council, would require a re-appraisal of the proposed mitigation scheme for badgers.

### Arboriculture

9.329.33 It is not agreed that the detailed AIA, or the additional information submitted in respect of indicative cut and fill proposals and impacts on trees and habitats to be both lost and retained, provides sufficient detail at this outline application stage.

9.339.34 The number of veteran and important trees present on the Appeal Site, and impacts on them arising from the Appeal Scheme, are not agreed.

9.349.35 It is not agreed that the Appeal Site contains ancient historic hedgerows or that there is evidence to demonstrate that they were in existence prior to period of the Enclosures Acts.

9.359.36 It is not agreed that the loss of hedgerows cannot be appropriately replaced by new hedgerow.

9.369.37 It is not agreed that delivering the allocation on the Appeal Site requires the extent of the loss of trees subject to TPO 1404.

9.379.38 It is not agreed that the site comprises ridge and furrow. It is considered that there is no substantive evidence that the site formed part of an open-field agricultural system or that ridge and furrow remains are present on the site.

9.389.39 It is not agreed that the Appeal Scheme follows the mitigation hierarchy in respect of retention of important trees and hedgerow.

9.399.40 It is not agreed that sufficient information has been submitted to address impacts on existing trees as a result of the detailed access works, applied for in detail. The Council consider a Tree Protection Plan and Arb Method Statement should have been submitted in respect of the loss of trees proposed to facilitate the access into the site being applied for in detail.

9.409.41 Appropriate mitigation for tree loss, in accordance with the Council's Planning Obligations SPD (Bristol Tree Replacement Standard) has not yet been agreed.

### Landscape

9.419.42 It is not agreed that this site is a valued landscape, meaning paragraph 174(a) of the NPPF is engaged.

9.429.43 It is not agreed that it is appropriate to consider details relating to earthworks and cut and fill impacts, for which information is illustrative only, at this outline application stage. It is not agreed that the illustrative earthworks and topography approach would result in unacceptable impacts on the overall Appeal Scheme.

9.439.44 It is not agreed that the application will give rise to unacceptable impacts on existing landscape character.

### Urban Design

9.449.45 It is not agreed that the design approach has been based on an established baseline position of the arboriculture and ecological considerations and constraints.

9.459.46 It is not agreed that the proposed design arrangement sit comfortably in the mature landscape.

9.469.47 The following paragraphs from the Statement of Case are not agreed:

*3.8 The Heights Parameter Plan (Appendix A – CD1.3) identifies that the taller elements of the scheme, comprising the apartment blocks of up to 4 storeys, will be located towards the lower eastern boundary of the Appeal Site, responding to topography and the larger built form of the industrial units on Bonville Road. Along the northern boundary of the Appeal Site with Allison Road and Belroyal Avenue, where there is the most direct relationship with existing residential dwellings, heights of up to 2 storeys are proposed. Across the remainder of the Appeal Site, a maximum height of 2.5 - 3 storeys would be permitted for the dwellings.*

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

## Planning Balance

9.47 ~~It is not Although it is~~ agreed that this appeal must be determined pursuant to NPPF para. 11(d (ii), due to the presence of veteran trees at the site. In the Council's view this means that the application must be determined in line with 11d (i) and the NPPF policies (180c) apply regarding the protection of irreplaceable habitats. ~~the parties disagree as to whether any harm caused by the Appeal Scheme would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.~~

## 10 List of suggested Planning Conditions

No.	Wording
1	<u>Reserved Matters</u> Approval of the details of means of appearance, layout, scale and landscaping (hereinafter called "the reserved matters") in relation to each phase of the development shall be obtained from the Local Planning Authority in writing before any development within that phase is commenced.
2	<u>Timescales</u>



	<p>Applications for first approval of the reserved matters shall be made to the council before the expiration of 3 years from the date of this permission.</p> <p>The development hereby permitted shall begin not later than the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.</p>
3	<p><u>Approved Plans</u></p> <p>The development hereby permitted shall be carried out in accordance with the following approved plans and or any subsequent amendment to these plans which may be subsequently approved in writing by the Local Planning Authority.</p> <ul style="list-style-type: none"> <li>• Site Location Plan (LDA Design Drawing No. 7456_016)</li> <li>• Design Code Version 1 dated 8<sup>th</sup> April 2022</li> <li>• Parameter Plans <ul style="list-style-type: none"> <li>○ Land Use (LDA Design Drawing No. 7456_103)</li> <li>○ Heights (LDA Design Drawing No. 7456_104)</li> <li>○ Access and Movement (LDA Design Drawing No. 7456_101)</li> <li>○ Landscape (LDA Design Drawing No. 7456_102)</li> </ul> </li> <li>• Access Layout Details: <ul style="list-style-type: none"> <li>○ Broomhill Road Preliminary Access Layout Plan (KTC No. 1066-007.D)</li> <li>○ Bonville Road Emergency Vehicle Access (KTC Drawing No. 1066-014)</li> <li>○ School Road Pedestrian and Cycle Link (KTC Drawing No. 1066-016)</li> <li>○ Allison Road Pedestrian and Cycle Link (KTC Drawing No. 1066003.H)</li> </ul> </li> </ul>
4	<p><u>Phasing Plan</u></p> <p>No development shall take place until a phasing/sequence plan of the development has been submitted to and approved in writing by the Local Planning Authority.</p> <p>Where planning conditions allow for a phased approach, a single submission may address multiple phases.</p>
5	<p><u>Approved Design Code</u></p> <p>Detailed plans and particulars of the reserved matters above shall be in compliance with the approved Design Code (April 2022) and each</p>



	reserved matters submission(s) must demonstrate compliance with the design requirements set out in the Design Code.
6	<p><u>Broomhill Road Access</u></p> <p>No development shall take place above ground level until full details of the junction between the site and Broomhill Road have been approved in writing by the Local Planning Authority; The details shall be in broad accordance with KTC No. 1066-007.D</p> <p>No dwelling hereby approved shall be occupied until that junction has been constructed in accordance with the approved details.</p>
7	<p><u>School Link Connection</u></p> <p>No development shall take place above ground level until details of the pedestrian / cycle link to Allison Road / Fermaine Avenue have been submitted to and approved in writing by the Local Planning Authority. The details shall be in general accordance with KTC Drawing No. 1066-016.</p> <p>The works shall conform to the approved details and be completed in accordance with the agreed phasing programme.</p>
8	<p><u>Bonville Road Access</u></p> <p>No development shall take place above ground level until details of the emergency vehicle / pedestrian / cycle link to Bonville Road have been submitted to and approved in writing by the Local Planning Authority, including details of construction access arrangements and preventative measures to prevent vehicular access once the development is complete. The details shall be in general accordance with KTC No. 1066--014</p> <p>Once the development is complete, the link shall at no time be used as a vehicular access apart from in accordance with the approved temporary construction access arrangements and emergency access details’.</p>
9	<p><u>Proposed Adoption</u></p> <p>The reserved matters submission(s) for each phase of the development shall include a plan showing all roads, paths and parking spaces proposed for adoption.</p>
10	<p><u>Refuse and Recycling</u></p> <p>Each reserved matters application will include details of bin storage for the dwellings within that reserved matters area.</p> <p>No dwelling here by approved shall be occupied until bin storage has been provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority.</p>

11	<p><u>Car Parking</u></p> <p>Each reserved matters application will include details of all car parking for the dwellings within that reserved matters area.</p> <p>Within the relevant reserved matters area, no dwelling hereby approved shall be occupied until car parking space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority.</p>
12	<p><u>Cycle Parking</u></p> <p>Each reserved matters application will include details of cycle storage for the dwellings within that reserved matters area.</p> <p>Within the relevant reserved matters area, no dwelling hereby approved shall be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for bicycles to be securely parked.</p> <p>The level of cycle parking/storage shall comply with adopted standards as set out in Appendix 2 of the Site Allocation and Development Management Local Plan July 2014.</p>
13	<p><u>Landscaping details</u></p> <p>The scheme of landscaping to be submitted as part of each reserved matters application- shall include details of treatment of all parts on the site not covered by buildings.</p> <p>Each phase shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of that phase, whichever is the sooner. Details shall include:</p> <ol style="list-style-type: none"> <li>1) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;</li> <li>2) location, type and materials to be used for hard landscaping;</li> <li>3) a schedule detailing sizes and numbers/densities of all proposed trees/plants; the number of trees shall comply with the calculation to be made in accordance with Bristol Tree Replacement Standard to be provided as part of Condition [16], replacement trees shall be in locations where they are able to thrive to full size and trees in rear and front gardens shall not be acceptable as replacements.</li> <li>4) specifications for operations associated with plant establishment and maintenance that are compliant with best practice; and</li> <li>5) types and dimensions of all boundary treatments</li> </ol>

	<p>There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority.</p> <p>Unless required by a separate landscape management condition, all soft landscaping shall have a written five year maintenance programme following planting. Any tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years shall be replaced.</p>
14	<p><u>Accessible Homes</u></p> <p>At least 2 per cent of the dwellings hereby approved shall meet national standards for wheelchair user homes (Category M4(3) of Building Regulations).</p>
15	<p><u>Internal Highways Details</u></p> <p>No development within each phase shall take place until detailed technical plans, to a scale of 1:200, setting out how the internal access roads will be constructed to the Highways adoptable standard, showing the following information, have been submitted to and approved in writing by the Local Planning Authority;</p> <ul style="list-style-type: none"> <li>- Long sections</li> <li>- General arrangement</li> <li>- Threshold levels to buildings</li> <li>- Drainage Structures</li> <li>- Swept path for two directional movement of a 11.4m long refuse vehicle passing a 4.98m long large saloon car</li> </ul> <p>These works shall then be completed to the satisfaction of the Highway Authority, prior to the occupation of the dwelling(s) within that phase</p>
16	<p><u>Detailed Arboricultural Impacts</u></p> <p>Prior to the commencement of each phase of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of retained trees, in accordance with BS5837:2012, including a tree protection plan (TPP), arboricultural implications assessment (AIA) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. Specific issues to be dealt with in the TPP and AMS:</p> <ul style="list-style-type: none"> <li>a) Tree removals and retention.</li> <li>b) Mitigation in accordance with DM17: Development involving existing green infrastructure and Planning Obligations SPD (Tree replacement standard)</li> </ul>

	<p>c) Location and installation of services/ utilities/ drainage.</p> <p>d) Details of construction within the RPA or that may impact on the retained trees.</p> <p>e) Soil analysis and foundation design in accordance with NHBC 4.2 for development within influencing distance of retained trees.</p> <p>f) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the road, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant cross sections through them.</p> <p>g) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of a no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.</p> <p>h) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.</p> <p>i) A specification for scaffolding and ground protection within tree protection zones.</p> <p>j) Tree protection during construction on a TPP and construction activities clearly identified as a prohibited in this area.</p> <p>k) Boundary treatments within the RPA.</p> <p>l) Methodology and detailed assessment of root pruning.</p> <p>m) Arboricultural supervision and inspection by a suitably qualified tree specialist.</p> <p>n) Reporting of inspection and supervision.</p> <p>n) Methods to improve the rooting environment for retained and proposed trees and landscaping.</p> <p>The development thereafter shall be implemented in strict accordance with approved details.</p>
17	<p><u>Surface Water Drainage</u></p> <p>No reserved matters applications shall be submitted until full details of a scheme for the provision of surface water management for the site and the phasing thereof have been submitted to and approved in writing by the Local Planning Authority. The scheme shall accord with the principles and objectives of the Flood Risk Assessment and outline drainage strategy (April 2022) and the Design Code (April 2022). The development shall be carried out in accordance with the approved details.</p>

	Each reserved matters application shall include further details of surface water management within that reserved matters area and will demonstrate compliance and compatibility with the Surface Water Management Scheme for the site approved above. The development shall be carried out in accordance with the approved details.
18	<p><u>Foul Water</u></p> <p>No reserved matters applications shall be submitted until details of the provision to be made for foul water drainage and the disposal of sewage from the site including the phasing thereof have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with those agreed details.</p> <p>Each reserved matters application shall include full details of foul water drainage within that reserved matters area and will demonstrate compliance and compatibility with the details for foul water and disposal of sewage for the site and the phasing approved above. The development shall be carried out in accordance with the approved details.</p>
19	<p><u>Ecological Impact Assessment</u></p> <p>Prior to the commencement of the development hereby approved, an updated Ecological Impact Assessment should be submitted to and approved in writing by the Local Planning Authority.</p>
20	<p><u>Ecological Mitigation Method Statements</u></p> <p>Prior to the commencement of the development hereby approved, individual or combined mitigation method statements should be submitted to and approved in writing by the Local Planning Authority in relation to the following:</p> <ol style="list-style-type: none"> <li>Native bluebell (preservation);</li> <li>Invasive species (prevention of spread);</li> <li>Slow worm (protection of slow worms and mitigation for habitats);</li> <li>Birds (protection of nests and mitigation for nesting habitat);</li> <li>Invertebrates (protection of key habitat features and mitigation for habitats);</li> <li>Badgers, hedgehogs and other small wildlife including terrestrial amphibians (protection of animals and mitigation for habitats, including permeability measures); and</li> <li>Bats (protection of and mitigation for tree roost habitats and commuting/foraging habitat).</li> </ol>
21	<p><u>Biodiversity Net Gain Assessment</u></p> <p>Prior to the commencement of the development hereby approved, an updated Biodiversity Net Gain (BNG) Assessment undertaken using</p>

	Biodiversity Metric 3.0 Calculation Tool, based on an updated ecological survey of the site and the detailed design proposals that is submitted through Reserved Matters, shall be submitted and approved in writing by the Local Planning Authority.
22	<p><u>Biodiversity Net Gain Strategy</u></p> <p>Prior to the commencement of development a strategy to detail proposals to redress loss of biodiversity and the mitigation strategy proposed to include all onsite habitats and any offsite offsetting site(s) identified through the BNG Assessment to be required to deliver the target 10% uplift. This shall be informed by the recommended measures set out in the outline BNG assessment (April 2022) and outline Ecological Impact Assessment (April 2022) prepared by TEP.</p>
23	<p><u>Project Implementation Plan</u></p> <p>Prior to the commencement of each phase of the development, a Project Implementation Plan (PIP) for the delivery of on and offsite ecological and BNG mitigation and compensation, in accordance with the approved Biodiversity Net Gain Strategy, shall be submitted to and approved in writing by the Local Planning Authority. The purpose of this plan shall be to ensure that a framework is adopted by all relevant parties which ensures a consistent, integrated and common approach for the delivery of the agreed scheme targets for ecology and BNG. The plan shall include timescales, phasing, critical pathways, programme risks, roles and responsibilities, communication pathways, and project controls as may be required to ensure the successful delivery of the combination of mitigation and compensation measures on and off site.</p>
24	<p><u>Landscape and Ecological Management Plan</u></p> <p>Prior to each phase, or concurrent with the submission of the each reserved matters application, a Landscape and Ecological Management Plan (LEMP) shall be submitted to the local planning authority for approval. The content of the LEMP shall include the following:</p> <ol style="list-style-type: none"> <li>Description and evaluation of features to be managed.</li> <li>Ecological trends and constraints on site that might influence management.</li> <li>Aims and objectives of management, including how a minimum of 10% in biodiversity net gain will be achieved.</li> <li>Appropriate management options for achieving aims and objectives.</li> <li>Prescriptions for management actions</li> <li>Programme of ecological monitoring, setting out key performance indicators for each feature of interest covered by the plan against which monitoring results should be reviewed</li> </ol>

	<p>g) Prescription of a work schedule (including a thirty year annual work plan – to be reviewed every 5 years)</p> <p>h) Details of the body or organisation responsible for implementation of the plan and defined role and responsibilities</p> <p>i) Ongoing monitoring and remedial measures</p> <p>j) Resourcing and funding budget.</p> <p>This management plan should cover a 30-year period.</p>
25	<p><u>Contamination and Remediation</u></p> <p>In the event that unexpected contamination is found and remediation required, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared, submitted to and approved in writing by the Local Planning Authority. The results of the site investigation and any detailed risk assessment referred to in the submitted Land Quality Statement (March 2022, prepared by Campbell Reith) shall be used to inform an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.</p> <p>Prior to any part of the permitted development being brought into use, in the event that unexpected contamination is found, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.</p>
26	<p><u>Noise Mitigation</u></p> <p>Prior to the commencement of each phase of the development hereby approved a revised Noise Assessment, based on up to date survey work, to include recommended works to achieve a satisfactory residential environment for incoming residents and occupants shall be submitted and approved in writing by the Local Planning Authority. The detailed scheme that is submitted through Reserved Matters shall include the recommended works as appropriate, which shall be specified in</p>



	supporting documentation. The Noise Assessment shall take into account noise from all existing uses.
27	<p><u>Sustainability Statement</u></p> <p>Prior to construction of each phase, the development hereby approved shall submit a sustainability statement demonstrating how sustainable design principles and climate change adaptation measures have been incorporated into the design and construction of the development for approval in writing by the Local Planning Authority.</p> <p>The development shall be constructed in full accordance with the sustainability statement prior to occupation.</p>
28	<p><u>Energy Statement</u></p> <p>Prior to construction of each phase, the development hereby approved shall submit an energy statement to the Local Planning Authority to be approved in writing. The energy statement shall demonstrate how the energy hierarchy has been followed, how the heat hierarchy has been applied and how a 20% reduction in carbon dioxide emissions beyond residual emissions through renewable technologies has been achieved including full technology specifications and locations.</p> <p>Prior to occupation of each phase, evidence demonstrating that the approved measures have been implemented, together with detail of ongoing management and maintenance to ensure the measures continue to achieve the predicted CO2 emissions reduction shall be submitted and approved in writing by the Local Planning Authority.</p>
29	<p><u>Overheating Assessment</u></p> <p>No development within each phase shall take place until an overheating risk assessment (based on a recognised methodology and criteria such as C.I.B.S.E TM52/ TM59, or equivalent, against weather files including 2020, 2050 and 2080, based on a medium emissions, 50th percentile scenario), together with details of mitigation measures (without increase to the energy use of the development and carbon dioxide emissions) in the event that the overheating risk assessment identifies risks for any units/rooms, has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The approved measures must then be implemented prior to the first occupation of that phase.</p>
30	<p><u>Archaeological WSI</u></p> <p>No development shall take place within each phase until the developer has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has</p>



	<p>been submitted to and approved in writing by the Local Planning Authority.</p>
31	<p><u>Construction Ecological Management Plan</u></p> <p>Prior to each phase, or concurrent with the submission of the first reserved matters application, a Construction Ecological Management Plan (CEcMP) shall be submitted to the local planning authority for approval. The CEcMP shall include the following:</p> <ul style="list-style-type: none"> <li>a) Risk assessment of potentially damaging construction activities.</li> <li>b) Identification of “biodiversity protection zones”.</li> <li>c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).</li> <li>d) The location and timings of sensitive works to avoid harm to biodiversity features.</li> <li>e) The times during which construction when specialist ecologists need to be present on site to oversee works.</li> <li>f) Responsible persons and lines of communication.</li> <li>g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.</li> <li>h) Use of protective fences, exclusion barriers and warning signs if applicable.</li> </ul> <p>The approved CEcMP shall be ahead to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.</p>
32	<p><u>Construction Traffic Management Plan</u></p> <p>Within each phase, no development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a Construction Traffic Management Plan (TMP) for that phase. The said TMP shall include, but not be limited to, details of all likely vehicle movements including number, type and size of vehicle; site operation hours and local highway embargo (peak traffic hour times); routes being used by site traffic; site access (vehicle and pedestrian / cycle) and security; wheel wash facilities; cycle storage and welfare facilities; and details of contractor's car parking arrangements. The approved works shall be carried out in strict accordance with the approved TMP.</p>
33	<p><u>Employment and Skills Plan</u></p> <p>No development shall take place until a timetable for the implementation of the Employment and Skills Plan (provided as part of</p>

	the planning application documents and agreed by the Building Bristol co-ordinator) has been submitted to and approved by the Local Planning Authority.
34	<p><u>Electric Vehicle Charging</u></p> <p>No residential unit within each phase shall be occupied until details of Electrical Vehicle Charging infrastructure, management plan and phasing for implementation to serve the development as a whole, has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the following:</p> <ul style="list-style-type: none"> <li>- Final Layout Number and location of EV parking spaces</li> <li>- Number and location of EV charging points</li> <li>- Type of EV charging points (fast, rapid) Indicative locations for feeder pillars and protective infrastructure</li> <li>- Evidence of power supply from WPD (to ensure substation capacity is adequate)</li> <li>- Indicative location of substation (where required)</li> <li>- Indicative cable routing</li> <li>- Management plan outlining proposed management of spaces, charging network and infrastructure</li> </ul> <p>The Electric Vehicle Charging Points and management strategy as approved shall be implemented prior to occupation/commencement of use or as per the agreed phasing plan.</p>
35	<p><u>Lighting Impact Assessment</u></p> <p>Prior to works above ground level for each phase of the development hereby approved, a detailed lighting assessment should be submitted to the Local Planning Authority for approval in writing. This should include details of proposed lighting strategy, lux levels, measures to reduce light spill outside of the site boundaries and any lighting mitigation measures required in respect of ecology and habitats.</p>

## **11 Planning Obligations**

11.26 Draft heads of terms for the proposed planning obligations are agreed between the parties and are set out at Appendix A of this document.

## **12 Statement of Compliance**

12.26 The parties agree that:

- 12.26.1 the proposed planning conditions (and the reasons for them) comply with paragraphs 55 and 56 of the NPPF and Paragraph: 003 Reference ID: 21a-003-20190723 of the PPG
- 12.26.2 the draft heads of terms for the proposed Section 106 obligations comply with paragraphs 55 and 57 of the NPPF, Paragraph: 002 Reference ID: 23b-002-20190901 of the PPG and Regulation 122 of the Community Infrastructure Levy (Regulations) 2010 (as amended).

## Appendix A – Draft Heads of Terms for planning obligations

No.	Matter
1.	Provision and timing of up to 30% affordable housing
2.	Financial contributions towards: <ul style="list-style-type: none"><li>• off-site ecological mitigation</li><li>• fire hydrants (£1,500 plus VAT per hydrant)</li><li>• public transport facilities (£143,208)</li><li>• amending Traffic Regulation Orders (£25,240)</li><li>• [replacement tree planting – if needed]</li><li>• [training and employment initiatives]</li></ul>
3.	Management and maintenance of on-site public open space

4.	Travel Plan: <ul style="list-style-type: none"> <li>• audit fee (£5,165)</li> <li>• contribution (£37,440)</li> </ul>
5.	Off site highways works: <ul style="list-style-type: none"> <li>- Traffic calming and local junction improvements</li> <li>- Bonville Road pedestrian and cycle improvements</li> <li>- School link</li> <li>- Enhanced public right of way to School Road</li> </ul>