



Appeal Decision

Inquiry opened on 20 October 2009
Site visit made on 23 October 2009

by **Shelagh Bussey MA, Dip TP, Dip EM,
PhD, MRTPI**

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

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Decision date:
16 November 2009

Appeal Ref: APP/P0119/A/09/2105293

**Land Adjacent to Park Farm, Frampton Cotterell, South Gloucestershire,
BS36 2TU.**

- 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 Barratt Homes Bristol against the decision of South Gloucestershire Council.
- The application Ref PT08/2760/O, dated 1 October 2008, was refused by notice dated 15 December 2008.
- The development proposed is; mixed use development comprising 220 dwellings, 186 square metres of retail floorspace, public open space and means of access.
- The inquiry sat for 4 days on 20, 21, 22 and 23 October 2009.

Decision

1. I allow the appeal, and grant outline planning permission for mixed use development comprising 220 dwellings, 186 square metres of retail floorspace, public open space and means of access at land adjacent to Park Farm, Frampton Cotterell, South Gloucestershire, BS36 2TU in accordance with the terms of the application, Ref PT08/2760/O, dated 1 October 2008, and the following plans submitted with it; site location plan (16658/01), site survey (16658/18), sketch layout only insofar as it relates to the means of access (16658/13H) and details of the proposed mini roundabout access shown on (IMA-10), subject to the schedule of conditions attached at the end of this decision.

Procedural and Other Matters

2. The application was made in outline with all matters, except for the means of access, reserved for future application(s).
3. In addition to the plans listed in the decision, the application was accompanied by a sketch layout, constraints and opportunities plan, proposed site sections, sketch street elevations, site model plan, scale parameter drawing-storey heights, and three scale parameter plans. These show a possible interpretation of the parameters and principles of the Design and Access Statement (DAS), which I have treated on the basis of being interpretive/indicative only.
4. The appellant has submitted a unilateral undertaking under the provisions of section 106 of the Town and Country Planning Act 1990. I conclude that the undertaking is necessary to make the development permissible. Also, that it satisfies the requirements of section 106 of the Act, the tests of Circular 05/2005 and that it is enforceable.

TYPE	APPEAL
ALLOCATION	DAS

SOUTH GLOUCESTERSHIRE COUNCIL PLANNING, TRANSPORTATION & STRATEGIC ENVIRONMENT
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5. Subsequent to the Council's decision, further negotiations took place between the main parties. Together with other information the appellant produced a revised Transport Assessment dated May 2009. Four statements of common ground (SCG) were also agreed and signed by the main parties prior to the Inquiry.
6. Collectively, these documents indicate that the following matters are agreed between the Council and the appellant; the local planning authority cannot demonstrate a 5 year supply of deliverable housing land, the development would not give rise to adverse highways considerations and through the provisions of the unilateral undertaking accessibility to essential services will be satisfactorily enhanced, necessary provision will be made for affordable housing, education, youth and children's services, open space, libraries, dog and litter bins, and pest control. Also, that provision for renewable energy can be adequately addressed by means of a condition. I have no reason to disagree with the main parties views on these matters.
7. The Council's refusal notice lists eleven reasons. Consequent to the SCG and the provisions of the unilateral undertaking the Council withdrew the following refusal reasons prior to the Inquiry: 5 and 6 (accessibility to essential services and highway considerations), 7 (renewable energy), 8 (affordable housing), 9 (education, youth and children's services) and 10 (leisure, recreation and other community facilities). In addition, during the Inquiry the Council withdrew refusal reasons 3 and 4, which refer to the layout, density, scale, form and massing of the development, and provision for personal safety and crime prevention. The remaining refusal reasons 1, 2 and 11 respectively refer to the sustainability of the location for residential development and its impact on the landscape character of the area.

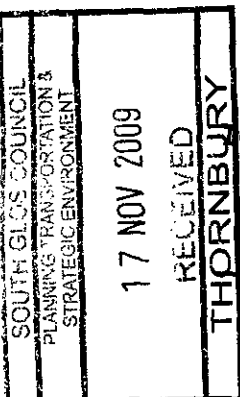
Main issues

8. With reference to these remaining reasons I consider that the main issues in this case are:
 - The effect of the development on the landscape character of the area and the setting of Frampton Cotterell, and the impact on views from the adjacent roads and lanes.
 - Whether the development accords with national policy and the development plan for the location of new housing development.

Reasons

Landscape Character

9. The appeal site is located at the southern edge of Frampton Cotterell, within the 'horseshoe' of open land bounded by the three adjoining settlements of Frampton Cotterell, Coalpit Heath and Winterbourne. The 'horseshoe' lies within the Frome Valley Landscape Character Area, key characteristics of which are *an undulating landform made up by the Frome Valley and adjacent dry valley.*
10. From my assessment of the evidence and from the site visit I consider that the ridge line at the western boundary of the site with Park Lane separates the site from the Frome Valley to the west and that the dry valley lies mostly to the

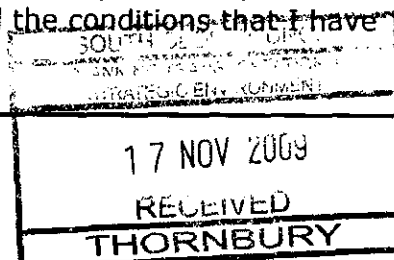


south, with its head terminating a few metres north of the pond at the south-eastern corner of the site. Thus whilst the site is physically part of the landscape character area I do not consider that it strongly displays its distinctive features. Nor would the proposed development impact significantly on the distinctive dry valley character feature of the area.

11. Furthermore, the site's character is heavily influenced by the adjoining residential development adjacent to its western, northern and eastern boundaries, and by the degrading feature of the small tipped area in the north-western corner. In my opinion it does not have the remote/tranquil character that is typical of the wider landscape character area. Whilst it is pleasant in appearance I consider that it has a weak landscape structure and a semi-rural character, unlike the agricultural land to the south, where the dry valley form is clearly visible and the land is rural in character. Although the Forest Plan for the area identifies the Frome Valley generally as being an area of high landscape quality, in my opinion, this peripheral part is not distinctive and is of only low/ordinary landscape value.
12. The site is visually contained by the hedgerows containing mature TPO protected trees which bound it, and by one separating its two component fields. This mature vegetation limits viewpoints into the site and to the wider countryside to the south. I consider that the site forms a natural infill site at the urban edge of Frampton Cotterell. The proposed development would shift, but rationalise the southern built boundary of this part of the settlement, extending it from the southern edge of the Park Farm housing development to the east, to residential development in Park Lane to the west. The proposed development would not lead to the coalescence of settlements referred to by the Member of Parliament for the area. In my opinion the southern hedgerow boundary of the site and the more complex form of the landscape to the south provide a clear, natural edge to built development in this part of Frampton Cotterell.
13. For these reasons I conclude that the development would not have a significantly harmful impact on the distinctive character area of the wider locality of the Frome Valley, or on the open 'horseshoe' setting of Frampton Cotterell.

Visual Amenity

14. The second part of the Council's refusal reason 11 refers to the impact of the development on the visual amenity of residents of adjacent dwellings. From the limited number of locations where open views into the site are possible, from Park Lane, Heather Avenue and from the Park Farm estate, the outlook would inevitably change as a result of the development. However, such existing views include glimpses of dwellings around the periphery of the site. Therefore, the proposed development would not introduce a new element, or a fundamental change in the visual character of the area. It would reflect much of the character of existing views; of housing seen within a context softened by open space and landscaping.
15. Provided that the development was of appropriate layout and design, such development would not necessarily have an adverse impact. The parameters of the DAS, which accompanied the application and the conditions that I have

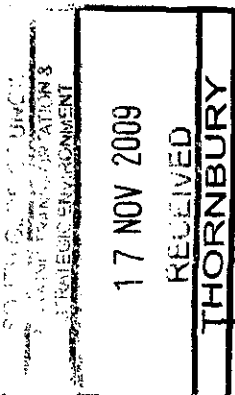


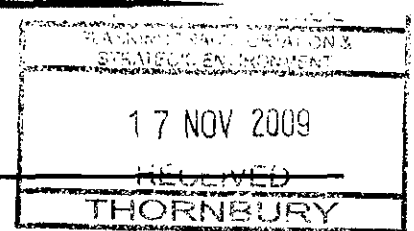
imposed, would ensure that it is of high quality design, reflective of its location, appropriately landscaped and provides visual links to the countryside to the south. Thus whilst the development would have an impact on views from the adjacent highways there is no reason why its effect would be significantly detrimental to visual amenity.

16. My overall conclusion on the first main issue is that the development would not have a significantly harmful impact on the distinctive character of the Frome Valley Character Area or on the openness and greenness of the setting of Frampton Cotterell. Nor would it necessarily have a significantly harmful impact on views from adjacent roads and lanes. Consequently, I further conclude that that it would comply with saved policy L1 of the South Gloucestershire Local Plan (SGLP).

Housing Land Supply

17. Turning to the second main issue, the appeal site relates to greenfield land that lies outside the defined settlement limits of Frampton Cottrell. Frampton Cottrell itself is surrounded on three sides by Green Belt, but the site and a number of fields to the south, as far as the railway line, are excluded. The site is unallocated on the SGLP Proposals Map and falls within the scope of saved policy H3. This is a countryside policy that permits residential development only in three exceptional circumstances, none of which are relevant to this case. This is not contested by the appellant.
18. The main parties agree that the Council cannot demonstrate a five year supply of housing in accordance with Planning Policy Statement 3 *Housing* (PPS3). However, the precise level of shortfall in the housing land supply is disputed. It ranges from 4.3 years according to the Council's Annual Monitoring Report 2008, to 2.1 years in the appellant's analysis. I consider that the Council's calculation is over-optimistic because it includes windfalls and some larger sites, the delivery of which is questionable. Nevertheless, the Council's estimated 0.7 year shortfall equates to 1,100 dwelling units, which I do not consider can be reasonably described as being a 'small' shortfall. Furthermore, PPS3 paragraph 71 is engaged if there is not a five year supply of deliverable homes, whatever the quantum of undersupply, so it is not necessary for me to conclude on the precise number of deliverable homes in the five year period.
19. Where there is less than five years supply of deliverable sites, planning applications for housing should be considered favourably having regard to the policies of the PPS and the considerations set out in paragraph 69. Paragraph 68 informs that in qualifying cases such as this, the policies of PPS3 may supersede the policies in existing development plans. This is a material consideration of significant weight and logically, policy H3 has to be set aside in this case in order to satisfy the obligation of PPS3 to consider the proposal favourably. This is re-affirmed in the Government Office for the South West's (GOSW) direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004, which specifically draws the Council's attention to, "the importance of reflecting policy in Planning Policy Statement 3 *Housing* and Strategic Housing Land Availability Assessments in relevant decisions".





Achieving High Quality Housing

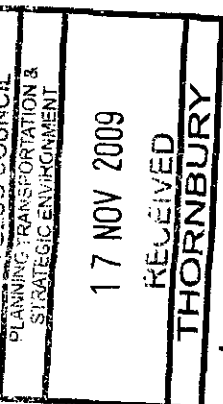
20. I turn now to consider the development against the criteria of paragraph 69 of PPS3. At the outset of the Inquiry, the first, third and fifth were cited by the Council as being the main considerations. The first requires development to achieve high quality housing. However, subsequent to the withdrawal during the Inquiry of refusal reasons 3 and 4, which refer to design matters, the Council conceded that the development could be of high quality: thus that the first criterion could be met.
21. Whilst the Council and third parties perceive shortcomings in the illustrative layout submitted with the application, this is only one possible interpretation of the principles and parameters of the DAS, which I consider satisfies the requirements of paragraph 53 of Circular 01/2006, and associated national guidance and good practise. In my opinion there is no reason why an alternative would not result in a high quality development that clearly reflects the local distinctiveness of Frampton Cotterell. I am satisfied that the principles make adequate provision for personal safety, security, crime prevention and the fear of crime. Furthermore, I consider that the parameters would enable the development to comply with the South Gloucestershire Design Checklist and the main objectives of the Frampton Cotterell and Coalpit Heath Village Design Statement. To ensure this, I have imposed a condition that requires the development to reflect the design principles of the DAS, in accordance with the provisions of paragraph 73 of Circular 01/2006.
22. I conclude that the DAS sets clear principles and parameters, which if adhered to will result in development of high quality, safe, locally distinctive design that satisfies the requirement of paragraph 69 to achieve high quality design, and which accords with PPS1 and saved Policy D1 of the adopted SGLP.

Suitability of the Site for Housing

23. The third criterion of paragraph 69 of PPS3 refers to the suitability of the site for housing, including its environmental sustainability. The appellant's evidence, with which I have no reason to disagree, indicates that the site is deliverable within the five year period. The Council's objections to its suitability are twofold: a perceived adverse landscape impact and exacerbation of the dormitory role of Frampton Cotterell.
24. With reference to the first, I have concluded that the development would not be significantly harmful to the landscape character of the area or to the setting of Frampton Cotterell. As demonstrated by the comprehensive supporting information submitted with the application which includes; DAS, landscape and visual impact assessment, planning statement, transport assessment, environmental rating for homes pre-assessment, statement of community involvement, site waste management plan, flood risk assessment and drainage strategy, utilities statement, acoustic report, archaeological desk based assessment and a geo-environmental interpretive report, there are no other significant physical, natural or infrastructure constraints on the site which cannot be satisfactorily mitigated by conditions, which I have imposed where appropriate.
25. The Council's second objection to the suitability of the site relates to the perceived dormitory role of the settlement ascribed to Frampton Cotterell by

the Inspector for the examination of the Local Plan adopted in 2006. This infers that Frampton Cotterell is not self contained and that residents are obliged to travel elsewhere for employment and other essential services and facilities; therefore, that additional housing development would be unsustainable. However, the Council has acknowledged by its withdrawal of refusal reason 5, which refers to accessibility to essential services by modes of travel other than the private car, that the site is sustainable in terms of accessibility. It also conceded at the Inquiry that his conclusions are not appropriate for this Inquiry given the findings of the Transport Assessment May 2009 and the SCG. Furthermore, I consider that the 'dormitory role' description should be regarded in the context of its prevailing PPG3 policy context, which sought to apply ceilings to housing supply, and the evidence available to that Inspector. He was considering the site as part of a much larger omission site, after having concluded that there was an adequate supply of housing land: this is not the case here.

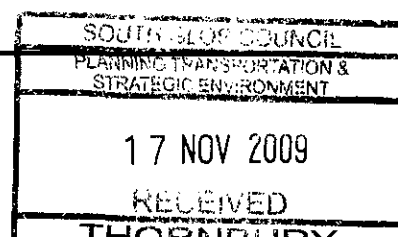
26. Moreover, in connection with an earlier appeal concerning the adjoining land at Park Farm, which was allowed and has now been developed, another Inspector described the Park Farm site as being, "a highly appropriate location for development; it is well located by public transport to main urban areas and convenient to employment locations". Thus, taking account of these previous conflicting opinions I do not consider that my conclusions on the role and sustainability of Frampton Cotterell should necessarily be fettered by those of the Local Plan Inspector: they are based on the facts before me.
27. Frampton Cotterell does not have a recognisable centre, its services and facilities are dispersed throughout the settlement. However, as identified in the revised Transport Assessment May 2009, it contains a wide range of services and facilities, including 2 nurseries, 4 schools, healthcare, convenience stores and other shops, and leisure and community uses within the nationally recognised 2km walk distance of the site. In addition, there is a considerable range of education, community and leisure, retail and other services within the 5km and 8km cycle ride distances. Also, there is access to around 367 hectares of employment sites within this range.
28. With the improvements to bus facilities and services, to be provided through the appellant's unilateral undertaking, the site would also be made adequately accessible by public transport, in terms of convenience and frequency of services, to a wide range of other services and facilities. These include Bristol City Centre and Yate railway station, which is around 4.5 km from the site and which offers regular connections to several main line destinations.
29. I am aware that there is a high dependence on the private car by residents of Frampton Cotterell, especially for travel to work journeys. However, this reflects national travel patterns and personal preference; it does not necessarily mean that the site is unsustainable in terms of accessibility to essential services. When considering the sustainability of a location for residential development, the important factor is that there is the opportunity for and the availability of non-car modes of transport for accessing essential services.
30. Having regard to the wide range of services and facilities within and close to Frampton Cotterell I do not consider that the appeal site can reasonably be



described as being a dormitory settlement. I conclude that it is adequately well served by essential services and facilities, including opportunities for employment that may be conveniently accessed by modes of transport other than the private car, provided that the enhanced bus facilities are provided in accordance with the unilateral undertaking. Consequently, I further conclude that the appeal site is suitable for housing and is environmentally sustainable, as required by paragraph 69 of PPS3. Also, that it accords with PPS1, PPG13, RPG10, saved policy D1 of the Joint Replacement Structure Plan (JRSP) and saved policies T12 and D1 of the SGLP in this regard.

The Spatial Vision for the Area

31. Criterion 5 of PPS3 paragraph 69 requires, amongst other considerations, housing development to reflect the spatial vision for the area. This vision is set out in the development plan comprising RPG10 and the saved policies and proposals of the JRSP and SGLP.
32. Policy V1S 1 of RPG10 seeks to concentrate development in the identified Principle Urban Areas and other designated areas of growth. Policy SS 19 refers to the Rural Areas and advises that market towns should be the focal point for development and service provision in the rural area. Outside these settlements development should be small in scale and take place primarily within or adjacent to existing settlements avoiding scattered forms of development. Within the JRSP, policies 1 and 2 set out the locational strategy for housing provision that in general terms gives an order of priority which aims to concentrate development firstly within or immediately adjacent to the main urban areas, cascading down at (d) to other areas where, amongst other considerations, there is opportunity for sustainable access to employment and other important facilities. Frampton Cotterell is not designated as a local service centre on the SGLP Proposals Map and saved policy H3 presumes against the residential development of the site. I conclude that whilst the proposal does not strictly reflect the spatial vision set out in the precise wording of these development plan policies, it is not at odds with their intention of directing development to sustainable locations.
33. However, all of the component parts of the development plan pre-date PPS3, and their policies are failing to deliver the required quantity of housing in the area. In the emerging Regional Spatial Strategy for the South West (RSS), Frampton Cotterell is included in the 'rest of South Gloucestershire' where 2,300 dwellings should be provided, and it is one of its largest settlements. It is a settlement to which Policy C that promotes greater self containment and stronger local communities applies. Furthermore, unlike much of the area in the 'rest of the district', it is not constrained by AONB and Green Belt designations. Thus, the appeal proposal would accord with the new spatial vision and would assist the delivery of new dwellings in this area. It would amount to an urban extension of the settlement to which draft RSS policy F, planning and delivery of major development, applies.
34. The emerging RSS has reached an advanced stage in its preparation, consultation on the Secretary of State's proposed changes having ended in October 2008. Consequently, it is a material consideration to which I afford substantial weight. In my opinion, this weight is not diminished by a recent announcement made by GOSW that publication of the RSS is to be delayed

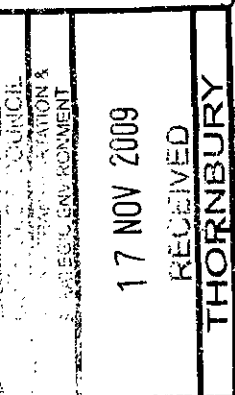


pending a new sustainability appraisal to be carried out on the Secretary of State's proposed changes, because this part of the new spatial vision is not a change made by him and will not, therefore, be subject to the new sustainability appraisal.

35. Taken together with the favourable presumption of paragraph 71 of PPS3, I conclude that these material considerations are sufficient to outweigh any conflict with the wording, rather than the overlying intentions of the spatial vision of the extant development plan. Consequently, I further conclude that the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the emerging spatial vision for the area, as required by the fifth criterion of paragraph 69 of PPS3. I conclude also, that it would be consistent with policies C and F of the draft RSS.
36. My overall conclusion on the second main issue is that the absence of a five year supply of deliverable sites is a material consideration that supersedes the failure of the development to comply with policy H3 of the SGLP. I further conclude that the development satisfies all of the requirements of paragraph 69 of PPS3, which informs how planning applications for residential development should be determined. Thus I conclude in its favour.

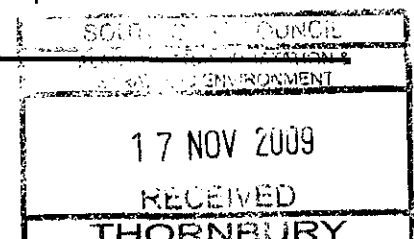
Other Matters

37. Although the appellant has consulted the public through a variety of means including workshops and public exhibitions, and has attempted to engage with local residents, there remains substantial opposition to the proposed development from residents, several ward and parish Councillors and from the Member of Parliament for the area, for numerous reasons, most of which are reflected in the Council's original 11 refusal reasons. I have read and taken into account all of the written objections and petitions made in respect of the application and in response to the appeal, together with oral comments made at the Inquiry. I have responded to some, for example the natural environment/wildlife considerations, by the imposition of conditions. I consider that others, including provision for affordable housing, education, open space and community facilities will be adequately mitigated by the unilateral undertaking offered by the appellant.
38. The revised Transport Assessment May 2009 provides revised trip predictions and distribution, based on a methodology agreed with the Local Highways Authority, with which I have no reason to disagree, and upon which basis the Council has withdrawn its refusal reason 6. Additional traffic surveys were undertaken at the Church Lane/Bridgeway and Bristol Road/ Church Lane junctions and the impact of traffic arising from the development has been fully assessed. Also, additional personal injury data was obtained and existing road safety at key junctions within the local highway network has been appraised, and an assessment of the impact of the development traffic on the safe operation of these junctions has been made.
39. I am aware from my site visit and the perceptions of local residents that traffic volumes in the area are high, especially during the morning and evening peaks, and will increase as a result of the development. Nevertheless, I am satisfied by the evidence that junctions within the local road network will continue to or can be made to operate within capacity and that the development will not



result in significant queues or delays, or have a detrimental impact on road safety. For these reasons I conclude that the development will not result in unacceptable congestion on the local road network or will be contrary to highway safety. Consequently, I also conclude that the development will accord with saved policies T12 and D1 of the adopted SGLP.

40. Objectors have brought to my attention that localised flooding and sewerage are matters of considerable concern. However, the flood risk assessment and drainage strategy submitted with the application indicates that the site lies within a low risk flood Zone 1 and is, therefore, suitable for residential development within the terms of Planning Policy Statement 25 *Planning and Flood Risk* (PPS25). The proposed drainage strategy incorporates the use of Sustainable Urban Drainage Systems (SUDS) to restrict surface water run-off from the site. The Environment Agency does not object to the proposal, but recommends conditions, the intentions of which are reflected in condition 11, which I have imposed to ensure a satisfactory means of drainage that accords with saved policies L17 and L18 of the SGLP. In the absence of an outstanding objection to the scheme from the bodies responsible for drainage and flood risk I conclude that the development is acceptable in these regards and should not exacerbate any such problems.
41. The Council raises no objection to the small A1 retail element of the proposal, the scale of which would accord with saved policy RT7 of the adopted SGLP, which permits shopping facilities for new residential development provided that they do not have an unacceptable impact on the vitality and viability of the established centres. Generally, local residents appear to be satisfied with current provision within Frampton Cotterell to conveniently meet their daily needs and some are concerned that a major supermarket chain may be attracted, which could jeopardise the viability of local shops, which are valued for the personal service they provide. No details of the proposed retail development have been provided, but having regard to the small scale of the proposed retail facility and the provisions of policy RT7 I conclude that this element of the scheme would be beneficial to the occupiers of the proposed development and the wider locality because it would add to the range of services available within convenient walking distance from their homes.
42. Concerns have been raised regarding the need for additional formal/informal open space and allotment provision in Frampton Cotterell, and the site is thought by some local people to be a suitable location for such additional facilities. However, the land is privately owned and as far as I am aware there are no plans of the Council or any public or private bodies to acquire the site for outdoor recreational use. Thus there is no realistic prospect that the site would be alternatively used for public recreation. Furthermore, I am satisfied that the appellant's unilateral undertaking makes satisfactory provision for on-site outdoor recreational facilities and for a financial contribution towards new sports pitch facilities within 2km of the site, commensurate with the scale of the development.
43. Similarly, to help sustain an inclusive community in Frampton Cotterell and to ensure that the development does not overburden educational, community and social facilities, the unilateral undertaking makes provision for financial contributions to be paid for additional local secondary school facilities, local children's social services, local youth opportunities and to provide additional



floorspace and IT/PC access at the local library, all commensurate with the scale of the development.

44. I have taken account of the substantial weight of local opposition to the proposed development. But my overall conclusion is that neither individually nor collectively the considerations raised are sufficient to outweigh my favourable conclusions on the two main issues, which have led to my decision to allow the appeal and to grant outline planning permission for the proposed development.

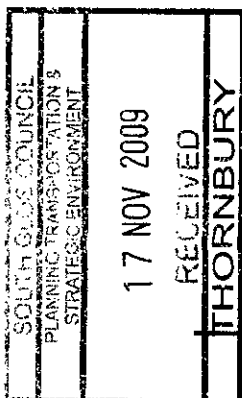
Conditions and other Legal Agreements

45. I turn now to the consideration of conditions and other legal agreements. Both have been the subject of considerable discussion between the main parties who had reached a position of general agreement on them at the Inquiry.

46. I have considered the conditions suggested by the Council in the light of Circular 11/95 and consider that, with the exception of one that I discuss below and which was not agreed by the appellant, they satisfy all of the tests of the Circular and where appropriate follow the wording of its model conditions.

47. The Council has suggested four general, statutory commencement conditions but for brevity I have combined two of them. I have also amended the suggested landscape conditions to avoid repetition. My conditions 4, 5 and 7 are necessary to ensure that the development accords with the principles and parameters of the DAS and to ensure that the development is of a high quality, locally distinctive design and appearance. Condition 6 restricts working hours to protect the amenities of occupiers of nearby dwellings. Conditions 8, 9 and 10, which refer to landscaping and tree/hedgerow protection, are necessary in the interests of visual amenity and to protect the character and appearance of the area. Condition 11 will ensure that the development is provided with a satisfactory means of drainage. Conditions 12 and 13 are necessary to safeguard the historic and natural interests of the site. Condition 14 is imposed in the interests of energy efficiency and the conservation of environmental resources. Finally, condition 15 will secure satisfactory vehicular access to the site, in the interests of highway safety and convenience.

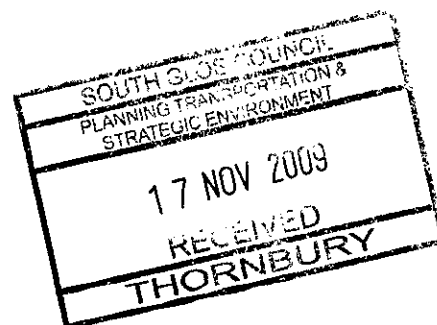
48. In addition to these, the Council suggested a further condition which would require all homes to be designed to achieve at least Level 3 of the Code for Sustainable Homes (or any equivalent level of national measure of sustainability for house design that replaces the Code). However, whilst required for compliance with other legal requirements, the affordable homes to be provided at the site will be designed to achieve Level 3, there is currently no such national requirement for general market homes. Nor is there such policy requirement contained in the development plan for the area. In the absence of specific justification I consider that this condition would be unreasonably onerous and prescriptive. Furthermore, it is unnecessary because condition 14 requires the development overall to achieve a minimum 10% CO2 reduction from the target emission rate as defined by Part L 1 9a) of the Building Regulations current at the time of the reserved matters submission(s). Design would be a way of partly meeting this requirement, but there are others, which the developers could incorporate in the development.



49. With regards to the provisions of the unilateral undertaking; through financial contributions the bus stop adjacent to the site at Heather Avenue will be improved and increased frequency of evening and Sunday bus services serving the development will be provided in order to enhance public transport facilities serving the site. I conclude that these contributions enable satisfactory provision to be made for alternative modes of transport other than by private car to essential services, for occupiers of the development, in accordance with PPS1, PPS3, RPG10 and saved policies T12 and D1 of the SGLP. These provisions are necessary to overcome refusal reasons 2 and 5.
50. I conclude also that the unilateral undertaking is necessary to overcome the Council's eighth refusal reason which refers to provision of affordable housing. 33% of the total number of dwelling units constructed at the site would be affordable housing, 77% of which would be social rented units and 23% intermediate housing, to accord with saved policy H6 of the adopted SGLP.
51. The ninth refusal reason refers to provision of primary and secondary school places and facilities, and youth and children's social services. However, as indicated in the SCG, the Council has subsequently withdrawn its request for primary school provision. All other requirements of this reason are met by the provisions of the unilateral undertaking, and consequently I conclude that the development complies with saved policies LC2 and S3 of the adopted SGLP.
52. The tenth refusal reason requires provision of leisure, recreation and other community facilities, which I conclude are met in full by the unilateral undertaking, in compliance with saved policies LC1 and LC8 of the SGLP. In addition, I conclude that the undertaking makes necessary and appropriate provision for dog and litter bins to be provided on areas of open space within and adjacent to the site, and for sewer treatment to prevent rodent infestation of the development during drainage connection to the proposed residential development.

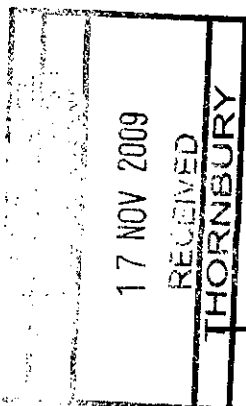
Shelagh Bussey

INSPECTOR



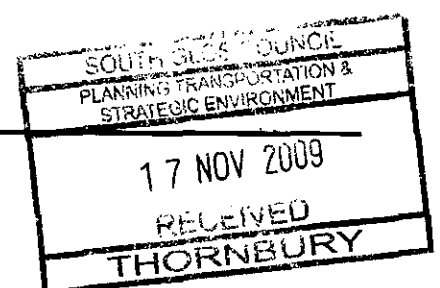
SCHEDULE OF CONDITIONS

- 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 and shall be carried out as approved.
- 3) The development hereby permitted shall be begun either before the expiration of three 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.
- 4) The application for the approval of the reserved matters shall be in accordance with the parameters described in the design and access statement.
- 5) No development shall take place until details and samples of the roofing and external facing materials proposed to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) The hours of working on the site during the period of construction shall be restricted to 08.00 to 18.00 hours and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other) the carrying out of any maintenance/cleaning work or any plant or machinery, deliveries to the site and the movement of vehicles within the curtilage of the site.
- 7) Prior to the commencement of development a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to the local planning authority for its approval in writing. The boundary treatment shall be carried out in accordance with the approved details and shall be completed before the buildings to which the boundary treatments relate are first occupied.
- 8) No development shall take place until full details of both hard and soft landscape works, including a management programme for their future maintenance and/or replacement have been submitted to and approved in writing by the local planning authority. These works shall be carried out as approved.
- 9) Details of all existing trees and hedgerows growing on the site which are to be retained, together with measures for their protection during construction shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Development shall be carried out in accordance with the approved details.
- 10) Existing trees and hedgerows growing on the site shall not be removed except in accordance with details approved by condition 9 above. Trees protected by the Tree Preservation Order SGTPO 8/96, which covers all

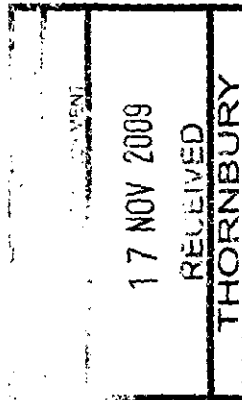


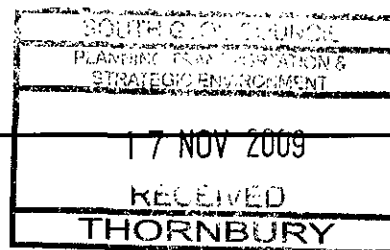
existing trees on the site shall be protected in accordance with BS:5837 and the South Gloucestershire Council Trees Supplementary Planning Guidance.

- 11) Prior to the commencement of development the drainage proposals incorporating Sustainable Urban Drainage Systems (SUDS) and confirmation of hydrological conditions within the development shall be submitted to and shall be the subject of the approval in writing of the local planning authority. Development shall be carried out in accordance with the approved details.
- 12) Prior to the commencement of any ground disturbance (including geo-technical investigations) associated with the development hereby approved a written scheme of archaeological investigation for the site shall be submitted to and shall be the subject of the written approval of the local planning authority. The agreed written scheme of investigation shall be implemented in full prior to the submission of any reserved matters applications for the development. For the avoidance of doubt the written scheme of investigation shall include geo-physical survey, trial trenching and preparation of an initial report based on the results of the evaluation. A further programme of archaeological mitigation shall be submitted to the local planning authority for its agreement as part of any reserved matters application. No development shall take place until written approval has been given by the local planning authority for this programme of archaeological mitigation. The programme of archaeological mitigation shall include, if required, timetables for completion of any further work including preparation, publication and archiving of site records, specialist and final reports, and archiving of finds. Unless otherwise agreed in writing by the local planning authority, the archaeological mitigation programme shall be implemented in full prior to the occupation of any part of the development.
- 13) No development shall take place until there has been submitted to and approved in writing by the local planning authority measures in respect of:
 - a) The identification, through site surveys of grass snake, hedgehogs, great crested newts and nesting birds (including skylarks).
 - b) The protection and mitigation strategy, as required, of the wildlife species and/or their habitat referred to above and as identified through the site survey shall be implemented in full unless the local planning authority gives it written consent to any variation.
- 14) No development shall take place until a renewable energy scheme for the development hereby approved has been submitted to and approved in writing by the local planning authority. The renewable energy scheme must achieve a minimum 10% CO2 reduction from the target emission rate as defined by Part L 1 9a) of the Building Regulations current at the time of the reserved matters submission(s) and by reason of energy efficiency improvements and/or on site energy production from renewable energy sources.



- 15) No dwelling shall be occupied until the highway works shown on Plan JMA-10 have been completed in accordance with a specification previously agreed in writing with the local planning authority.





APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Graeme Keen – of Counsel	Instructed by: South Gloucestershire Council, John McCormack, Head of Legal Services.
He called	
Angela Bence-Wilkins BA (Hons) LD Dip LA CMLI	South Gloucestershire Council, Landscape Planning Officer, Major Sites Team.
Jonathan Severs BA (Hons) Dip TP Dip UD	South Gloucestershire Council, Urban design Officer.
Sarah Tucker BA (Hons) BTP MRTPI	South Gloucestershire Council, Principal Planning Officer, Major Sites Team.

FOR THE APPELLANT:

Christopher Boyle – of Counsel	Instructed by: D2 Planning for Barratt Homes Bristol.
He called	
Richard Tisdall MA MLI AIEEM	Landscape Consultant for Barratt Homes Bristol.
Paul Greatwood BE (Hons)	Transport Consultant for Barratt Homes Bristol.
Desmond Dunlop BA (Hons) MRTPI	Town Planning Consultant for Barratt Homes Bristol.

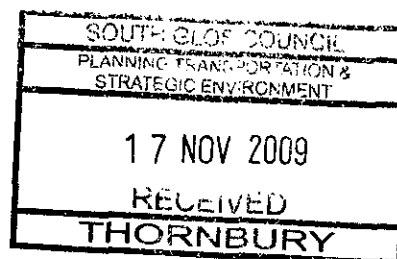
INTERESTED PERSONS:

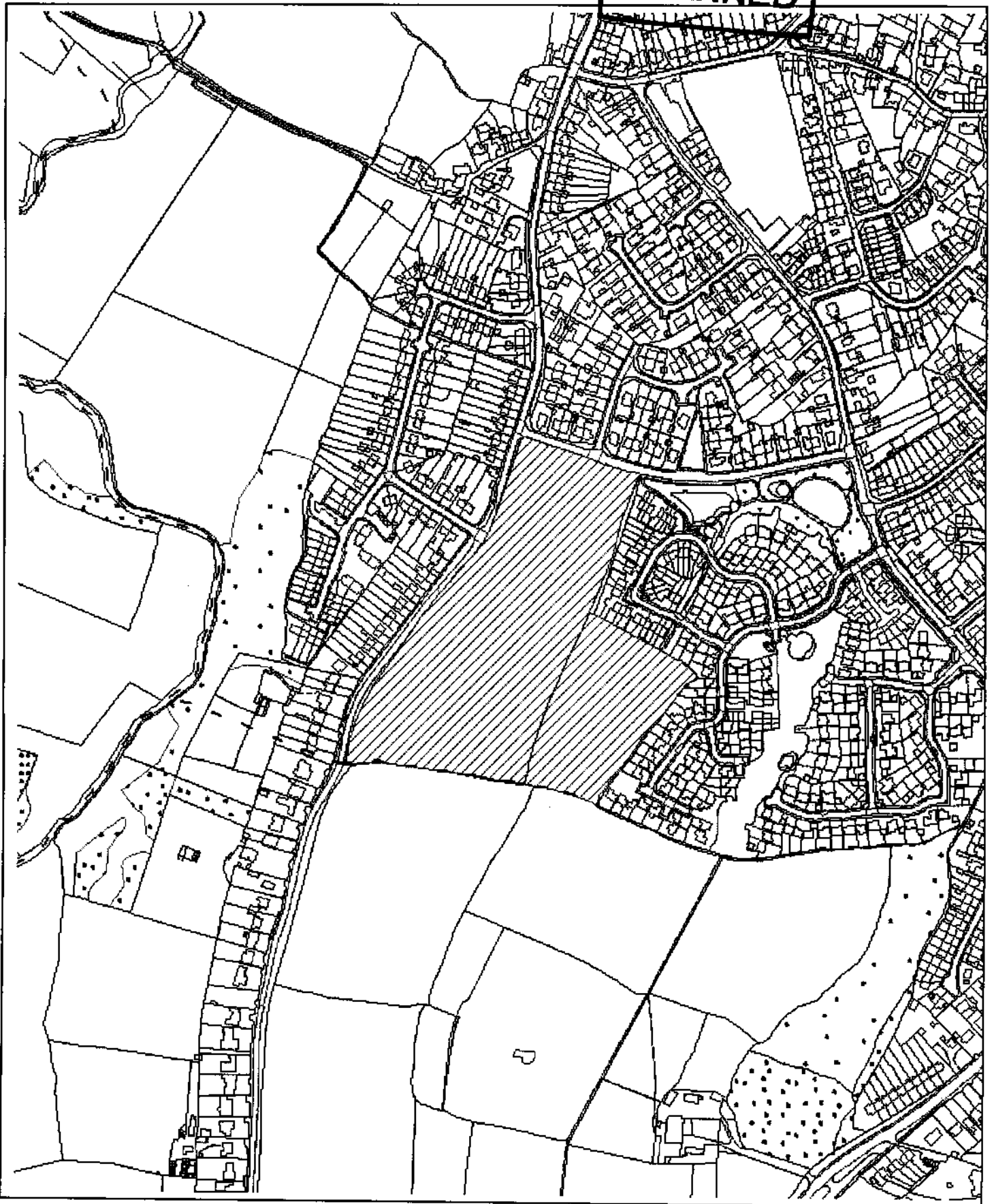
Marilyn Palmer Councillor Claire Young Councillor Dave Hockey	Assistant to Steve Webb MP. Westerleigh Ward. Frampton Cotterell Ward and Vice Chairman of Frampton Cotterell Parish Council.
Councillor Pat Hockey	Chairman of Planning Committee of Frampton Cotterell Parish Council.
Councillor Fergus Allan Hilary Severn Eric Ball Sue Walters Kath Aldam MBE James Merrick Dave Pennell	Chairman of Westerleigh Parish Council. Chairman of Avonside CPRE. Local resident. Local resident. Local resident. Local resident. Owner of local convenience store.

DOCUMENTS

- 1 Appellant's scoring of the development against Building for Life Criteria.
- 2 Appellant's assessment of issues raised in Jonathan Sever's evidence.
- 3 Evidence submitted by Councillor Allan.
- 4 Evidence submitted by Steve Webb MP.

- 5 Evidence submitted by Hilary Severn on behalf of Avonside CPRE.
- 6 Evidence submitted by Councillor Pat Hockey.
- 7 Superseded draft versions of the unilateral undertaking submitted by the appellant.
- 8 Agreed Statement of Common Ground: Affordable Housing submitted by the appellant.
- 9 Agreed Statement of Common Ground: Planning Obligations and Renewable Energy submitted by the appellant.
- 10 Evidence submitted by Roger Clark.
- 11 Opening statement on behalf of South Gloucestershire Council.
- 12 Evidence submitted by Councillor Claire Young.
- 13 Direction under paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004 submitted by the Council.
- 14 Press advertisement of the Inquiry submitted by the Council.
- 15 Conditions suggested by the Council (superseded).
- 15A Conditions suggested by the Council (superseded).
- 15B Conditions suggested by the Council – Final version.
- 16 Rebuttal statement of Sarah Tucker submitted by the Council.
- 17 Evidence including petitions submitted by Councillor Dave Hockey.
- 18 Evidence submitted by Richard James Merrick.
- 19 Evidence submitted by Dave Pennell.
- 20 Evidence submitted by Sue Walters.
- 21 Council's justification for suggested condition referring to Code for Sustainable Homes Level 3.
- 22 Closing submissions on behalf of South Gloucestershire Council.
- 23 Closing submissions on behalf of the appellant.
- 24 Draft signed unilateral undertaking submitted by the appellant.
- 25 Final executed version of the unilateral undertaking submitted by the appellant dated 03/11/09.





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PT08/2760/O

**Windmill Green, Land adjacent to Park
Farm, Frampton Cotterell.**