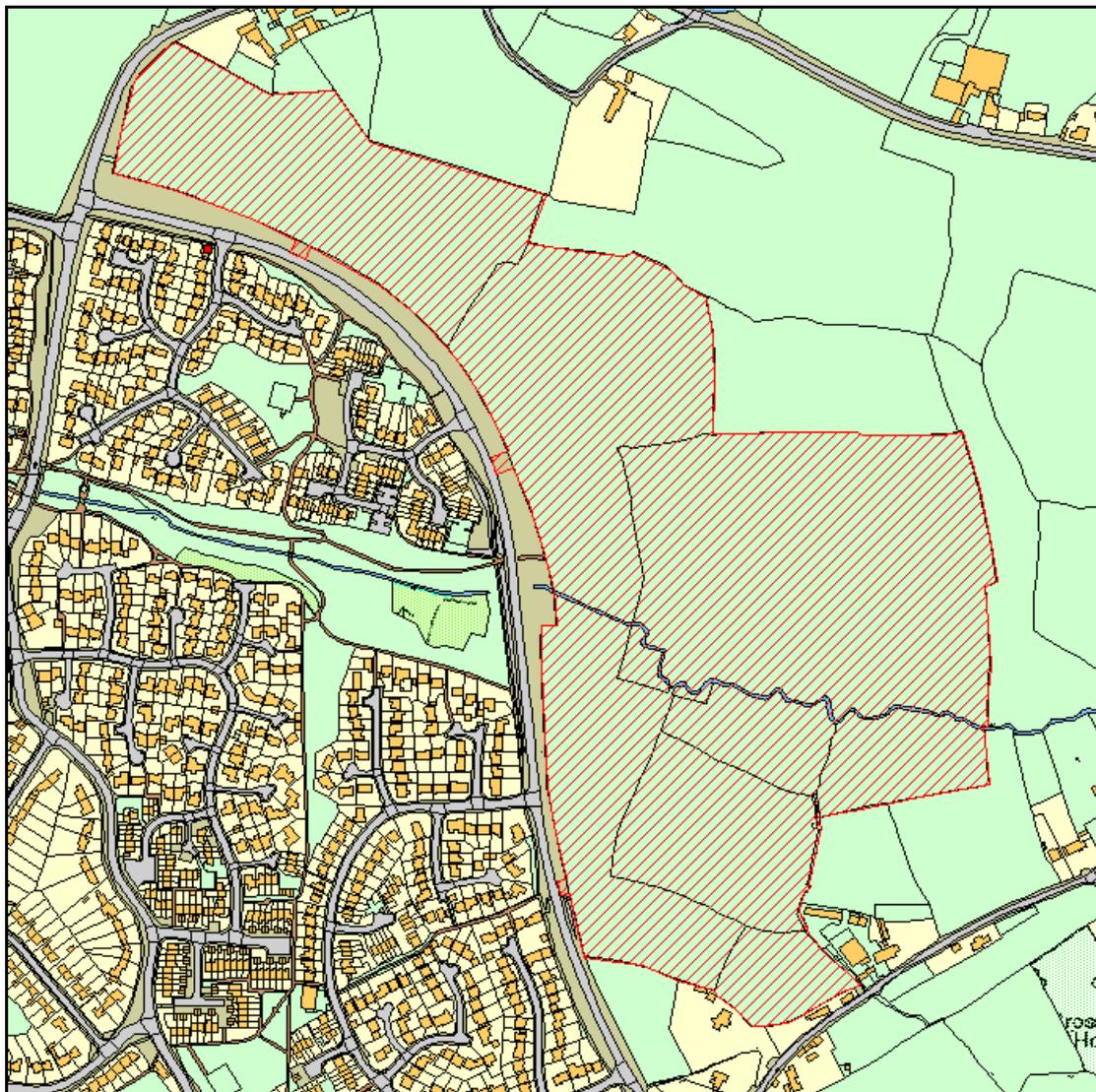


DEVELOPMENT CONTROL WEST COMMITTEE – 21ST FEBRUARY 2013

App No.:	PT12/2395/O	Applicant:	Bloor Homes Ltd
Site:	Land At Morton Way North East Thornbury Bristol South Gloucestershire BS35 1LR	Date Reg:	24th July 2012
Proposal:	Residential development across 22.43 hectares of land comprising up to 300 new dwellings (Use Class C3) and a local shop (Use Class A1) with supporting infrastructure and facilities including vehicular access from Morton Way, public open space and landscaping. Hybrid application comprising full planning application for 109 new dwellings, outline application with all matters reserved except access for up to 191 new dwellings and a local shop.	Parish:	Thornbury Town Council
Map Ref:	364580 191250	Ward:	Thornbury North
Application Category:	Major	Target Date:	18th October 2012



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PT12/2395/O

REASON FOR REPORTING TO COMMITTEE

The application is the subject of a non-determination appeal and requires the Council to state its case to the Planning Inspectorate.

1. THE PROPOSAL

- 1.1 The application seeks permission for residential development across 22.43 hectares of land comprising up to 300 new dwellings (Use Class C3) and a local shop (Use Class A1) with supporting infrastructure and facilities including vehicular access from Morton Way, public open space and landscaping. The application is a hybrid one, comprising a full planning permission for 109

dwellings and an outline application with all matters reserved except for access for up to 191 new dwellings and a local shop.

- 1.2 The site consists of eight fields directly to the east of Morton Way, adjacent to the Old Gloucester Road, the settlement boundary of Thornbury, and abutting Crossways Farm. The fields are currently in use for grazing. The site is gently undulating rising to the northwest and to the southwest. Within the site lies the steep sided valley of the Pickedmoor Brook, which runs east to west across the site to a subway under Morton Way . There are a number of public rights of way that cross the site, two of which are accessed from Morton Way.
- 1.3 The site lies outside the settlement boundary of Thornbury, within the open countryside and outside of the Greenbelt, which lies to the south of Thornbury. To the north and east of the site lie open fields, to the west Morton Way and to the south a number of residential properties accessed from Crossways Lane.
- 1.4 The proposed scheme includes three vehicular accesses off Morton Way. The full application part of the site, on the western part of the site, includes a range of dwellings, form 2 bed flats to 5 bed houses, two Local Areas of Plan, public open space, a balancing pond and a pumping station in the far northwestern corner. To the rear of the site lies a planting buffer. Within this full part of the application, 38 units of affordable are proposed, which represents 35% affordable housing. The masterplan for the rest of the site includes 3 further areas of housing, allotments, informal open space, formal play, a small amount of retail, sports playing fields, and a country park that straddles the Pickedmoor Brook and attached floodplain. 35% affordable housing is also proposed for the outline section of the application. The application is supported by a number of documents including, transport assessment, travel plan, ecology report, various species surveys, landscape and visual impact assessment and design and access statement. The plans were amended in December 2012 to make some adjustments to the layout to take into account issues raised by the Environment Agency and by the Council's Conservation Officer.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L1	Landscape Protection and Enhancement
L7	Sites of National Nature Conservation Interest
L8	Sites of Regional and Local Nature Conservation Interest
L9	Species Protection
L11	Archaeology
L17/L18	The Water Environment
EP1	Environmental Pollution

EP2	Flood Risk and Development
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Policy for New Development
E6	Employment Development in the Countryside
H3	Residential Development in the Countryside
H6	Affordable Housing
LC1	Provision of Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions)
LC2	Provision for Education Facilities (Site Allocations and Developer Contributions)
LC8	Open Space and Children's Play in Conjunction with new Residential Development
LC12	Recreational Routes

South Gloucestershire Core Strategy incorporating Post-Submission Changes December 2011 and reflecting the Inspector's Preliminary Findings and draft Main Modifications (September 2012)

CS1	High Quality Design
CS2	Green Infrastructure
CS5	Location of Development
CS6	Infrastructure and Development Contributions
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS11	Distribution of Economic Development Land
CS15	Distribution of Housing
CS16	Housing Density
CS18	Affordable Housing
CS24	Green Infrastructure, Sport and Recreation Standards
CS32	Thornbury
CS34	Rural Areas

3. RELEVANT PLANNING HISTORY

3.1 There is no planning history pertaining to this site.

4. CONSULTATION RESPONSES

4.1 Thornbury Town Council

Object on the grounds that the application is contrary to the existing Local Plan, contrary to the Core Strategy and contrary to the Town Council's Policy. The application for the full planning contains no green space except a small amount against the balancing pond and therefore contains insufficient open space for the density of housing.

Following the re-consultation on the amended plans, the Town Council reiterated their objection and raised the further concern that not far from the perimeter of the development local residents have experienced flooding problems. It is noted that the drainage plan includes a pumping station which

would indicate that there is a perceived drainage problem in that area. Therefore as this problem can only be alleviated by the construction of a pumping station, the whole area is unsuitable for development.

4.2 Other Consultees

Environment Agency

The Environment Agency originally objected to the scheme on the grounds that the Flood Risk Assessment (FRA) had not considered the flood modelling of the Pickedmoor Brook carried out as part of the Council's Level 2 Strategic Flood Risk Assessment. Furthermore, they considered that proposals did not include enough detail relating to surface water run-off and how attenuation was being dealt with on site.

Following the submission of a revised Flood Risk Assessment, the Environment Agency withdrew their objection to the proposals subject to conditions relating to the following: details of all proposed finished floor levels of all dwellings, details of surface water drainage scheme, and remediation assessment and strategy relating to ground conditions.

Following the re-consultation in December 2012 the Environment Agency stated that they have no concerns regarding the principles of the proposed amendments being made, and welcomed the increase in size of the attenuation ponds on site, they require further details of the proposed drainage scheme.

Horizon Nuclear Power

Horizon does not have any material objections to the proposed planning application. They expect that the Office of Nuclear Regulation will be consulted on this application.

Office of Nuclear Regulation

No response received.

Wessex Water

The site is some distance from Wessex Water's sewage treatment works off Oldbury Lane. The sewerage network downstream from the site and through Thornbury has limited capacity to accommodate foul flow from 300 new dwellings. Wessex Water have received instructions to commence a scoping study for foul network modelling. A scoping report will identify activities required for network modelling which will determine the nature and costs of recommended capacity improvements. The developer will be expected to contribute to the costs of recommended capacity improvements to reduce the risk of downstream flooding and pollution. We note the proposed foul and surface water pumping stations on site. Adoptable pumping stations will be designed in accordance with the current edition of Sewers for Adoption. In view of these circumstances we request a planning condition relating to details of a foul and surface water drainage strategy.

Lower Severn Drainage Board

The development falls outside the Lower Severn Drainage Boards boundary, however all surface water from this proposed development will flow into the

Boards area via the Pickedmoor Brook which as a result could affect water levels in the Oldbury Area which has limited capacity especially when tide locked. The Drainage Board further commented that the works should be undertaken in accordance with the FRA and Drainage Strategy by WYG, and requested further details with regard to the size and capacity of the ponds, maintenance of the ponds, and the infrastructure to be adopted by a single suitable body to ensure maintenance is carried out in a timely and appropriate manner.

Rockhampton Parish Council

The volume of water entering the local drainage rhines has led to flooding in the village at times of heavily rainfall and high tide on the Severn. The Council have undertaken work to alleviate some bottlenecks in the village but the main problem is that when the rhines are full localised flooding cannot be avoided. The Council is most concerned that further development in Thornbury might increase the amount of water being put into the rhines and that this might aggravate the situation at Rockhampton. We believe that any further development in Thornbury should include the infrastructure necessary either to hold back all water until the rhines and tide levels are able to accept this flow or to accommodate the extra water by other means downstream in Thornbury.

Avon Wildlife Trust

The Trust objects to the application. The application is premature and until the SPD on Green Infrastructure is produced it is not possible to consider this application holistically. There appears to be no analysis of the cumulative impact of the development alongside the Park Farm proposal. The Ecology Phase 1 Survey Update recommends that further surveys area carried out to assess this potential and the Trust supports this. Further mitigation and compensation proposals would then need to be made to obviate any wildlife or habitat impacts and achieve net biodiversity gain. The badger sett identified in the south of the site appears to be in the middle of a housing block so this would need to be mitigated. The Council will need to consider whether the proposed hedgerow and planting schemes proposed mitigate for the loss of hedgerow that will be removed for access purposes.

The Trust welcomes the 10m buffers to the hedgerows and trees and for these to be managed for biodiversity. We also consider that provision of a country park to be positive enhancement to the current site.

Save Thornbury's Green Heritage

The application is premature, and outside the provisions of the existing Local Plan for Thornbury. A sustainability appraisal should be conducted in order to identify the most appropriate site for development. In Thornbury's case the SA was conducted after site selection and is a deeply flawed document. It therefore cannot meaningfully contribute to any planning applications relating to the site options for Thornbury.

STGH has consistently stated that it will not consider supporting any proposed development on any green field sites whilst the above points are still valid. New housing to meet evidenced local needs should in the first instance be directed

within the current footprint of the town, using brownfield sites as they become available.

Other Representations

4.3 Local Residents

89 representations have been received to the scheme, 87 of which objected, with 1 in support. The objections comments raised are as follows:

- Any development outside Morton Way natural boundary opens up the town to unrestricted development to the north and east which will ruin its character
- Loss of good quality agricultural land
- Long way from the town centre
- Local shop would not be viable
- There will be an increase in traffic congestion at the Grovesend Road/A38 junction
- Comments in the Transport Assessment about the existing public transport are overoptimistic
- Loss of amenity in the countryside around Thornbury
- Given the lack of detail the applicant will return with detrimental proposals
- Thornbury only requires the Park Farm development and no more
- 300 dwellings would swamp infrastructure
- Access Morton Way will be dangerous given speed and nature of the road
- Land and surrounding lanes are used by the many residents of Thornbury for walking, cycling and horseriders
- The lanes are already a rat run
- Residents will not use public transport
- No bungalows or sheltered housing for the elderly are included in the application
- Increased load on Thornbury's overstretched health centre has been ignored
- Morton Way's beauty lies in its openness- existing development is set well back from the road- further development along Morton Way would destroy this
- Plans don't include enough residents or visitor parking
- No car parks proposed for community allotments or football pitches
- Morton Way is a route for HGV's into the town/trading estates
- Increase in anti-social behaviour
- Houses would be considerable distance from secondary school and therefore extra traffic would be created at school run time
- Walking to schools will be dangerous for small children
- Local junior schools do not have much capacity for extra children
- No increase in number of patrons of Thornbury shops would be guaranteed since anyone living in Morton way would be likely to drive
- Increase in flooding for the existing residents of Thornbury
- Park Farm more suitable for development
- Question the need for extra housing in Thornbury

- Overall increase in commuting
- Application is premature
- Morton Way will get extra traffic from Oldbury Power Station
- Thornbury has a static and ageing population and this will not change for some time so no need for housing
- Argument that housing supports falling school rolls is wrong, should close and amalgamate schools
- Shops and traders are uneconomic anyway, new population won't help this
- Thornbury does not have enough appropriate jobs for people likely to move to the new housing
- No proper consultation undertaken
- Site will have a significantly larger visual impact than Park Farm
- Proposal will contravene CS32 as it will harm the character and setting of Thornbury's open spaces
- Major housing and other development such as at Filton will meet any housing needs in the area
- Thornbury is lopsided, with development all on one side, further way from shops and facilities
- Lack of suitable drainage in and around Thornbury
- Run off from site would affect properties downstream
- This area should have been Green Belt
- Bloor Homes driven by profit and not the interests of the community
- Development would have an impact on wildlife in woods further along Morton Way, which are a SNCI
- Drainage plans have not taken into account the impact of a soakway from septic tank in adjacent property
- Pumping station and balancing pond poorly located adjacent to Grey Gables and Mile End Farm
- Lack of parking in Thornbury town centre
- No evidence that building a substantial number of new homes would rejuvenate Thornbury town centre
- New residents likely to drive to Yate or Cribbs Causeway
- Likelihood of increased accidents on local highway network
- Expecting new residents to use public transport is unrealistic
- The draft South West Regional Spatial Strategy is not a material consideration and cannot be used to justify this development
- Previous Local Plan inspector concluded there was insufficient need up to 2011 for any housing allocation in Thornbury
- Loss of wildlife in the area
- Once approved there will be no grounds to reject further applications
- No Thornbury generated requirement for building 300 houses here, it is purely Bristol over-spill
- There is congestion on the existing highway network, resulting in queuing
- Build new houses on site of Council Offices in Castle Street when they become vacant
- Build on Green Belt where it is closer to the town centre
- Thornbury will get too big to keep its community culture

- Building houses will not change the demographics
- Travel plan is very poor
- Development should be restricted to 2 storey and not 3 storey townhouses
- Concerns regarding exacerbation of flooding at Oldbury on Severn
- Proposals will devalue adjacent property
- Proposals should only be judged against the framework approved by the Core Strategy Inspector
- Current rents charged by the owners in town centre mean local shops cannot survive
- Castle School over subscribed in last few years
- Thornbury will become a dormitory town, a satellite of Bristol
- Watertable is too high to cope with extra development
- Green space within the site would become large sterile green deserts avoid of wildlife

The representation of support made the following comments:

- The site is favoured over Park Farm when the sequential test relating to development and flood risk is applied
- Morton Way was never intended to be a barrier to development
- 1980's development made clear provision for crossing Morton Way for the next phase of development
- Cause no demonstrable harm to the heritage of the own and is fully sustainable

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

In establishing the principle of development for this site, para 196 of the NPPF is relevant in that it states that the planning system is plan-led. Therefore this application has to be first considered in the context of the adopted development plans. Furthermore section 38 (6) of the 2004 Act requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF and the emerging Core Strategy are both material considerations.

5.2 The application site lies outside the settlement boundary of Thornbury as set out in the adopted Local Plan. Since the housing elements of the scheme falls outside the limited categories of development allowed by Policy H3, it is contrary to Policy H3.

5.3 The emerging planning policy is contained within the Core Strategy, which was submitted to the Secretary of State in March 2011 for examination in public (EiP). The Core Strategy is currently at a very advanced stage with the Examination hearing sessions having taken place in June and July 2012. The Inspector issued his Preliminary Findings and draft Main Modifications to make the plan sound in September 2012. With regard to housing supply, in relation to Policy CS15, the Inspector determined the overall housing need was for a minimum of 28, 355 and introduced an annualised the rate of housing delivery

over the 15 year plan period of 2012-2027, equating to 1,588 dwellings per annum. The Inspector further stated that as required 5 year supply plus the 20% buffer cannot be achieved for the current 5 year period, the Council will identify additional sites either brought forward from later in the plan period or, if necessary, new sites capable of meeting the shortfall.

- 5.4 The Council responded to the Inspector's Main Modifications stating that the Council opposed the move away from a phased approach to housing delivery to an annualised approach which as resulted in the creation of a shortfall in the next five years of 852 dwellings. Very reluctantly, should the EiP Inspector insist of meeting the full 852 dwelling shortfall, and following a further opportunity for public scrutiny through the EiP, the Council considers that, of the omission sites, the most sustainable location for an additional allocation is the site the subject of this application.
- 5.5 The EiP Inspector published a supplementary Note advising an additional hearing session to take place on 7th March 2013. The additional hearing will examine the relative merits of various sites to meet the 852 shortfall the Inspector set out in his Main Modifications, not just the Morton Way north site. However, given the weight that should be afforded to the plan led system, in accordance with the NPPF (Core Principle 1), the outcome of the EiP is still awaited and as such the planning application should be recommended for refusal as it is premature to approve this application before the Core Strategy Inspector has issued his final report.
- 5.6 As shown above, the policy situation with regard to the site is somewhat fluid. The situation has arisen because the applicants have chosen to appeal the application before the matter of the further housing supply has been resolved through the Core Strategy process. The site may come forward as an allocation if the Core Strategy Inspector decides that this site is appropriate to fill the shortfall in housing supply. However, this will be after the date of this Committee, but is likely to be before the date of the Section 78 appeal into this site is opened. Officers therefore recommend that if the EiP Inspector does allocate this site, given that there are no Officer objections to the proposed scheme apart from prematurity, subject to an appropriate S106 package and appropriate conditions, powers be delegated to the Director of Environment and Communities in consultation with Lead Members to confirm to the Planning Inspector conducting this Section 78 appeal that the Council would (subject to the required S106 and appropriate conditions) withdraw its objection to the scheme. As the developers have not submitted a duplicate application, the Council does not have an application in its jurisdiction to determine and it can not determine this application because it has been appealed.
- 5.7 Visual Amenity, Landscape and Design
The site comprises 22.43 hectares of gently undulating land to the north east of Thornbury, alongside Morton Way and is currently divided into 8 agricultural fields. The site is set in the low lying bowl landform of Thornbury at approx 33m AOD in the northwest rising to 47m AOD in the southeast. The ridgeline encloses the settlement from the south and contains wider views of the site beyond to the south and west. The land currently consists of improved grassland and the fields are currently either grazed by cattle and horses or

- managed as permanent grassland for the production of silage and hay. Towards the southern end of the site the landform divides into two steep sided valleys, containing two small watercourses, the largest of these streams is Pickedmoor Brook, running east to west through the centre of the site.
- 5.8 The site contains a strong network of hedgerows with hedgerow trees. The majority of the existing trees and hedgerows are to be retained within layout, and most situated within areas of public open space, which will ensure the longevity of these trees. A small number of lower grade trees and a small section of lower grade hedgerow will require removal to facilitate development. However the Council's Landscape Officer considers that the level of proposed landscaping across the site will provide adequate mitigation for this loss.
- 5.9 The Landscape Officer considers that generally the layout provides a generous level of landscape and public open space provision with green space concentrated within a 'Country Park' area through the centre of the site. The existing footpath network is preserved and incorporated into the layout and will provide a pleasant route leading from the development both into Thornbury town centre to the west and connected to the wider footpath network linking into the open countryside to the east, beyond the site.
- 5.10 The Landscape Officer considers that although the proposed development extends the development to the edge of the bowl landform, described above in para 5.7, it does not encroach into the higher landform and ridgeline. It is therefore considered that the proposed development should be visually well contained within the wider landscape. As such, the Landscape Officer considers that the proposed layout complies with Policies L1 and D1 of the adopted Local Plan.
- 5.11 The scheme includes a detailed section for 109 dwellings and an outline section for which a general masterplan is submitted. The detailed element of the scheme had one access off Morton Way with the main vehicular route running roughly west to east across the site. From this flow minor roads and parking courtyards, with a range of dwellings from 1 bed flats to 5 bed houses. To the north of the site lies a 10m planted buffer. An area of public open space lies on the eastern part of the detailed scheme, as well as two local areas of play within the body of the site. A balancing pond and pumping station lie on the western edge. To the east of this detailed part of the application, lies further residential development, included within the outline section of the application.
- 5.12 The Council's Urban Design Officer considers that the principles with regard to layout, the general distribution and quantum of uses and scale are generally well considered in responding to the constraints and opportunities of the site and clear in setting the parameters for further reserved matters applications. The Urban Design Officer has raised concerns relating to the Design and Access Statement in that it does not respond enough to local distinctiveness, which would have an effect on future reserved matters applications. This should be rectified by a more detailed exploration of locally distinctive dwelling forms. It is considered that this could be dealt with by a condition recommendation to the Planning Inspector at the appeal, as well as conditions

- requiring samples of materials and the creation of informal living streets to be agreed.
- 5.13 With regard to the detailed element of the scheme, the Urban Design Officer has no objection to the detailed layout, the traditional architectural approach is acceptable, but has raised concerns regarding the appearance of some of the dwellings in that they should respond more closely to local distinctiveness. This could also be dealt with by condition as mentioned above, along with details of materials. A condition will also be recommended to the Planning Inspector to ensure natural surveillance of the parking courtyards.
- 5.14 Given the above, and subject to recommending appropriate conditions to the Planning Inspector it is considered that the proposed scheme conforms to Policy D1 of the adopted Local Plan.
- 5.15 Transportation
The site lies to the northeast of Thornbury town centre. The town itself offers a wide range of facilities, including education to secondary level, local shops and a local health centre. Subject to crossing Morton Way, access to the town centre and the key retail area from the site can be made using a variety of routes along quiet streets and cycleways/footpaths. Generally the site is within 1500m walking distance of the Town Centre. The employment opportunities in Thornbury tend to be located towards the southern side of the town within approximately 2km of the southern boundary of the site. The main employment concentrations are in Bristol city centre and the North Fringe area beyond generally accepted commuting cycling distances. The bus services that run along Morton Way in close proximity to the site include the town service and services 309/310 to the city centre.
- 5.16 Thornbury is a tightly drawn settlement that has the benefit of good access by walking and cycling and while there are a number of optional routes for walking and cycling from the site some have limitations in either their surfacing, lighting or security. There will be a need to assess the extent of such limitations in detail, the extent to which they inhibit use of the route and the potential to overcome these problems. The bus services that currently pass close to the site are substantially supported by public subsidy. The town relies largely on the city and the North Fringe for employment and tertiary education. Journey times by bus to these areas are long and there are limitations to the public corridor leading to Thornbury. Bus services are therefore limited and require improvement for the scheme to not result in an over-reliance on outward commuting of cars.
- 5.17 The vehicular traffic assessment in the TA is based on that for the Park Farm development. Although the junction of Gloucester Road with Morton Way accommodates much lower traffic flows from this proposal than the Park Farm development, generally the impact is very similar for both sites. The harm in terms of junction loading is therefore very similar. The overall conclusion of the TA is that the proposed housing would generate additional traffic on the local network. The TA has analysed the junctions where there is a need for increased capacity but relies on improvement works to be carried out by others, namely the Park Farm development. Therefore, until the upgrading works to the

junctions defined as deficient in the TA are carried out, the proposal would create material harm.

- 5.18 The TA also identifies access to local facilities by walking and cycling. A residential Travel Plan is required in order to reinforce these local travel options and public transport travel to more distant destinations. There is a need to review in detail the walking and cycling routes to the town centre and identify measures to overcome any barriers to their use. There will be a need for the development to address in detail the objectives of the Rural Package.
- 5.19 Given the above, the Council's Highway Officer considers that the proposal is unacceptable in highway terms as submitted as it would result an over-reliance of outward commuting of cars because of the limited provision of public transport and poor route access to the town centre and other general amenities. Furthermore, the Highway Officer considers that the proposed scheme does not accommodate the forecast growth in the area and would result in sub-standard traffic conditions on the adjoining local highway infrastructure and as such, does not taken into account overall changes in patterns of movement in the general area. The proposals therefore are contrary to Policy T12 of the adopted Local Plan.
- 5.20 Although, as submitted, the application should be refused on transport grounds, there is the opportunity to address the limitations in the accessibility and traffic impact. The transport objection issues could be overcome by a package of measures, including improvements to walking and cycling routes, public transport improvements and measures to deal with the increased traffic impact through junction works. This would form the basis of a suitable S106 planning obligations and/or conditions.
- 5.21 Residential Amenity
The proposed lies somewhat distant from the majority adjacent or nearby residential properties. The nearest proposed housing is over 40m from the nearest building at Mile End Farm, and the area of the site closest of Crossways Farm is proposed to be public open space and allotments. There are properties on Crossways Lane that lie close to the site where housing is shown, but any affect on residential amenity here could be managed through the design at reserved matters stage.
- 5.22 Ecology
The site is not covered by any statutory or non-statutory nature conservation designations. Two Sites of Nature Conservation Interest (SNCI, Crossways Wood and Cleeve Wood, designated for their ancient semi-natural woodland interest, lie between 500m to 1km to the south but will be unaffected by the scheme. The majority of the fields are agriculturally improved or semi-improved (species-poor) grazed pasture or arable land of only low value for nature conservation, intersected by a network of well-managed hedges.
- 5.23 One of the central features to the design of the master plan for the scheme is to provide a 'corridor' of semi-natural habitat either side of the watercourse bisecting the site to form the 'country park'. This provides the opportunity to create a wide linear belt of new semi-natural habitat alongside the present

bankside and woodland habitat associated with the stream and which would offer an essential corridor for bats to traverse the site and forage; as well as a variety of nesting and feeding birds. If augmented by new swathes of species-rich grassland and scrub, the park would offer the 'building blocks' of nectar and invertebrates to benefit a range of local biodiversity. To fulfil this, the 'corridor's' semi-natural habitat must be of a robust width to function as described above and comprise a mosaic of new scrub, rough (species-rich) grassland and trees to augment and bolster the existing habitat alongside the stream. This corridor will need to be subject to a sympathetic management regime to maintain and maximise its value for local biodiversity and will therefore need to form part of the wider ecological and landscape management plan for the scheme.

- 5.24 Assessments have been made regarding protected and other species on the site. There are no records of Great Crested Newts on site. There is some bat activity on site, with the noctule bat being the most frequent, and to this end, the existing hedgerows and trees are important to provide corridors and foraging for bats, and as such the Council's Ecologist has recommended a condition relating to a landscape and ecological management plan, which will be recommended to the Inspector. A badger sett was recorded in the south of the site, where the proposals are in 'outline' form. As such a badger mitigation survey is recommended to ensure that development respects the badger sett. A small population of slow-worms was found close to the site, west of Crossways Farm. As such, a mitigation strategy is recommended by condition to the Inspector.
- 5.25 Given the above, it is considered that there are no ecological constraints to granting planning permission, subject to conditions that will be recommended to the Inspector. The proposals therefore conform to Policy L9 of the adopted Local Plan.
- 5.26 Conservation and Archaeology
The nearest listed building to the site is The Grange, to the north of the site, is Grade II* listed. The site does not lie close to any conservation areas.
- 5.27 The Conservation Officer remains concerned that despite amendments to the buffer planting on the northern boundary of the site, the proposed flat block 79-82 is considered too bulky, and of a weak design and would result in harm to the setting of the Grade II* listed Grange Farm, the grounds of which lie directly to the north of the site. As such, a condition is recommended to reduce the scale and size of this block of flats, to mitigate the harm to the setting of the Grade II* Grange Farm. The use of render or brick in this part of the site instead of brick is also recommended by condition. The Conservation Officer concurs with the views of the Urban Design officer with regard to design and materials, and supports the conditions recommended above in paragraphs 5.13- 5.13 above.
- 5.28 An archaeological desk-based assessment and geophysical survey have been carried out and no significant archaeological sites were isolated but the work has not been tested by trial excavation. A programme of trial trenching to test the results of the geophysics should be undertaken to inform an appropriate

scheme of mitigation, and submitted to support any reserved matters applications in the event of an approval. As such, a condition suggesting the above will be recommended to the Inspector.

5.29 Given the above, it is considered that, subject to the addition of the recommended conditions, the proposals accord with Policies L11 and L13 of the adopted Local Plan.

5.30 Drainage and Flood Risk

The majority of the site lies within Flood Zone 1, which is an area of low flood risk as defined by the NPPF. Part of the site, is in flood zone 3 of high flood risk, and this is the area identified as a 'country park' within the scheme, around the river valley of the Pickedmoor Brook. The detailed proposals for the first phase of development include a balancing pond for the storage of surface water run-off and a pumping station for foul and surface water. The scheme has been amended following the original objection from the Environment Agency. Following these amendments, the Environment Agency withdrew their objection, subject to the addition of conditions relating to surface water run off and attenuation and these will be recommended to the Inspector.

5.31 Wessex Water have stated that the site lies some distance from their sewage treatment works, but have raised no objection to the scheme, but have asked for conditions relating to details of foul and surface water drainage schemes. It is acknowledged that local residents have concerns regarding drainage at the site and further downstream. However, given that neither the Environment Agency nor Wessex Water have objected to the scheme, it is considered that any drainage issues can adequately be dealt with by the conditions requested by these drainage bodies. As such, a refusal reason based on drainage could not be evidenced in this instance.

5.32 Subject to the addition of conditions, which will be recommended to the Inspector, the drainage implications of the proposal are acceptable and accord with Policy L17 and L18 of the adopted Local Plan.

5.33 Public Rights of Way

There are a number of rights of way that cross the site. The plans for the detailed phase 1 layout and the illustrative masterplan for the rest of the site show provision is being made to retain and enhance the existing footpaths on their present routes rather than seeking to divert them. The Council's Public Rights of Way Officer therefore raises no objection to the scheme.

5.34 Community and Open Space Provision

Public Open Space

Policy LC8 of the adopted Local Plan requires a minimum of 24sq m per person where there is evidence of a local shortfall to meet the needs arising from the proposed development. The open space audit of existing accessible open space within reasonable travel distance of the proposed development demonstrates a shortfall of all types of open space except informal open space of which there is good supply.

- 5.35 The proposal includes 1.42 ha of formal pitches to be provided on site, as part of the outline application. This is over and above the LC8 provision requirement, and therefore the amount is acceptable. Details of the provision, including layout out, drainage and maintenance thereof are required, and this is expected to be dealt with via a S106 obligation as part of the appeal process.
- 5.36 The proposed includes an adequate amount of equipped and unequipped play, but very little detail of these, including the LAP's shown on the detailed phase of the development. Concerns are raised at the level of detail shown, and whether these areas will fulfil their roles as equipped play areas. As such, conditions will be recommended to the Inspector to require details of these play areas to ensure that they conform to Policy LC8.
- 5.37 The amount of informal open space on site is considered appropriate. The proposed amount of allotments are considered appropriate , however there is very little detail relating to their provision and as such, conditions will be recommended to the Inspector in this regard.
- 5.38 *Library Services*
Policy LC1 requires contributions towards provision or enhancement of existing community facilities where existing provision is inadequate to meet increased demand.
- 5.39 Thornbury Library is well used by the local community but has a floorspace per 1000 population that is below the recommended size set out by the Museum, Libraries and Archives Council. As such, Thornbury library will require improvements to enable it to meet the additional demand and the contributions are most likely to be used for floorspace extension and additional stock and IT at the library. To this end a contribution based on 300 dwellings, calculating a population of 720 residents, at £107.31 per head equates to £77, 263.20.
- 5.40 *Community Centres*
Policy LC1 requires contributions towards provision or enhancement of existing community facilities where existing provision is inadequate to meet increased demand.
- 5.41 No provision is provided on site for community facilities and as such, it is reasonable to expect 300 new households to place additional demand on existing community facilities within the town. To this end, a contribution should be made from the development towards community facilities in Thornbury. There are three dedicated community centres in Thornbury- The Chantry, Turnberries and Armstrong Hall Complex and options to enhance these to provide additional capacity will need to be explored. Based on 720 residents, and a 100.80 sq m per resident, as total contribution towards enhancing community facilities results in a contribution of £231, 840.
- 5.42 Notwithstanding the above, given that the recommendation is one of refusal, no community service facilities, or public open space provision has been agreed with the applicant, and as such the application is not supported by an agreed S106 planning obligation which secures community services and public open space contributions and provision, and the proposal is therefore contrary to

Policies LC1 and LC8 of the adopted Local Plan and Policy CS6 of the emerging Core Strategy and appropriate refusal reasons are suggested.

5.43 Education Provision

At primary level there is projected surplus of places in the local area. A contribution for additional primary school places is therefore not currently required.

5.44 At secondary level, there is a deficit of places and a contribution will be required to increase provision in the area. The proposed development will generate 54 additional pupils according to the pupil number calculator. At £16, 527 per additional secondary pupil place, this results in a contribution towards secondary school places of £891, 918.

5.45 The Local Authority has a key role in ensuring that, as far as possible, school place provision remains sufficient to meet local needs. However, with the rapid expansion of the government's Academies Programme and the subsequent trend towards conversion to academy status, and the development of new academies, the Local Authority is now a commissioner of places rather than a direct provider. As a consequence, there is no guarantee that academy trusts, for valid reasons, will be able to agree to school expansion, and the Local Authority has no power to enforce such expansion. In the event that negotiations with academy trusts are unsuccessful it may be necessary to use contributions to provide transport to alternative locations where surplus capacity is available as an alternative form of provision and/or where expansion is feasible.

5.46 The Council has a statutory duty to secure the provision of full and part-time education for young people over 16 years of age. A financial contribution is therefore required for sixth form provision. 300 dwellings would generate a requirement for 21 additional 6th form places which equates to a financial contribution of £346, 857.

5.47 The Education Services Officer has also recommended a contribution to youth services £5, 451

5.48 The total financial contribution required for additional school provision is therefore £1,238,775 and £5, 451 for youth services provision. Notwithstanding this, given that the recommendation is one of refusal, no education services provision has been agreed with the applicant, and as such, the application is not supported by an agreed S106 obligation which secures the education services contribution and as such, the proposal is therefore contrary to Policy LC2 of the adopted Local Plan and Policy CS6 of the emerging Core Strategy and an appropriate refusal reason is therefore suggested.

5.49 Affordable Housing

The amount of affordable housing at 35% and the tenure mix are considered appropriate by the Council's Housing Enabling Officer, whilst there are concerns regarding the affordable housing mix and the location of the affordable housing. However, given the recommendation is one of refusal, the

application is not supported by an agreed S106 planning obligation which secures affordable housing, and the proposal is therefore contrary to Policy H6 of the adopted Local Plan and Policy CS18 of the emerging Core Strategy.

5.50 Other matters

Matters raised by local residents relating to other sites suitable for development are not discussed here as the current application has to be assessed on its own merits. Issues relating to what sites are appropriate for development in Thornbury are correctly addressed by the Core Strategy Inspector and are not a matter that can be taken into account in the assessment of this application.

5.51 Concerns have been raised relating to the loss of agricultural land. The site is Grade 3a agricultural land. Paragraph 112 of the NPPF states that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. It further states that where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poor quality land in preference to that of a higher quality. The NPPF defines grade 3a as one of the best and most versatile agricultural land. However, the loss of 22 ha of agricultural land is not considered significant and a refusal for reason based on this could not be evidenced in this instance.

5.52 Some local residents raised issues of loss of views and reduction of values of existing property. There are not planning matters and cannot be taken into account in the consideration of the assessment of this application.

6. CONCLUSION

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

6.2 The recommendation to refuse permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That had the Council been in a position to determine the application, planning permission would have been refused for the following reasons set out below.

7.2 In the event that the Core Strategy EiP Inspector supports the allocation of Morton Way to address housing need, that subject to

7.1.1 The imposition by the Inspector of appropriate planning conditions and

7.1.2 The prior completion of a S106 agreement that adequately addresses the Reasons for Refusal set under below at points 3-9 below

Delegated authority be given to the Director of Environment and Communities in consultation with Lead Members to inform the Inspector conducting the S78 Appeal that the Council intends to withdraw its objection to this application.

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REASONS FOR REFUSAL

1. The application site falls outside the settlement boundary of Thornbury, as defined on the South Gloucestershire Local Plan Proposals Map, and is not allocated for development within the emerging Core Strategy. As such it lies in the open countryside and is therefore contrary to Policy H3 of the adopted South Gloucestershire Local Plan.
2. The site lies outside any housing allocation in the emerging Core Strategy, as such, the correct mechanism for consideration of this application should be through the democratic, plan led process, which has reached an advanced stage. To grant planning permission now would be premature, contrary to the plan led system and undermine public confidence in that system.
3. The proposal is unacceptable in highway terms as it would result in an over-reliance on outward commuting of cars because of the limited provision of public transport and poor route access to the town centre and other general amenities. The limited scale of development would not provide a change in the current public transport provision. As such the proposal is contrary to Policy T12 of the adopted South Gloucestershire Local Plan.
4. The proposed scheme does not accommodate the forecast growth in the area and would result in sub-standard traffic conditions on the adjoining local highway infrastructure, and as such, does not take into account overall changes in patterns of movement in the general area. As such the proposal is contrary to Policy T12 of the adopted Local Plan.
5. The application is not supported by an agreed S106 planning obligation, which requires the provision of affordable housing on site, and in this respect is contrary to Policy H6 of the South Gloucestershire Local Plan.
6. The application is not supported by an agreed S106 obligation which requires provision of appropriate Category 1 sports facilities and on-site equipped and unequipped play and maintenance thereof and in this respect is contrary to Policy LC8 of the adopted Local Plan.
7. The application is not supported by an agreed S106 obligation which requires provision of community facilities and in this respect is contrary to Policy LC1 of the adopted Local Plan.
8. The application is not supported by an agreed S106 obligation which requires provision of library services and in this respect is contrary to

Policy LC1 of the adopted Local Plan.

9. The application is not supported by an agreed S106 obligation which requires provision of additional secondary, sixth form places and youth services provision and in this respect is contrary to Policy LC2 of the adopted Local Plan