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## Appeal Decision

Inquiry held on 6-9 January 2015, & 13 -16 January 2015

Site visit made on 16 January 2015

**by Lesley Coffey BA(Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 8 June 2015**

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**Appeal Ref: APP/P0119/A/14/2220291**

**Land South of Wotton Road, Charfield, Gloucestershire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Gladman Developments Limited against the decision of South Gloucestershire Council.
  - The application Ref PT13/4182/O, dated 11 November 2013, was refused by notice dated 17 April 2014.
  - The development proposed is a residential development of up to 106 dwellings, together with access, parking, public open space with play facilities and landscaping.
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### Decision

1. The appeal is allowed and planning permission is granted for a residential development of up to 106 dwellings, together with access, parking, public open space with play facilities and landscaping at Land South of Wotton Road, Charfield, Gloucestershire in accordance with the terms of the application, Ref:PT13/4182/O, dated 11 November 2013, and the plans submitted with it, subject to the conditions in the attached schedule.

### Procedural Matters

2. The application as originally submitted was for up to 140 dwellings. During the course of the application it was amended to 106 dwellings. The appellant states that this revised description should be amended to read 'up to 106 dwellings' rather than '106 dwellings'. I am satisfied that this revision would not be prejudicial to any party and I have determined the appeal accordingly.
3. The proposal is an outline application with all matters except the access reserved for subsequent approval. The appellant submitted a plan showing how the development might be accommodated, but the plan is for illustrative purposes only and there could be alternative layouts for the site. It nevertheless provides a useful guide when considering the proposal before me.
4. At the opening of the inquiry the Council requested an adjournment in order that it could take advice in respect of the appellant's evidence in relation to the appropriate housing requirement, in particular the Strategic Housing Market Assessment (SHMA) prepared on behalf of the appellant. The assessment of housing need within this SHMA differed from that considered by the Council at the time of the application. The Council explained that it did not have the necessary expertise to assess this evidence and that there was insufficient time

- available prior to the opening of the inquiry to seek such advice. Due to these circumstances, the Council considered that it would be substantially prejudiced without an adjournment.
5. The request for an adjournment was denied, however, a timetable was agreed to enable the Council to seek the relevant advice and comment on this part of the appellant's evidence following the close of the oral evidence at the inquiry, on 16 January. The timetable included provision for the appellant and other interested parties to comment on any additional information, followed by closing submissions from both parties. The timetable was subsequently extended by one week due to the Council's preferred consultant withdrawing from the exercise. Final closing submissions from the appellant were received on 5 March 2015.
  6. On 27 February 2015, the Government released the 2012-based household projections for England 2012-2037. Related changes were also made to the Planning Practice Guidance (PPG) published by the government. The main parties were given the opportunity to comment on any implications that these latest figures may have for their respective cases. Following the receipt of these comments the inquiry was closed in writing by letter dated 31 March 2015. I have taken all of the above information submitted by the parties into account in reaching my decision.
  7. The appellant submitted a Unilateral Undertaking under s106 of the Act at the inquiry. This covenants to provide affordable housing, public open space and allotments within the appeal site, to set up a management company, the provision of affordable housing, together with financial contributions towards the Charfield Memorial Hall, libraries, off-site sports provision and school transport.
  8. The Council is satisfied that the above planning obligations would address its second, third, fourth, fifth and sixth reasons for refusal in relation to the need to mitigate the effect of the proposal on community facilities, library services, and the provision of affordable housing. On the basis of the submitted evidence I have no reason to disagree.
  9. The transitional period under Community Infrastructure Levy (CIL) Regulation 123(3) (as amended), after which s106 planning obligations designed to collect pooled contributions ('tariffs') may not lawfully be used to fund infrastructure which could be funded from CIL, ended nationally on 6 April 2015. Regulation 123(3)(b) still allows contributions to be sought from up to five planning obligations for a specific infrastructure project, or for a particular type of infrastructure, that is capable of being funded by CIL. The Council confirmed that it had checked its own records, and also checked with Stroud District Council and Gloucestershire County Council who would receive a portion of the contributions and that none of the requested contributions would exceed the five obligation limit.
  10. A recent appeal in relation to a nearby site within Charfield was allowed in November 2014. This decision is the subject of a High Court Challenge and the parties both confirmed that they did not rely upon this decision in support of their cases.
  11. A letter dated 15 January 2015 on behalf of the owner of the Golden Mill Valley Site, Bitton (referred to as the Intier Site, Bitton during the inquiry) was

submitted to the Planning Inspectorate and copied to the main parties. This confirmed the owner's intention to submit a planning application for around 115 dwellings as part of a mixed use regeneration scheme for the site. I have taken this letter into account in reaching my decision

12. The parties submitted a Statement of Common Ground which outlined the relevant planning policies, areas of common ground and areas of dispute. An Addendum to the Statement of Common Ground was submitted at the inquiry in relation to affordable housing provision.

### **Main Issues**

13. Taking the above matters into account I consider the main issues to be:

- Whether the appeal proposal would be a sustainable form of development; and
- Whether the proposal would be acceptable in the light of the development plan, national guidance and other material considerations, including the housing land supply position.

### **Reasons**

14. The appeal site is located on the south side of Wotton Road outside of the settlement boundary as defined in the South Gloucestershire Local Plan Proposals Map. The site is predominantly in agricultural use with a small employment premises and yard, together with an area of hardstanding occupying the Wotton Road frontage.
15. The Little Avon River abuts the eastern edge of the site and a stream runs adjacent to the southern boundary. The majority of the appeal site lies within Flood Zone 1, with an area of land either side of the Little Avon River, which comes within Flood Zone 3.
16. The proposal would provide upto 106 dwellings, together with public open space, including play facilities and landscaping. The indicative layout shows the play area and public open space situated towards the eastern boundary of the site with areas of landscaping separating the proposed dwellings from the other boundaries.

### **Policy**

17. The development plan for the area comprises the saved policies of the South Gloucestershire Local Plan (adopted 2006) and the Core Strategy (adopted December 2013). It was submitted for examination after the publication of the NPPF and subject to the inspector's recommended modifications was found sound. The modifications included a commitment to an early review or replacement plan reflecting the inspector's concerns as to the degree of reliance that could be placed on the minimum housing requirement of 28,355 dwellings over the plan period in the absence of an NPPF compliant SHMA.
18. Policy CS5 sets out the Council's spatial strategy for the area. It aims to locate most new development within the north and east fringes of the Bristol urban area, and proposes new neighbourhoods at Cribbs/Patchway and to the east of Harry Stoke. Outside of the Bristol urban area it directs development towards Yate/Chipping Sodbury and Thornbury to promote greater self-containment of these settlements.

19. Within rural areas it provides for small scale development within the defined settlement boundaries of villages where it would meet local housing needs, or support or enhance existing services and their viability. The settlement boundaries are defined on the Policies Map within the Local Plan.
20. The intention of policy CS5 is to promote a sustainable pattern of development. Although the settlement boundaries on which it relies within rural areas are based on those within the Local Plan, at the time of the Core Strategy examination, the inspector was satisfied that in the short term, the retention of these boundaries would not preclude the Council from providing a 5 year housing land supply. These boundaries will be reviewed in the Policy Sites and Places DPD (PSPDPD), or a replacement local plan, or neighbourhood plan. It is also intended that the approach to the distribution of housing in rural areas will be reviewed.
21. Policy CS15 sets the housing requirement for the district and provides for a minimum of 28,355 new homes in the period 2006-2027. It identifies the broad timescale and distribution for these dwellings. Amongst other matters, policy CS34 seeks to protect the setting provided by the rural areas which it considers contributes to the district's distinctive sense of place and identity and to maintain the settlement boundaries defined on the Policies Map around rural settlements until they are reviewed.
22. Policy H3 of the Local Plan resists proposals for residential development outside of the existing urban areas and settlement boundaries as defined on the Policies Map. The aim of H3 policy is to protect the countryside for its own sake, as well as a resource for biodiversity, recreation, amenity, agriculture and forestry. In addition it also aims to discourage the use of private cars.
23. Paragraph 215 of the National Planning Policy Framework (NPPF) provides that the weight to be afforded to the development plan policies is dependent on their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given). In so far as policy H3 seeks to safeguard the countryside it could be considered to be consistent with the core planning principles at Paragraph 17 of the NPPF which recognises the intrinsic character and beauty of the countryside. Moreover, in seeking to discourage the use of private cars, it could be considered to be consistent with section 4 of the NPPF which seeks to minimise travel and maximise the use of sustainable transport modes.
24. However, in so far as it seeks to halt necessary development, it cannot be said to be consistent. In the case of *Anita Colman v Secretary of State for Communities and Local Government and others [2013]*, restrictive landscape policies similar to policy H3 were considered. It was concluded that these policies were very far removed from the 'cost /benefit' approach of the NPPF. They did not permit any countervailing economic or similar benefits to be weighed in the balance. The cost/benefit approach of the NPPF is evident from the three strand nature of sustainable development, namely economic, social and environmental. Where policy H3 is used to restrict housing, it cannot be seen to be consistent with the cost/benefit approach of the NPPF. This approach was endorsed by the Secretary of State in his decision in respect of Pulley Lane Droitwich Spa<sup>1</sup>.

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<sup>1</sup> APP/H1840/A/13/2199085

25. Furthermore, the settlement boundaries on which policy H3 relies were fixed having regard to the need to accommodate the development planned for in the Local Plan and therefore are inextricably linked with the housing requirements of that plan for the period up to 2011. As recorded by the Core Strategy inspector the Council has failed to review these boundaries in over twenty years. Therefore policy H3 is out-of-date on its own terms and for the reasons given above is inconsistent with the NPPF. Nonetheless, whilst the boundaries established in relation to policy H3 are time expired in relation to the Local Plan, they have been carried forward into the Core Strategy. Although it is intended that they will be reviewed, at present they represent the up-to-date position in relation to the Core Strategy.
26. Although policy CS5 relies on the boundaries shown on the Policies Map, modifications to the Core Strategy made provision for development to occur outside of these boundaries through the neighbourhood planning process, the Councils PSPDPD or in a comprehensive local plan. Therefore my findings in relation to policy H3 are not inconsistent with the retention of the settlement boundaries for the purposes of policy CS5 which was found sound by the Core Strategy inspector.
27. I have taken account of the Hawkesbury Upton decision<sup>2</sup> and the Day House Leaze appeal decision<sup>3</sup>. In the Hawkesbury decision the inspector did not assess the extent to which policy H3 was consistent with the NPPF. In the Day House Leaze appeal the inspector concluded that policy H3 was consistent with the NPPF in that it sought to protect the countryside for its own sake and as a resource. However, he did not express an opinion as to whether policy H3 was a policy for the supply of housing, and there is no evidence before me to ascertain whether this matter was an issue at that appeal. I have reached a similar conclusion to the Day House Leaze inspector in relation to the protection of the countryside and on the basis of the evidence submitted to the inquiry I conclude that in so far as policy H3 seeks to restrict housing with areas outside of the defined settlement boundaries it is out-of-date on its own terms and is inconsistent with the NPPF. For these reasons the weight to be accorded to Local Plan policy H3 is limited.
28. National Planning policy as set out in the NPPF seeks to significantly boost the supply of housing. Paragraph 47 requires local planning authorities to use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework. As explained above the Core Strategy was not based on a NPPF compliant SHMA. The Core Strategy inspector found that although the PNB Paribas study on which the Council relied may have presented an over-optimistic picture of development potential, it exceeded, or was very close to, the maximum amount of land needed to ensure a reasonable possibility of meeting the five year housing supply needs. He concluded that 'on balance' sufficient sites had been allocated in the Core Strategy to meet the five year housing requirement. He concluded that the Core Strategy provided a sensible strategy for the sustainable development of South Gloucestershire. He concluded that rejecting the Plan would increase the risk of delay and detract from efforts to improve housing delivery.

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<sup>2</sup> APP/P0119/A/14/2218717

<sup>3</sup> APP/P0119/A/14/2222175

29. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites against their requirements.

### ***Sustainable Development***

30. The Core Strategy seeks to concentrate development in the northern fringes of Bristol and the larger settlements within the district. The intention is to avoid a dispersed pattern of settlement to make better use of services and facilities in the interest of sustainability. The Core Strategy inspector endorsed the key principles of this approach.
31. At the inquiry the Council confirmed that, despite the wording of its first reason for refusal, it did not expect Charfield to be self-sufficient in terms of the services it provided. It nevertheless considered Charfield to have insufficient services to meet local needs, be poorly served by public transport, and unsuited to other modes of sustainable transport, such as walking and cycling. As such the Council considered that the appeal proposal would not be sustainable development.
32. Charfield is situated about 14.5 miles from the edge of Bristol, 7.5 miles from Thornbury and 2.9 miles from Wotton-Under-Edge. It benefits from a range of local facilities including a primary school, a nursery school, an out-of-school club, a convenience store, a post office, a petrol filling station with a small shop, two hairdressers, three public houses, two places of worship, a community hall, playing fields, and a range of local employment opportunities. It does not have a secondary school or any health services.
33. The Council consider that the appeal site is remote from a number of these services, particularly the supermarket and primary school. For this reason it considers that occupants of the proposed development would be likely to be reliant on the use of a car in order to access the day-to-day facilities, either within the village or further afield, contrary to the underlying principles of sustainability.
34. The convenience store is located about 1200 metres from the entrance to the appeal site and would be further from some of the proposed dwellings. Based on guidance at Table 2 within the Chartered Institute for Highways and Transportation '*Providing for Journeys on Foot*' (2000) the Council submits that few residents would be willing to walk further than 800 metres for shopping facilities, including a weekly shop, whilst a distance of 400 metres would be a more desirable walking distance.
35. Manual for Streets (MfS) paragraph 4.4.1 states that walkable neighbourhoods are typically characterised as having a range of facilities within 10 minutes walking distance (up to about 800 metres). However, it states that this is not an upper limit and that walking offers the greatest potential to replace short car trips, particularly those under 2 km.
36. The Council suggested that the guidance within MfS was only applicable to new streets and therefore is not appropriate to the consideration of the appeal proposal. However, MfS is clear that whilst it focuses on lightly trafficked streets, many of its key principles may be applicable to other types of streets,

such as high streets and lightly trafficked lanes in rural areas. I can see no reason why the guidance within it in respect of walking distances would not be applicable to Charfield.

37. The village shop would be about a fifteen minute walk from the appeal site, and would be within easy cycling distance. Therefore it would exceed the 800 metres distance put forward by the Council, and having regard to the advice within MfS it is probable that some residents would choose to use their car to travel to the shop. Nevertheless, the appeal site is not so remote from the village shop that those with a propensity to walk would be likely to be deterred by this distance.
38. The village school is closer to the appeal site than the shop, and I consider that its distance from the appeal site would be unlikely to deter those parents who wished to walk, particularly if they intended to use other facilities within the village, such as the shop, or play facilities. In addition, there are a number of other facilities closer to the appeal site. The small shop within the petrol station is less than 5 minutes walk from the appeal site. Although it is necessary to cross Wotton Road to use the shop, the scheme includes provision for a pedestrian crossing, at a location to be agreed, in the vicinity of the petrol station. The Council agrees with the appellant that the provision of the pedestrian crossing could be secured by way of a Grampian condition.
39. Whilst the shops within the village would be unlikely to meet the needs of a weekly shop, most families would make use of a car for their weekly shop, or alternatively may make use of the various on-line shopping services available.
40. The closest secondary school to the appeal site is Katherine Lady Berkley School. This is situated about 2.2 miles to the east of the appeal site and comes within Stroud District. The appellant does not dispute that due to the inadequate footways and poor visibility on some roads few students are likely to cycle or walk to this school. However, the school is served by a school bus service and whilst this may not permit students to remain at school for after school clubs and other activities, it is evident that other bus services are available and these would permit students to make the return journey to Charfield.
41. It was suggested by the Council that the use of the school bus service would be unsustainable because of the impact of failing to walk or cycle to school on the health of students. Whilst I acknowledge that there may be health benefits in walking or cycling to school, I do not consider that the reliance on bus services as a means of travel to school detracts from sustainability of the proposal.
42. The Council suggest that there are few employment opportunities within the locality. It describes Charfield as 'the perfect commuter village' due to its proximity to the junction with the nearby M5, which provides easy access to Bristol and Gloucester, and the high level of out-commuting amongst residents within Charfield.
43. There are a number of employment opportunities within the village. These include Charfield Barns Business Park, Charfield Mills Industrial Estate, a car dealership, a tyre and exhaust centre in addition to employment related to the various services within the village including the school and nursery. There are also other opportunities close to Charfield. These include Leyhill and Eastwood Park Prisons, Tortworth Court Hotel and Tortworth Business Park.

44. The *South Gloucestershire Community Profiles* formed part of the evidence base for the Core Strategy and found that in 2001 there were about 500 jobs within the area, excluding Renishaws, and an economically active population of 1450, including students, and part-time employees. It stated that MJ Few's car dealership was the largest employer within the village. Whilst this may be the case, the appeal site is situated adjacent to Renishaw plc, which although it is located within Stroud District adjoins the village boundary. Renishaw is a major employer with the area with further premises at New Mills, which is about just over a mile from the appeal site, and Wotton-Under-Edge. At present there are about 1233 jobs spread across the three sites. Renishaw has planning permission to extend its New Mills premises by 4,645 square metres. It is anticipated that this new building will accommodate about 900 jobs, but I understand that some of these will be occupied by employees transferring from the Wotton premises. In addition there is planning permission for an extension to the Charfield site which could provide 120 additional jobs.
45. The Council submitted evidence to the inquiry to show that only about 3.5% of the economically active population within Charfield are currently employed at Renishaw. It considered that the low overall number of vacancies at both New Mills and Charfield (67 in total) illustrates that Renishaw would not provide sufficient employment opportunities for future residents of the appeal site. The Council also suggested that the jobs provided at Renishaw are highly skilled and therefore it is unlikely that they would be available to residents of Charfield.
46. Renishaw is a specialist engineering company and it is probable that many of its employees will be skilled. ONS occupational statistics suggest that Charfield has a much higher proportion of residents within professional occupations by comparison with the remainder of the District, and the south-west overall. Therefore there is no evidence to suggest that the skill level within Charfield is markedly lower than elsewhere within the District. Furthermore, the New Mills premises is the company headquarters, and therefore would be likely to offer a varied range of employment opportunities, including administrative work, sales and marketing. On the basis of the evidence submitted to the inquiry there is no reason to suppose that there is a fundamental mismatch between the educational and employment skills of residents of Charfield and the employment opportunities at Renishaw.
47. The inspector in respect of the Day House Lease appeal found a quantitative imbalance between local employment opportunities and the number of economically active residents. However, it is unclear as to the extent and detail of the information available to him. Including the jobs at Renishaw, there are about 1,800 jobs within the local area as compared to an economically active population of 1450. The number of jobs in the locality is likely to increase as a consequence of Renishaw's plans for expansion within the local area. Accordingly, there is not an imbalance between the economically active population and the available employment opportunities.
48. The submitted evidence indicates that a high proportion of the economically active population is dependent on the use of a car to travel to and from work. Charfield is served by a number of bus routes, which vary between daily and hourly trips. Together they combine to provide a reasonably frequent service to Wotton-Under-Edge and also accommodate journeys to and from work at



- Thornbury and a connection to the train service at Yate. Most services do not extend into the late evening, or operate on Sundays. In some cases the services do not allow for much flexibility in travel arrangements.
49. Timings submitted by the Council suggest that journeys to Bristol and Gloucester by bus would take significantly longer than a similar journey by car. The Council consider that this difference in time would discourage residents from using public transport. However, the times submitted by the Council do not relate to peak hour, and any benefits derived from the use of a car must be balanced against the congestion and parking costs associated with travelling by car to a city centre. In the case of journeys to Wotton-Under-Edge and Thornbury the difference in travel time is minimal and therefore the bus services provide a realistic and viable alternative for such journeys.
  50. Although, some nearby settlements are within cycling distance of Charfield, I consider that the topography and narrow winding nature of local roads would be a deterrent for many people. I consider that many of the occupants of the proposed dwellings are likely to make use of a car for at least some of their journeys. However, it is apparent that a number of services and some employment can be accessed either by foot, public transport or cycling. The proximity of the motorway may encourage some future residents, like many of the existing residents, to commute by car.
  51. Paragraph 29 of the NPPF states that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. However on the basis of the submitted evidence it is not possible to assess whether those commuting by car are travelling long distances using the motorway or are travelling within the local area. In the light of the various employment opportunities within a short travelling distance of the appeal site outlined above, such journeys may not necessarily be lengthy. The location of the appeal site on the edge of Charfield, a settlement with a number of bus services, would provide a choice of travel in accordance with the principles of the NPPF.
  52. Sustainability is not just about accessibility to jobs and services. The NPPF advises that there are three dimensions to sustainable development: economic, environmental and social.
  53. The economic role seeks to ensure that sufficient land of the right type is available in the right places and at the right time to support growth and innovation. Economically the proposal would provide housing to support the local growth in employment, in particular that at Rensihaw, and would increase the number of economically active residents.
  54. The Council suggest that there are insufficient dwellings proposed to impact on affordability. There would be a significant number of new dwellings, 35% of which would be affordable dwellings and would include social rented, affordable rented and intermediate dwellings, the majority of which would be one or two bedroom dwellings. The proposal would diversify the housing market within Charfield and thereby add to the choice of dwellings.

55. The proposal would also increase household expenditure within the area which would be beneficial to local services and businesses both within Charfield and other nearby settlements. In this respect it would accord with views expressed by businesses within the Village Plan. The proposal would provide about 80 construction jobs per year over the construction period.
56. The environmental role contributes to protecting and enhancing the natural, built and historic environment. A Tree Preservation Order covers part of the site. These trees will all remain as part of the development scheme. The Ecological Appraisal submitted by the appellants identifies the woodland and watercourses to the eastern and southern boundaries as the most significant habitat features on the site. These together with the hedgerows are located towards the periphery of the site and will be retained. Much of the site is occupied by species poor semi-improved grassland and is low in terms of its ecological and nature conservation value.
57. The ecological surveys identified a number of foraging bats, mostly along the watercourses. These will be retained in their entirety and enhanced with further native tree planting along the south eastern boundary. A continuous green space buffer, about 1.8 hectares in area, will be provided along the length of the two boundaries. This will protect the floodplain and watercourses from pollution and will be managed to provide for wildlife and protected species.
58. A drainage pond is proposed towards the south-east of the site and this will be designed to maximise biodiversity. Together with the swales that will form part of the sustainable drainage scheme for the site it will add to the variety of habitat currently on the site. Overall the proposal would be beneficial to biodiversity by way of safeguarding and enhancing the existing habitats and increasing the range of habitats available.
59. The social role includes supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations. The Core Strategy recognises that South Gloucestershire is suffering from an affordability gap and that this is a particular issue within rural areas. It also states that there is an estimated need for 903 affordable dwellings annually across the District for the period up to 2021. It notes that the proportion of younger households able to buy or rent in the market fell from 52.3% in 2002 to 45.3% in 2007 and acknowledges the increasing need for affordable housing. The scheme would help meet the needs of present and future generations for housing, and has the potential to provide a high quality built environment including an areas of publicly accessible open space. The provision of affordable housing on the appeal site would make a significant contribution towards meeting this need. Some residents suggest that there is not a need for any further affordable housing within Charfield, however there remains a pressing need for such accommodation across the District.
60. Overall the appeal proposal would broaden the range and tenure of dwellings available within Charfield and assist with meeting the need for affordable housing. It would also increase the opportunities for people to live close to their place of work. In this respect the proposal would support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations.

61. The site is situated within walking and cycling distance of a range of facilities and is close to a number of services. The proposal would support the growth of a strong and vibrant community, through its support for local services and businesses.
62. The proposal would benefit the wider community through the provision of public open space including a children's play area and pedestrian crossing facilities on Wotton Road. In addition the contributions towards the community centre and off-site sports facilities at Kingswood would contribute to the provision and maintenance of facilities that would be beneficial to the wider population.
63. For the reasons given above the appeal proposal would be likely to involve a degree of reliance on the use of a car. However, there are alternative modes of transport available to residents and taking account of the number of jobs within a short travelling distance of the village, journeys by car would not necessarily be lengthy. Charfield benefits from a reasonable range of services, and looked at in the round, I am satisfied that proposal would be economically, environmentally and socially sustainable.

### **Housing Land Supply**

64. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
65. Local Plan policy H3 together with Core Strategy policies CS5 and CS34 restrict development within the countryside outside of defined settlement boundaries. For the reasons given above I accord limited weight to policy H3. Policy CS5 permits small scale development within the settlement boundaries. Although policy CS5 commits to a review of the distribution of housing within rural areas this has not yet occurred. However, the appeal site lies outside of the settlement boundaries and cannot be considered small scale. I therefore conclude that the proposal would conflict with Core Strategy policies CS5 and CS34.
66. Paragraph 49 of the NPPF states that the relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites against its housing requirements. Policy CS5 is a policy for the supply of housing in that it seeks to direct housing to specified locations and restrict it in others. Policy CS34 has a wider purpose that aims to balance the conservation and enhancement of the countryside and rural settlements with sustaining and promoting thriving rural communities and the economy, nevertheless the purpose of clause 5, which restricts development outside of settlement boundaries, is to limit housing development in accordance with policy CS5. Therefore in this regard it is a policy in relation to the supply of housing.
67. The appellant suggests that even though the Core Strategy was adopted relatively recently, the weight to be afforded to the housing requirement within it is reduced due to the fact that it was not based on a NPPF compliant SHMA, and that it fails to take account of the full objectively assessed need (FOAN) for the District. It is also contended that the Solihull Judgement<sup>4</sup> confirms the

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<sup>4</sup> Gallagher Homes v Solihull MBC [2014]

requirement for a Local Plan to be based on FOAN and that the Hunston<sup>5</sup> judgement lends further support to this view.

68. The Council does not dispute that the Core Strategy is not based on the FOAN for the area, but submits that the inspector was aware of this and gave reasons why he found the Core Strategy sound.
69. The Core Strategy inspector's report notes the requirement at paragraph 47 of the NPPF for local planning authorities to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the NPPF. The report explains that South Gloucestershire's assessment was carried out before national policy changed and in the context of a more limited Housing Market Assessment. The report noted that supplementary work had been undertaken to support the findings of the HMA, including a review of growth assumptions in the draft Regional Strategy and an appraisal of population and household projections
70. The inspector found that the provision of 28,355 dwellings based on the housing supply position at April 2012 was an appropriate minimum level of housing provision. However, the inspector stated that without a NPPF compliant SHMA the degree of reliance that could be placed on this figure was uncertain because it was unclear what the housing needs of the wider HMA were, and these may require revisions to the housing targets before the end of the plan period. He concluded that it would not be justified to delay the Core Strategy until a new SHMA was completed and that, subject to an early review, the proposals within the Core Strategy provided a basis for taking the plan forwards. The report stated that the Council should aim to adopt a replacement plan as soon as reasonably possible. Therefore whilst the housing requirement within the Core Strategy is not based on a SHMA in accordance with the NPPF, the figures were examined thoroughly during the Core Strategy examination, and the inspector was satisfied on the evidence put to him that they were adequate until at least 2018. The review process is currently underway and the housing requirement will be re-assessed in the light of the emerging West of England SHMA.
71. Paragraph ID 3-030-20140306 of Planning Practice Guidance (PPG) says that considerable weight should be given to the housing requirement figures in adopted local plans which have successfully passed through the examination process, unless significant new evidence comes to light.
72. The appellant believes that the SHMA prepared by Barton Willmore and submitted with the appeal, together with the Solihull judgement constitute significant new evidence and justify an alternative housing requirement from that within the Core Strategy.
73. The SHMA submitted with the planning application was subject to a number of criticisms from the Council and a revised SHMA was submitted with the appeal. The appellant states that this most recent SHMA has been prepared following the advice of the recently-published PPG. It uses as its starting point the CLG household projections from 2011 and factors in adjustments for ONS population projections and mid-year estimates, household formation and headship rates, employment growth and market signals.

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<sup>5</sup> Hunston Propoerties Ltd v SOS CLG & St Albans City & District Council[2013]

74. The SHMA was reviewed by ORS on behalf of the Council. The Council was critical of it on a number of grounds. In particular, it considers that the assessment is based on the wrong housing market area; that it fails to correct for unattributed population change (UPC); it adopts inappropriate household representative rates and it is critical of the methodology for establishing future housing numbers.
75. The SHMA prepared by the appellant is based on the West of England Housing Market Area and includes Bath and North East Somerset (BANES), Bristol, North Somerset and South Gloucestershire. The Council contend that BANES has been identified as a separate HMA. The criticism relies on the comments of the BANES Core Strategy Inspector's Report.
76. The appellant explained the basis for his assessment of the housing market area. The approach adopted included an assessment of the 70% internal migration threshold suggested by PPG ID 2a-011-20140306 as one way in which housing market areas can be determined (76% of moves take place within the four districts).
77. Although the Core Strategy Inspector judged the district of BANES to be an HMA in its own right, his report acknowledged that a future assessment of the HMA boundary, carried out with the benefit of the pertinent Census 2011 data, might lead to a different conclusion once the migration and commuting data was available.
78. South Gloucestershire Council is working with the three other authorities included in the appellant's SHMA to produce a West of England Joint Planning Strategy which will include a new SHMA to replace the 2009 SHMA. Therefore in the absence of any other evidence aside from the comments within the BANES Core Strategy report, I have no reason to find that the HMA used by the appellant undermines the validity of the SHMA submitted to the inquiry.
79. UPC is the difference between population change calculated by subtracting the 2001 census estimate of population from the 2011 census estimate and the population change after 2001 calculated using the demographic equation of births minus deaths plus net migration. The demographic projections used within the Appellant's SHMA give rise to an additional difference of 5,400 persons by comparison with the difference between the 2001 and 2011 census figures.
80. The Council accepts that the data recorded on births and deaths is broadly accurate, therefore the difference is due to net migration. It submits that a difference of 5,400 persons over a 10-year period is equivalent to around a third of the population change associated with net migration recorded by the mid-year population estimates 2011. ORS consider that at current household sizes for South Gloucestershire, this difference would give rise to around 4,500 additional households. In the absence of this difference ORS state that the appellant's FOAN figure is much closer to that within the Core Strategy. The appellant suggests that the difference would be 3,400 dwellings in total or 170 dwellings per annum, this would mean an additional 850 dwellings over the five year period. Based on the Council's figures the additional requirement could be as high 1125 dwellings over the five year period.
81. The Council state that the BANES inspector endorsed the approach of deducting UPC. However, the appellant submits that since the BANES Inspector reached

his conclusions ONS has considered the issue of UPC very carefully. Research and consultation on the subject (the results of which were published with the 2012-based sub national population projections in May 2014) concluded that UPC may have been the result of errors in international migration estimates, census estimates in both 2001 and 2011; or internal migration estimates. The ONS considers that no adjustment should be made for UPC to their sub-national population projections because it is unlikely to be seen in continuing sub-national trends.

82. The extent to which UPC has inflated the housing requirement is debatable. Even assuming that the number of additional households is closer to the appellant's estimate, including UPC could add over 850 dwellings to the Council's five year housing requirement.
83. Household numbers are produced by applying projected household representative rates to the population projections. These are based on trends observed in Census and Labour Force Survey data.
84. The appellant's SHMA applied the headship rates published within the interim 2011-based CLG household projections for the period 2011-2021 and reverted back to the 2008 based rates for the remainder of the plan period. The justification for this approach was that the CLG Interim rates were considered to be unrealistically low in relation to the younger age groups when compared to the previous 2008 based CLG projections.
85. The recently published 2012-based household projections for local authorities within England update the evidence base used within the Barton Willmore SHMA. Paragraph ID: 2a-016-20150227 of the PPG states that wherever possible local needs assessments should be informed by the most up-to date estimate of future household growth, which at the present time are the 2012 based projections. In the case of South Gloucestershire they indicate that there will be 1,080 additional households per annum between 2011 to 2031. The projections suggest that household formation amongst the 25-34 and 35-44 age groups is suppressed by comparison with the pre-recession period. For this reason the appellant believes that reliance on the 2012 projections alone would continue to assume a suppressed level of household formation rates amongst this age group.
86. Whilst household projections provide the starting point for assessing overall housing need they do not attempt to predict the impact that future government policies, changing economic circumstances or other factors might have on demographic behaviour. As confirmed by PPG paragraph ID 2a-015-20140306 the rates may require adjustment to allow for whether they have been suppressed historically by under-supply and worsening affordability.
87. The Council acknowledges that a blended approach to household formation rates would allow for suppressed household formation rates in recent years, it nevertheless considers that the 2008 household projection figures on which the appellant relies are flawed. For this reason it considers that the appellant's SHMA over-estimates the housing requirement for the District.
88. In addition to the adjustment to the household formation rates PPG advises that household projections may also need to be adjusted to take account of market signals, economic activity and migration. The Barton Willmore SHMA includes an upward adjustment for migration which it considers would also

- meet any additional need due to economic growth as well as improve housing affordability.
89. The appellant's SHMA can reasonably be considered to be significant new evidence. However, it is based on a number of assumptions, including those in relation to household formation rates, market signals, economic activity and migration, all of which have implications for the overall housing requirement. These assumptions have not been subject to any review or consultation. Furthermore there has been no independent validation of the SHMA in relation to the housing requirements within it, or the employment and economic aspirations for South Gloucestershire.
90. As confirmed by PPG establishing future need for housing is not an exact science. No single approach will provide a definitive answer. The Ministerial Statement in December 2014 was clear that the outcome of a SHMA should not be seen as a proxy for the final housing requirement in local plans, nor does it invalidate housing numbers in existing local plans.
91. The assessment on which the Core Strategy housing requirement is based is not as robust as required by the NPPF in that it was not based on a SHMA. Whilst it a FOAN may give rise to a higher housing requirement than that within the Core Strategy, this was recognised by the Core Strategy inspector and a mechanism to review the housing requirement was put in place to address this concern. The work in relation to this review is underway. The assumptions underpinning the Appellant's SHMA are not necessarily incorrect, but they are un-tested and as such cannot be considered robust. Consequently having regard to the advice at paragraph ID 3-030-20140306 of PPG, I conclude that the figure within the Core Strategy provides the only credible housing requirement for South Gloucestershire at the present time.
92. In reaching this conclusion I have also had regard to the various appeal decisions submitted by the parties to support their respective views in relation to the weight to be attached to the housing requirement within the Core Strategy. The decisions relied upon by the appellant related to cases where there was either a policy vacuum at the time of the appeal, or the evidence on which the relevant policy was based pre-dated the publication of the NPPF. Therefore the circumstances of these other decisions are not comparable with this appeal where the Core Strategy is a recently adopted plan
93. The appellant also referred to two judgements. The South Gloucestershire Core Strategy differs from the Solihull Local Plan, in that the inspector was clear at paragraph 72 that the housing figures proposed by the Council did not represent the FOAN for the District. He acknowledged at paragraph 84 that the degree of reliance that could be placed on the Core Strategy housing requirement was unclear due to the absence of a NPPF compliant SHMA. In the light of this consideration he stated that the Council should aim to adopt a replacement plan as soon as reasonably possible and that this should be in place by the end of 2018.
94. The Hunston judgement concerned an appeal where there was a policy vacuum. Whilst it also established that the FOAN should be based on an unconstrained assessment of need this is not a matter that is disputed by the Council. As explained above, in the case of the South Gloucestershire Core Strategy the inspector was aware that the evidence base underpinning the housing requirement within the Core Strategy was not based on a FOAN.

Accordingly whilst the Solihull judgement and that in relation to Hunston are material considerations, they do not reduce the weight to be attributed to the housing requirement within the Core Strategy.

95. The Core Strategy requires the delivery of a minimum of 28,355 dwellings over the plan period. Taking account of the previous number of dwellings completed in the period prior to its adoption there is a residual requirement for 22,545 dwellings between 2013/14 and 2026/27. The Core Strategy aims to spread the shortfall over the remainder of the plan period and there would be an annual requirement for 1,610 dwellings. Since the adoption of the Core Strategy there has been a further under-delivery of 515 dwellings. The Council accepts that this shortfall should be added to the five year housing requirement, resulting in a requirement for 8,565 dwelling in the next five years.
96. Paragraph ID 3-035-20140306 of PPG advises that any shortfall should be dealt with within the first five years of the plan period where possible. This approach is generally favoured and would be consistent with the aim of the NPPF objective to significantly boost the supply of housing. It is also favoured by the Secretary of State in most appeal decisions because it deals with the issue of past delivery failures promptly over the short-term.
97. The Core Strategy inspector gave consideration to both approaches and concluded that whilst it would be preferable to make good past deficiencies as soon as possible, in the case of South Gloucestershire spreading the shortfall over the remainder of the plan period was an acceptable approach. He justifies this view at paragraphs 96-98 of his report. He explains that addressing the shortfall in the first five years would require annual completion rates in excess of any of those achieved in the last quarter century and that if the previous shortfall was annualised this would still provide a significant boost to housing in accordance with the NPPF.
98. It is not suggested by the appellant that that spreading the shortfall over the remainder of the plan period is inconsistent with the policies within the NPPF, including paragraph 47 to which it relates. The purpose of PPG is to provide guidance to assist practitioners as well as an indication of the Secretary of State views. To aim to address the shortfall in the next five years of the plan period would require the identification of many additional sites in the short term and would undermine the spatial strategy for the District and the plan-led system. Having regard to the Core Strategy Inspector's reasons for endorsing the annualised correction of past deficiencies over the plan period, I am satisfied that notwithstanding the advice within paragraph ID 3-035-20140306 of PPG, that at the present time it remains a pragmatic and justifiable approach.

### *Housing Land Supply*

99. The Council's housing land supply comprises sites with planning permission, sites identified within the Core Strategy and an allowance for windfall sites. On this basis the Council believes that it can demonstrate a housing land supply in excess of five years. The Appellant disagrees. The difference between the parties is accounted for by their views in relation to the deliverability of a number of specific sites, the time period for the assessment of housing sites, and approach to windfall sites. During the course of the inquiry the appellant



conceded that some of the disputed sites were deliverable. I have not addressed these sites below.

100. Footnote 11 of the NPPF states that to be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Mr Cann, on behalf of the Council, stated that whilst he had not referenced footnote 11 the factors within it nevertheless formed part of his overall assessment in reaching his judgement in relation to the disputed sites.

### *Specific Sites*

101. Intier Site, Bitton The Council suggest that this site will provide 130 dwellings within the next five years. The appellants disagree and consider that there is no evidence that it is developable. This is an unallocated site situated within Flood Zone 3. At the inquiry The Council stated that there had been pre-application discussions with the owner of the site and submitted a note to the inquiry which advised that both the Council and the Environment Agency considered that the site could be developed in principle. A further note on behalf of the owners of the site was also submitted to the inquiry.
102. Paragraph 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (Flood Zone 3). Where development is necessary, it should be made safe without increasing flood risk elsewhere. There was no evidence submitted to the inquiry to show that the Council had applied the sequential test in respect of this site. Whilst it may be possible to increase the level of the site such that any future dwellings would not be at risk of flooding, no evidence was submitted to indicate that the development of the site would not increase flood risk elsewhere, or indeed that such a solution would be acceptable in other respects, including its effect on the character and appearance of the surrounding area and biodiversity.
103. Although the owner of the site submitted a letter advising that it was his intention to develop the site, I nevertheless consider that there is insufficient information to demonstrate that the site is a suitable location for development or would be viable. Therefore I am not persuaded that there is a realistic prospect that housing on the site will be delivered within the next five years.
104. Harry Stoke The Council suggest that 340 dwellings will be delivered on the site in the next five years, whilst the appellant considers that the Council's completion figures are unrealistic and only 110 dwellings will be delivered in the next five years.
105. This site is identified for the delivery of 1200 dwellings over the plan period. Outline planning permission was granted at appeal in 2007. Subsequently planning permission was granted for a parcel of land within this site for 166 dwellings. These dwellings are now under construction and are considered to be a separate site.
106. The development of the site would require a number of pylons to be removed and replaced by way of an underground supply. Neither party was able to provide any objective evidence as to the timeframe required for this operation. However, it will inevitably require specialist contractors and due to

the scale of the works required and its specialist nature, I consider that it is probable that such works would materially add to the timeframe for development.

107. The appellant also considers that costs of undergrounding the pylons, which is estimated to be about £20 million, could affect the viability of the scheme. The site had a viability deficit of £37 million and in May 2011 a deed of variation was signed. This reduced the proportion of affordable housing required and the level of financial contributions sought. Evidence submitted to the inquiry confirmed that the cost of undergrounding the pylons was taken into account. On behalf of the Council, Mr Cann, explained that in his experience the cost of undergrounding pylons often reduced considerably as negotiations progress, and together with other minor changes, any viability issues in relation to large developments such as this could generally be overcome. Given the recent improvements in the housing market the viability of the scheme is likely to have improved since it was re-assessed in May 2011. In my view there is no compelling evidence to indicate that the scheme would not be viable.
108. The appellant referred to outstanding issues in relation to the ownership of the site which could potentially be an impediment to its early development. Whilst I agree with the Council that it would be in the interests of both parties to resolve this matter in a timely manner, there is no certainty that this will be the case.
109. Outline planning permission was granted some considerable time ago and no reserved matters have been submitted in the intervening period. The Council's 2014 AMR Housing Trajectory identifies that 110 dwellings will be delivered in the first year of construction 2016/2017. The appellant submitted evidence from Cheshire East Council, which showed that it typically takes about 2.5 years for a site of this size with outline planning permission to deliver dwellings on the site. This period allows for the submission of reserved matters, infrastructure provision and time for the commencement of construction to start. On this basis it is unlikely that any dwellings would be delivered until late 2017 at the earliest.
110. The Council considers these figures to be 'wildly pessimistic', however it submitted no objective evidence to the contrary. Mr Cann stated that on the basis of discussions with Crest Nicholson, one of the owners of the site, it was anticipated that works would start on site in Mid-2016 with the first sale taking place in the last quarter of 2016.
111. I appreciate the figures from Cheshire East relate to a different area of the country, and represent average times. Inevitably some sites will be completed more rapidly and others will take much longer. However, given the very particular constraints in relation to this site, including land ownership issues and the potential for the pylons to delay construction, together with the fact that a reserved matters application has yet to be submitted, I consider the timeframe put forward by the Council to be unduly optimistic, particularly since it is more than seven years since outline planning permission was granted. The viability of the site was reassessed in May 2011 and no evidence has been submitted to demonstrate that there has been any significant progress since that date.

112. Full planning permission was granted for the smaller Harry Stoke site in September 2012. The 2014 monitoring report shows that 54 dwellings were delivered on this site in the 2013/2014 period. Whilst the build rate considerably exceeds that within the Cheshire East SHLAA table, the lead in time is comparable. The larger site is significantly more complex and requires the provision of infrastructure as well as mitigation in relation to protected species. Given the time that has elapsed since planning permission was granted in 2007, it is likely that the ecological surveys which accompanied the application will need to be updated in order to inform the mitigation strategies. In some cases such surveys can only be conducted at specific times of year. Taking account of the particular circumstances of the site, I consider that 2.5 years) is a reasonable minimum for dwellings on this site to be delivered.
113. Whilst it is clear that Harry Stoke is a suitable location for housing and there is no compelling evidence to suggest that it would not be viable, for the reasons given above, the site is unlikely to deliver any dwellings during the 2016/2017 monitoring period. Therefore based on the Council's housing trajectory the number of houses delivered within the next five years should be reduced by 115 dwellings.
114. *New Neighbourhood at Land East of Harry Stoke* This is identified as a strategic site within the Core Strategy and is expected to deliver 2000 dwellings over the plan period. The Council anticipate that 380 of these dwellings will be delivered over the next five years, whilst the appellant suggests that only 270 dwellings will be delivered.
115. The Council advise that a draft SPD and Master Plan are due to be adopted during early 2015 and a hybrid application for the development of the site is anticipated in June 2015. This will include a full application for the northern part of the site without the pylons.
116. The SPD will address phasing issues to ensure that the necessary supporting infrastructure, including the Stoke Gifford Transport link is provided. I appreciate that the transport link may not need to be in place prior to the development of the northern part of the site which will be the subject of a full application. Nevertheless, this is a matter that will need to be addressed in the SPD.
117. Mr Cann suggested that the planning application and s106 agreement could be resolved within a six month period from June 2015, and that a further 4 months would be necessary for reserved matters to be addressed and six months for the provision of infrastructure. On this basis, development would start on site in October 2016.
118. The appellant considers that an EIA will be necessary, and to date no EIA has been submitted, nor has a screening opinion in relation to the EIA been sought. Mr Cann submits that dependant on the time of year, any necessary surveys may not add to the Council's suggested timeframe, however dependant on the species surveyed the time of year would vary.
119. In addition, as with the land at Harry Stoke, the pylons would need to be undergrounded, this would involve a cost of about £10 million. It would add considerably to the timeframe for development, as would the need for any ecological surveys that would need to be undertaken at the appropriate time of year.

120. The Council's suggestion that development will commence within 16 months of the submission of a planning application seems to me to be unduly optimistic and not matched by the record in relation to other large sites. Whilst I appreciate that Emerson Green, Harry Stoke and Charlton Hayes were perhaps delayed due to the economic downturn, these sites took between 5 and 9 years from outline permission through to reserved matters. It is also evident that, as illustrated by the site at Cribbs Patchway, it can take a year or more for s106 matters to be resolved.
121. Therefore taking account of the complexity of delivering a mixed development scheme of the size proposed, I consider the Council's view that the first houses on the site will be delivered by 2016/2017 to be unduly optimistic. Taking account of the pattern of development within the Council's housing trajectory I consider that the discount of 110 dwellings to the five year housing land supply suggested by the appellant to be conservative.
122. *Cribbs /Patchway West of A4018* This site forms part of a larger area identified as a new neighbourhood in the Core Strategy. The Council expects this site to deliver 300 dwellings within the next five years, with the first 100 completed within 2016/2017 monitoring period.
123. An outline application was submitted in February 2014. The Council advised that there are some outstanding objections to the application, but it is anticipated that these will be resolved. A framework S106 agreement to provide an equalisation agreement between the various landowners in relation to infrastructure was due to be considered by the Council soon after the inquiry.
124. Both of the existing landowners are seeking to dispose of their interest in the site. Mr Cann stated that on the basis of discussions with the intended new landowners there was a realistic prospect that housing would be delivered on the site during the 2016/17 monitoring period. In addition there appear to be issues due to part of the site being occupied by Saracens RFC. The appellant considers that due to site ownership issues and the infrastructure required, neither site is likely to deliver any dwellings within the next five years.
125. Mr Cann agreed that the Council's timetable for delivery is tight, but considered that it could nevertheless be achieved. In addition to the conclusion of the current outline planning application and the framework S106, a reserved matters application will need to be submitted and the necessary infrastructure provided. On the basis of the evidence submitted to the inquiry I consider it unlikely that any houses will be delivered on the site in 2016/2017. In the light of the Council's evidence, including Mr Cann's personal knowledge of the site the appellant's view could be considered to be overly pessimistic. Taking account of the timeframe within the Cheshire East SHLAA it is possible that the first new dwellings would be available in the 2017/18 monitoring period. I conclude that the number of dwellings for the purposes of a five year housing land supply should be reduced by 100 reflecting the Council's housing trajectory.
126. *Cribbs Patchway/land South of Airfield* This site also comes within the Cribbs Patchway New Neighbourhood, and the Council expect it to deliver 525 dwellings within the next five years. An outline application was submitted in June 2012, and considered by the Council in March 2014. The application was approved subject to the submission of a s106 agreement. The timescale for

the submission of this agreement has been extended twice. It will form part of the framework agreement referred to above.

127. Mr Cann suggested that it was intended to start on site during the second half of 2015. Planning permission has not yet been granted. For similar reasons to the Cribbs Patchway West of A4018 I consider the timeframe to be unduly optimistic, and doubt that any dwellings will be delivered in the 2015/2016 monitoring period. However, I consider that there is little basis for the appellant's view that no dwellings will be delivered within the next five years and consider that the number of dwellings should be reduced by 150 to reflect the fact that the first dwellings on the site are unlikely to be delivered until the 2016/17 monitoring period at the earliest.
128. *Former Limeworks, Itchington* Planning permission for the development of this site by way of 18 dwellings was granted at appeal in June 2004. It has been implemented to the extent that a kerb has been laid and the necessary conditions have been discharged. The Council advise that an application to vary the consent was permitted in April 2014.
129. The appellant was informed by the owner of the site that it was not intended to bring the development forward at the present time, but that the permission was secure in that it had been implemented.
130. NPPF Footnote 11 states that sites with planning permission should be considered deliverable until permission expires unless there is clear evidence that schemes will not be implemented within five years. In the case of this site the planning conditions have been discharged and the planning permission has recently been varied. In the light of these steps, I do not consider that there is clear evidence that the site will not be developed. Consequently, there is a reasonable prospect that the site will be delivered in the next five years.
131. *Heath/ Newton House* This is a Council controlled site and the Council consider that it could deliver 60 extra care dwellings within the next five years. On behalf of the Council it was stated that it is intended to submit a bid to the HCA. Should this be successful, the Council consider that planning permission will be granted by the end of September and the scheme should be complete by September/October 2017.
132. The timetable put forward by the Council would seem somewhat optimistic, nevertheless having regard to the size of the proposal and the Council's intention to progress this site, I consider that there is a realistic prospect that the proposed dwellings will be delivered within the next five years.
133. *Goodmans* This was originally part of a strategic site in the Local Plan and was allocated for commercial use. It is currently proposed as part of a mixed use scheme and a planning application, including 120 dwellings was submitted shortly before the inquiry opened. Although the application had not been validated, and this may give rise to some delay, there is no reason to suppose that such delay will be significant in relation to the five year housing land supply.
134. Based on the lead in times put forward by the appellant, the location of the site within the Northern Fringe and that it is allocated as part of a larger mixed use site, I consider that there is a reasonable prospect that the proposed dwellings will be delivered in the next five years.

135. *Kerr House* This is a Council controlled site which it is anticipated will deliver 20 dwellings within the next five years. The Council state that the Knightstone Housing Association has a firm allocation of funding and that construction is expected to commence in March 2016. Even if this programme slips, given the small size of the site I am satisfied that the dwellings would be delivered in the next five years.
136. I therefore consider that Council's five year housing land supply should be reduced by 605 dwellings ( 130 Intier Site, Bitton, 115 land at Harry Stoke, 110 Land East of Harry Stoke, 100 Cribbs /Patchway West of A4018 and 150 Cribbs Patchway/land South of Airfield).

#### *Time Period For Assessment of Housing Land Supply*

137. The Council's *Annual Monitoring Report* (AMR) is published in April each year and covers the period 1 April to 31 March. It reviews the housing requirement for the next five years and the available housing land supply. The *Authority's Monitoring Report (Early Extract)* is published in December each year and includes any large site completions up to the end of September and any large site planning permissions up to the end of October. The planning permissions with the *Authority's Monitoring Report* are added to the housing land supply for the current year, which in this case is 1 April 2014 up to 31 March 2019.
138. The appellant contends that the housing requirement and the housing land supply should both be assessed at the same date. Moreover, it is argued that if the housing land supply includes an additional six months supply then the housing requirement should be adjusted accordingly. The appellant refers to the Lymgne Airfield Appeal<sup>6</sup> where the inspector found that it was not appropriate to add to the housing land supply in the period since the Council's AMR had been published in that it would be moving into the next monitoring period before the full picture is known. However, in the case of South Gloucestershire the *Authority's Monitoring Report* is published each year in December and forms part of the annual monitoring process. Therefore it is not comparable with the situation in the Lymgne decision.
139. As detailed above, for monitoring purposes the housing requirement figures are updated annually, whilst the housing land supply figures are updated twice a year. PPG (paragraph ID 3-030-20140306) states that local planning authorities should have an identified five-year housing supply at all points during the plan period. I therefore do not consider the inclusion of the sites with planning permission within the *Authority's Monitoring Report* to be inconsistent with this advice. However, the Council confirmed that 258 dwellings were completed during this period. These sites no longer form part of the housing land supply, and in my view should be excluded from the five year housing land supply.

#### *Windfall sites*

140. The Council's housing land supply includes an annual small site windfall allowance of 150 dwellings per year (dpa) in addition to a small site (fewer than 10 homes) allowance of 125 dpa. Paragraph 48 of the NPPF provides that a windfall allowance can be included where there is compelling evidence to do so.

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<sup>6</sup> APP/L2250/A/13/2210752

141. The appellant suggests that a windfall site could comprise a windfall site in one year and a small site the next, giving rise to an element of double counting within the same five year period. The Council maintain that no double counting arises since small sites and windfall sites form two distinct components of supply and state that this matter was considered by the Core Strategy inspector.
142. Paragraph 90 of the Core Strategy report states that an allowance for 150 dwellings per year in addition to the small site commitments that benefited from planning permission was justified. The Core Strategy inspector also considered that a further 594 dwellings brought forward by the Council, which were new sites with planning permission, were capable of being brought forward from later in the plan period and contributing to housing land supply. He found that 'none of these sites were sites of less than ten dwellings, which was the threshold the Council applied for the purposes of defining small sites (windfalls)'. On this basis he concluded that the inclusion of these sites would not give rise to double counting.
143. The *Residential Land Survey* defines small sites as sites that will deliver fewer than 10 homes. Appendix A to *Authority's Monitoring Report* adopts the same approach. Therefore the small sites allowance within the Residential Land Survey cannot be the 594 sites considered by the Core Strategy inspector when he assessed the principle of double counting, since he states that none of these were for less than 10 dwellings. Accordingly the basis of the 125 dpa small site allowance within the Residential Land Survey is unclear. Since planning permission for windfall sites will normally be granted for a period of three years there is significant scope for double counting windfall sites and small sites. I therefore consider that the windfall allowance should be reduced by two years to compensate for double counting.
144. The Day House Lease inspector considered the issue of double counting. He referred to paragraph 91 of the CS report, where the Inspector specifically addressed the allegation of "double counting" of windfall sites. He refers to the justification for an allowance of 150 windfall sites per annum "in addition" to the small site commitments that benefit from planning permission and states that this was the specific "double counting" point alleged in the Day House Lease appeal. However, as explained above, the small sites considered by the Core Strategy inspector were sites of 10 or more dwellings with planning permission. Furthermore it would seem that small sites with planning permission are listed individually within the Residential Land Survey. Therefore on the basis of the evidence submitted to this inquiry I consider that a reduction in the windfall allowance is justified.

#### *Overall Conclusion On Five Year Housing Land Supply*

145. The five year housing requirement, taking account of under delivery since the adoption of the Core Strategy, is for 8,565 dwellings. Where there has been a record of persistent under delivery of housing, in addition to a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements, the NPPF requires local planning authorities to provide an additional buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land. The Core Strategy inspector found that that the Council had failed to meet its planned housing

targets and concluded the five year housing land supply should include a 20% buffer and in the light of the Council's continuing failure to meet its housing requirements I have no reason to reach a different view on this matter. When a 20% buffer is added a five year housing land supply sufficient for 10,278 dwellings is required.

146. The *Authority's Monitoring Report* shows a housing land supply of 10,685 dwellings. I consider that the allowance for specific large sites should be reduced by 605 dwellings. A further reduction of 258 dwellings should be made to take account of completed dwellings and the windfall allowance should be reduced by 300 dwellings for the reasons given above. This would provide a housing land supply sufficient for 9522 dwellings. Whilst the justification for the annual small site allowance of 125dpa is unclear, this matter was not disputed by the appellant and I have taken account of these dwellings in my assessment of the Council's housing land supply. Taking account of the five year housing requirement, the shortfall of 515 dwellings that has arisen since the adoption of the Core Strategy and the provision of a buffer of 20% this represents a housing land supply sufficient for about 4.64 years.
147. Paragraph 49 of the NPPF states that the relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Therefore the policies CS5 and CS34 of the Core Strategy cannot be considered up to date. The appeal proposal would contribute to the identified unmet housing need within the District and this consideration weighs in favour of the proposal. In such circumstances, the NPPF sets out that a presumption in favour of sustainable development applies.

## **Other Matters**

### *Infrastructure Contributions*

148. The Community Infrastructure Levy (CIL) Regulation 122 provides that it is unlawful for a planning obligation to be taken into account in a planning decision on a development that is capable of being charged CIL unless it is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
149. Core Strategy policy CS6 requires proposals that would add to the overall demand and impact on infrastructure to provide site specific measures to directly mitigate the impact of the development on existing communities and provide for the needs arising from the development.
150. The proposal would provide affordable housing in accordance with policy CS18. The tenure and size mix of dwellings has been agreed with the Council. The provision of these dwellings will be secured by way of the submitted Unilateral Undertaking. These dwellings would assist with addressing the growing need for affordable housing within the District.
151. The proposal will provide informal recreational open space, natural and semi-natural open space a children's play area and allotments on the appeal site in accordance Core Strategy policy CS24. These areas will provide facilities for future residents and will contribute to their health and physical well-being.



152. The Unilateral Undertaking covenants to make a financial contribution towards Charfield Memorial Hall. This is located within walking distance of the appeal site and is used for a range of activities by existing residents. The existing facilities are at capacity. Residents of the appeal scheme are likely to make use of the Village Hall and add to the existing pressure on its use. Therefore a contribution towards the extension of the Memorial Hall is necessary to make the development acceptable in planning terms and the scale of the contribution is directly, fairly and reasonably related to the development in scale and kind. I have therefore taken it into account in reaching my decision.
153. Policy CS24 requires the provision of outdoor sports facilities. There is a current under-provision of sports pitches within Charfield and the residents of the proposed dwellings would add to the pressure on existing facilities. The planning obligation will provide a financial contribution towards the provision of off-site junior football pitches and changing facilities at Wotton Community Sports Foundation on a site to the north-east of Charfield and towards the maintenance of these facilities for a period of three years. These facilities would be accessible to existing and future residents of Charfield. Therefore the contribution sought would be directly, fairly and reasonably related to the development in scale and kind.
154. Charfield is located close to the District boundary. Figures submitted by the Council suggest that 3771 Charfield residents currently use the Gloucestershire library service, as against 400 who use South Gloucestershire services. Whilst I do not doubt that the majority of residents use the South Gloucestershire library facilities at Wotton-Under-Edge, there appears to be an error in these figures since the population of Charfield is recorded as being 2425. Notwithstanding this discrepancy, future residents are likely to add to the demand for the use of books and other stock and the submitted planning obligation would mitigate this.
155. The Council confirms that there are sufficient school places within the local area to accommodate any additional demand arising from the development. However, it provides free transport to children attending the secondary schools within the area and seeks a financial contribution towards the cost of providing this transport.
156. I am satisfied that the above obligations are necessary to make the development acceptable in planning terms and that the scale of the contributions is directly, fairly and reasonably related to the development in scale and kind. I have therefore taken them into account in reaching my decision.
157. Local residents were concerned that the footway in the vicinity of the proposed location for the pedestrian crossing could be too narrow to accommodate it, or perhaps interfere with the operation of the petrol filling station. On behalf of the Council, Mr Rossiter considered whilst there may be more suitable locations for the crossing, it would be achievable in the location proposed. There is no compelling evidence before me to reach a different conclusion.
158. Local residents expressed concern that that proposal would add to the risk of flooding within the vicinity of the appeal site. They submitted evidence to

illustrate previous flooding problems in the area, including at Wotton Road near Watsome Bridge.

159. Section 10 of the NPPF sets strict tests to protect people and property from flooding and requires that proposals will not increase flood risk elsewhere. It advises that when new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.
160. The Flood Risk Assessment (FRA) submitted with the application considered evidence from the Environment Agency, Wessex Water, South Gloucestershire Council and the Strategic Flood Risk Assessment prepared on behalf of the Council. The drainage strategy within the FRA is based on a sustainable drainage system (SuDS). The strategy will involve the provision of surface water retention features, including a drainage pond, within the scheme that will store rainwater for subsequent discharge to the watercourses running adjacent to the boundaries of the site at a rate to be agreed with the Environment Agency and any Riparian owners. Neither the Environment Agency nor Wessex Water object to the submitted drainage strategy. Whilst the proposed strategy would have the potential to prevent the surface water run-off from new development it would not necessarily alleviate existing flooding problems.
161. Residents also suggest that the records the appellant consulted in relation to flooding may not be complete, due to various changes to the administrative boundaries over the years. Nonetheless, it is apparent the FRA has taken account of local flood events, and since the proposal relates to an outline application the final layout of the site, and indeed the number of dwellings proposed, may alter from that shown on the indicative plan. Therefore detailed drainage proposals for the site would need to be submitted for approval and would need to take account of all available evidence. On the basis of the evidence submitted to the inquiry I am satisfied that the proposed development would not be at risk of flooding, nor add to the risk of flooding elsewhere.
162. The Charfield Village Plan was published in 2013. Whilst it does not form part of the development plan it represents the views of the residents of Charfield as to how they wish to see the village develop in the future. It identifies a number of key actions, including improvements to the village hall, maintaining the viability of existing activities, the provision of allotments, improvements to public transport, as well as improvements to walking and cycling routes, and ensuring that any new development has regard to local need. It also provided a commitment to a Housing Needs Survey. Over half of the residents supported some growth in Charfield over the next ten years, with the priority being to retain the village and community feel. It also found that most businesses were supportive of more residential development as it would expand their customer base. The appeal proposal would go some way to meeting some of these aspirations through the provision of public open space and a play area, the financial contribution toward the Memorial Hall, the provision of allotments and improving the viability of businesses. Whilst some residents considered that the introduction of additional housing within the village would be harmful to the sense of community, there is no evidence that this would be the case.

### **Overall Planning Balance**

163. The NPPF sets out a presumption in favour of sustainable development and amongst other matters seeks to significantly boost the supply of housing. Paragraph 14 states that where the development plan is absent, silent, or the relevant policies are out of date, permission should be granted for development, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies within the Framework as a whole, or specific policies within it that indicate that development should be restricted.
164. The appeal site is situated within the countryside and the proposal would be contrary to Core Strategy policies CS5 and CS34. The Council cannot demonstrate a 5 year supply of deliverable housing land, and therefore policies CS5 and CS34, which are policies relevant to the supply of housing, can no longer be considered up-to-date. For these reasons the presumption in favour of sustainable development set out in paragraph 14 of the NPPF applies.
165. Whilst the proposal would result in the encroachment of built development into the countryside, the Council accepts that the proposal would not have a significant effect on the setting of Charfield.
166. Balanced against this, I have found above that the proposal would be sustainable development and would deliver a number of benefits, including the provision of affordable and market housing. It would also contribute towards some of the aspirations identified within the Village Plan. It would also provide areas of public open space and a play area, and would add to the vitality of the village.
167. I conclude that the adverse effect of allowing the proposal in terms of the loss of countryside would not significantly and demonstrably outweigh the considerable benefits of the proposal.

### **Conditions**

168. I have considered the suggested conditions in the light of discussions at the inquiry, the advice at paragraphs 203 and 206 of the NPPF and the PPG. I agree that reserved matters need to be submitted for approval. Details of the appearance of the dwellings are a reserved matter, therefore a separate condition requiring the submission of materials is not necessary. For the same reason a condition requiring the submission of a landscape scheme and landscape management proposals are not required.
169. The proposed access should be implemented in accordance with plan 4746/04/01 prior to the occupation of the dwellings in the interests of highway safety.
170. In reaching my decision above, I have taken account of the extent of the area it is proposed to develop and the benefits of the proposal in relation to the predominantly open character of the southern and eastern parts of the site. I therefore consider that the layout of the development should accord with the principles for the site as shown on Development Framework Plan and Green Infrastructure Plan and the number of dwellings on the site should be limited to 106.

171. Due to the change in levels across the site, details of existing and proposed levels should be submitted. The proposal is an outline application and the final layout of the site may alter from that shown on the indicative plan. Therefore as confirmed by the FRA detailed drainage proposals for the site would need to be submitted for approval on the final layout of the site is known in order to ensure that the proposed dwellings would not be at risk of flooding or increase the risk of flooding elsewhere. For the same reason a scheme in relation to the foul water drainage system is also required.
172. In order to ensure that the environmental benefits in relation to biodiversity and wildlife habitats are provided a Habitat Creation, Enhancement and Management Plan and Programme is necessary. Details of proposed external lighting should be submitted for approval to avoid disturbance to bat species and other wildlife which avoid areas of artificial illumination.
173. The Arboricultural Report submitted with the application details measures for the protection of trees. Whilst I consider it important that these measures are adhered to throughout the construction period, the detail sought by the Council's suggested condition have been provided within this report. Therefore although a condition requiring the implementation of the tree protection measures is necessary, the other measures in the suggested condition are not.
174. In order to safeguard the amenity of surrounding residents and to limit the effect of the proposal on the highway network, a Construction Method Statement should be submitted. Based on the Preliminary Risk Assessment submitted at the time of the application, it is possible that the site is contaminated. Therefore a condition requiring the investigation and assessment of the extent of any contamination, and measures for its remediation is required.
175. As discussed at the inquiry a pedestrian crossing on Wotton Road is necessary in the interests of pedestrian safety. Mr Acton suggested that a Grampian condition would not secure the necessary crossing. This view is not shared by either of the principal parties. Moreover there is no support for this view either in law, or policy guidance.
176. Although the archaeological desk based study submitted with the application concluded that the site was not of any archaeological interest, the Council's Archaeology Officer is unconvinced that archaeology is wholly absent from the site. In these circumstances a programme of archaeological work is required.
177. A condition requiring details of the phasing of the development is unnecessary. Insufficient justification was provided for a condition requiring the provision of public art as part of the proposal, moreover it would not satisfy the tests at paragraph 206 of the NPPF. A condition requiring the submission of a statement showing the context of the site and how the development will draw on the locally distinctive character, built form, materials and detailing, is not necessary since these are matters that will be addressed in the context of the reserved matters.

## **Conclusion**

178. For the reasons given above, subject to the provisions of the Unilateral Undertaking, I conclude that the appeal should be allowed.

*Lesley Coffey*

INSPECTOR

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Suzanne Ornsby QC	of Counsel
Assisted by Mr Alex Greave	Instructed by
	Gill Sinclair , Deputy to Head of Legal, Governance and Democratic Services
She called	
Tim Cann MBA	BNP Paribas Real Estate
Dip(Est.Man)FRICS	
Andrew Lane	Principal Planning Officer
BA(Hons),MA,MRTPI	
Robert Rossiter	Transport Development Control Manager
BSC(Hons) MITH	
Tanya Smith BSc(Hons)	Planning and Development Management
MA	
Martin Burton	Chartered Librarian
MCLIP,BA(Hons)	Public Open Space Officer
Heather Marshall	Senior Planning Officer
William Collins BA(Hons)	
MSc MRTPI	

### FOR THE APPELLANT:

Peter Goatley	of Counsel
	Instructed by
	Gladman Developments Limited
He called	
Rob Hindle	Rural Solutions
BSc(Hons)MRICS	
Nigel Weeks BSc, Fellow	Stirling Maynard
ACE	
George Venning	Level
MA(Cantab)	
James Donagh BA (Hons)	Barton Wilmore
MCD MIED	
Ben Read MRTPI	Hunter Page
Robert Barnes MA,	Planning Prospects
BA(Hons) MRTPI	

### INTERESTED PERSONS:

Penny Johnson  
John Acton  
John O'Neill  
John Pegler  
Des Bishop  
Hannah Saunders  
Sue Simmons  
Steve Hake

Simon Steele-Perkins  
Andrew Petty  
Chris Ashton  
Ian Kershaw  
Stephen Hake  
Judith Burfield  
Mr Stoakes  
Mrs Stoakes  
Julia O'Connor Beach

## **DOCUMENTS SUBMITTED AT THE INQUIRY**

- 1 Letter dated 24 November 2014 notifying interested parties of the arrangements for the inquiry
- 2 Note submitted to Core Strategy examination in relation to additional housing sites submitted by the Appellant
- 3 Ground of Challenge to Day House Lease Appeal (Ref: APP/P0119/A/14/222175) submitted by the Council
- 4 Council's position statement in relation to the Appellant's assessment of housing figures submitted by the Council
- 5 Note updating S106 negotiations submitted by the Appellant
- 6 Justification for South Gloucestershire s106 contributions
- 7 Affordable Housing Addendum to Statement of Common Ground submitted by the Appellant
- 8 Unilateral Undertaking submitted by the Appellant
- 9 List of suggested conditions submitted by the Council
- 10 Justification for library contributions submitted by the Council
- 11 Justification for educational contributions submitted by the Council
- 12 Note on Community Facilities, Public Open Space & outdoor Sports Facilities submitted by the Council
- 13 Note in respect of Intier Site, Bitton submitted by the Council
- 14 Note in relation to Harry Stoke Deed of Variation submitted by the Council
- 15 Appeal Decision Land off Nantwich Road, Tarporley (Ref:APP/A0565/11/2167430) submitted by the Council
- 16 Details of shops and services in Tarporley submitted by the Council
- 17 Submission from Andrew Petty
- 18 Submission from Ian Kershaw
- 19 Submission from Hannah Saunders Charfield Parish Council
- 20 Submission from Mrs P Johnson
- 21 Submission from John O'Neill Ward Councillor
- 22 Submission from John Acton
- 23 Submission from Julia O'Connor-Beach
- 24 Submission from Stephen Hake
- 25 Submission from Sue Simmonds Charfield Village Plan Steering Group
- 26 Submission from Chris Ashton
- 27 Summary of Housing Need surveys carried out in South Gloucestershire submitted by the Council
- 28 Letter from Renishaw in relation to number of Charfield residents employed submitted by the Council

- 29 Mode of travel comparison chart submitted by the Council
- 30 Extract from Manual for Streets submitted by the Council
- 31 Note regarding timetable for written submission in relation to Mr Donagh's evidence submitted by the Council
- 32 Note on Barton Wilmore Objectively Assessed Need submitted by the Council
- 33 Appeal decision ref: APP/H1840/A/13/2203924
- 34 Table showing implications of Council's assessment period submitted by the Appellant
- 35 Extract from Planning Portal in relation to Ministerial Statement regarding Housing Assessments submitted by the Appellant
- 36 Comparison of housing land supply figures submitted by the Appellant

***List of documents submitted by the Council following Oral Evidence***

1. Letter from Agent in respect of Intier Site, Bitton
2. ORS appraisal of the Appellant's Objectively Assessed Need
3. Addendum Statement from Andrew Lane
4. Supplementary closing submissions
5. Comments in relation to 2012 based household projections for England
6. E mail dated 30 April 2015 in relation infrastructure contributions

***List of documents submitted by the Appellant following Oral Evidence***

1. Responses to ORS Appraisal
2. Supplementary Closing Submissions
3. Comments in relation to 2012 based household projections for England

## Appeal Decision Ref: APP/P0119/A/14/222091

### Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 4) The proposed dwellings shall not be occupied until the approved access arrangements as shown on Proposed Access off Wotton Road Drawing Reference 4746/04/01 have been completed, in accordance with further details (including surface treatment and drainage) which shall first have been submitted to and approved in writing by the Local Planning Authority.
- 5) The Reserved Matters submitted pursuant to Condition 1 shall generally accord with the principles for the site as shown on Development Framework Plan Reference 5519-L-03 Rev I and Green Infrastructure Plan Reference 5519-L-06 Rev C, and shall be limited to no more than 106 dwellings.
- 6) Development shall not commence until details have been submitted to and approved in writing by the Local Planning Authority of the existing and proposed ground levels detailing any changes to levels and including finished ground slab levels. The development shall be implemented in accordance with the approved details.
- 7) The dwellings hereby permitted shall not be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
  - i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
  - ii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker *or management company* and any other arrangements to secure the operation of the scheme throughout its lifetime.



- 8) None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details which shall first have been submitted to and approved in writing by the local planning authority.
- 9) No development shall commence until a Habitat Creation, Enhancement and Management Plan and Programme has been submitted to and approved in writing by the Local Planning Authority. The Plan shall generally accord with the measures identified in the Green Infrastructure Plan Reference 5519-L-06 Rev C and the recommendations set out in Section 4 of the FCPR Ecological Appraisal report (revision A) dated 18 October 2013. The approved Plan shall be implemented in full in accordance with the approved Programme.
- 10) Prior to the installation of any external lighting, except for the dwellings hereby permitted, the precise details of any proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall take into account any ecological mitigation measures as identified in the ecological surveys. The external lighting shall be installed in accordance with the approved details.
- 11) The proposal shall be implemented in accordance with the tree protection measures specified within section 5 of the FCPR Arboricultural Assessment dated November 2013. These measures shall be adhered to throughout the construction period.
- 12) No development shall commence until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - (i) the parking of vehicles of site operatives and visitors
  - (ii) loading and unloading of plant and materials
  - (iii) storage of plant and materials used in constructing the development
  - (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - (v) wheel washing facilities
  - (vi) measures to control the emission of dust and dirt during construction
  - (vii) a scheme for recycling/disposing of waste resulting from construction works
  - (viii) Hours of construction
- 13) Development shall not begin until a Scheme to deal with any contamination of the site has been submitted to and approved in writing by the local planning authority. The Scheme shall include an investigation and assessment to identify the extent of any contamination and the measures to be taken to avoid risk to the development, its users, and the surrounding environment when the site is developed. Development shall not commence until the relevant measures approved in the scheme have been implemented.
- 14) Prior to the commencement of development a Scheme shall be submitted to and approved in writing by the Local Planning Authority to provide details for the design, construction and implementation of a pedestrian crossing facility across Wotton Road. The approved Scheme shall be implemented before occupation of the first dwelling hereby approved.

- 15) No development shall take place until the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority, has been secured.

Richborough Estates