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## Appeal Decision

Hearing held on 30 January and (virtually) on 31 January 2025

Site visit made on 30 January 2025

**by H Nicholls MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 March 2025

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**Appeal Ref: APP/P0119/W/24/3348557**

**Post Farm, Land north of Peacock Street, Thornbury BS35 1LB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
  - The appeal is made by Newland Homes against the decision of South Gloucestershire Council.
  - The application Ref is P23/02091/O.
  - The development proposed is erection of up to 32 no dwellings (outline) with access to be determined. All other matters reserved.
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### Decision

1. The appeal is allowed and planning permission is granted for erection of up to 32 no. dwelling (outline) with access to be determined, all other matters reserved, at Post Farm, Land north of Peacock Street, Thornbury, BS35 1LB, in accordance with the terms of the application, Ref P23/02091/O, subject to the conditions in the attached schedule.

### Preliminary Matters

2. The application was made in outline form with all matters save for access reserved for future consideration. I have therefore taken the plans depicting the layout and detail of the scheme as largely indicative in nature.
3. Since the appeal was submitted, a revised National Planning Policy Framework (the Framework) was published on 12 December 2024. The main parties prepared a *Statement of Common Ground* (SoCG) and separate *Housing Need and Supply* SoCG, both of which took account of the changes to the planning policy context. Within the Housing Need and Supply SoCG is, the main parties agreed that the Council's supply of housing land falls short of the 5 year minimum requirement with relevant buffer. The appellant's position is that there is a 3.87 year supply with a shortfall of 2,016 homes whereas the Council's position is that there is a 4.38 year supply with a shortfall of 1,102 homes. The supply evidence was not interrogated further on the basis of the relative agreement on the shortfall.
4. The SoCG details that reasons for refusal (RfRs) 6 and 7 could be overcome through the submission of either planning conditions or a planning obligation. On this basis, the Council did not seek to present evidence on these aspects.
5. A S106 planning obligation was submitted ahead of the hearing and the final version was received on 5 February 2025.

## Main Issues

6. The main issues in the appeal are:

- whether the location of the development accords with the development plan and whether it would be sustainably located in relation to everyday services and facilities;
- the effects of the proposal on the landscape character and visual amenities of the area;
- the effects of the proposal on heritage assets, both designated and non-designated; and
- the effects of the proposal on Best and Most Versatile agricultural land.

## Reasons

### *Location and accessibility*

7. The appeal site is around 2 hectares of pastureland which has a gentle slope down to the north-west and is surrounded by hedges and protected trees. There are recently completed housing developments to the south and east of the site, with other agricultural land adjoining the site to the north and west. Public footpaths also run adjacent to the southern and western site boundaries.
8. In a wider sense, the site lies to the northern edge of Thornbury, a small town within South Gloucestershire which has received a large proportion of housing growth and permissions for new housing in recent years, including adjacent to the appeal site. The parties agree that the appeal site falls outside of the defined settlement boundary for Thornbury, as does much of the adjoining recently completed development to the south and east, through which the scheme would take access.
9. Policy CS5 of the South Gloucestershire Core Strategy (adopted 2013) (Core Strategy) seeks to concentrate development in the urban areas and states that in Thornbury, new development will be of a scale appropriate to revitalise the town centre and strengthen community services and facilities. The policy goes on to state that outside of the Green Belt, development located in the open countryside outside a settlement boundary should be strictly limited, i.e. in the case of the appeal scheme.
10. Policy CS34 of the Core Strategy seeks to maintain the settlement boundaries defined on the Policies Map around rural settlements unless they are reviewed through Neighbourhood Plans (NPs), the South Gloucestershire Policy, Sites and Places Development Plan Document (adopted 2017) (PSP) or a replacement local plan, following local and stakeholder engagement. The Thornbury Neighbourhood Plan (TNP) (adopted 2022) does not contain housing allocation policies or seek to amend the adopted settlement boundary and thus, carries no weight in relation to the settlement strategy. The main parties agreed in the SoCG that the policies of the emerging South Gloucestershire Local Plan, progressing imminently towards Regulation 19 stage, cannot be attributed more than limited weight at this stage. I do not find a reason to reach an alternative conclusion in this regard.
11. Policy PSP40 of the PSP relates to residential development in the countryside (outside of settlement boundaries) and lists the criteria against which proposals

shall be assessed. The proposal does not fall under any of the listed exceptions under Policy PSP40.

12. For the foregoing reasons, the location of the development conflicts with the settlement strategy policies of the development plan, namely Policies CS5 and CS34 of the Core Strategy and Policy PSP40 of the PSP.
13. In terms of accessibility, the site is agreed in the SoCG as being reasonably well located for non-car borne travel options with good quality walking and cycling routes leading to key facilities, including shops and schools within 1 – 2km. It is also noted that there is a good level of bus service provision and that local stops are on Butt Lane within around 400 metres of the site. The site is also adjacent to recently completed largescale development which are similarly located to these facilities and served by the same walking, cycling and bus infrastructure. Therefore, despite that the views of local residents that the location of the development would encourage a reliance on car-borne travel, I find that the site is well located for Thornbury's key facilities and that there are alternatives to the use of the car should future residents wish to use them.

#### *Landscape character and appearance*

14. A Landscape and Visual Impact Assessment (LVIA) was undertaken in connection with the appeal proposal and a Landscape Statement of Case was also submitted. I find no issue with the methodology used to produce the LVIA.
15. The appeal site sits within an undesignated (non-valued) landscape that falls within the Severn Ridges Landscape Character Area (18)<sup>1</sup> (LCA), within which Thornbury is the largest settlement. The gentle landform, presence of hedgerows, small-scale field pattern and well treed nature of the area around the appeal site is consistent with the description for the LCA, but also broadly consistent with the adjoining Levels landscape. Whilst Thornbury is generally well contained within a bowl landform defined by the Severn Ridge, the expansion has pushed its settlement fringe closer to The Levels LCA. The presence of rural hamlets is also a recognised feature of the LCA.
16. The construction of up to 32 dwellings and associated infrastructure would clearly change the character of the site from an undeveloped pasture field to an urban form with its associated disruption to tranquillity. However, it would retain the site's enclosing hedgerows and trees and add further landscaping to increase the prominence of these features and soften the effects of new buildings.
17. The development would be adjoined on two sides by existing development so would only add modestly to an existing feature of the landscape, rather than appear as an entirely new or incongruous introduction. In my view, taking account of the sensitivity of the landscape and the effects of the proposal, the initial change would be of a moderate adverse nature, reducing to minor adverse over time through the establishment of landscaping.
18. In terms of the landscape setting of Lower Morton, the scale and siting of the appeal proposal would leave some intervening agricultural land that would maintain some separation between it and Thornbury. Helpfully, the development would not access onto Morton Street or add further activity to Lower Morton

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<sup>1</sup> South Gloucestershire Landscape Character Assessment (2014)

through vehicular traffic. Despite the introduction of further landscaping, creation of a wide buffer and the reduction of building heights on the lower parts of the site, some presence of the further expansion of Thornbury and its associated reduction in tranquillity would be felt within Lower Morton. Relative to the extent of the setting of Lower Morton, the harm would be of a moderate adverse magnitude initially, reducing only slightly through the effects of landscaping over time to a moderate-low adverse nature.

19. In terms of the visual effects of the development, it would be seen from the adjoining residential developments but would be in character with and read as a natural extension of the same. It would be highly visible from PROW No OTH67/20 which would lose its remaining rural outlook and the hedgerow separation, even with further landscaping, would not materially soften the effects of the development in such views.
20. The PROWs in the wider surroundings, including PROW NO OTH63/30, would be affected by the proposal, with users having a degree of visibility of buildings above and through trees. Similarly, there would be glimpses of buildings from Lower Morton, particularly on Morton Street in the vicinity of the site, adding to the glimpses of recently built dwellings. Landscaping would have a role to play in all of the views from where there would be change, and most receptors would be aware of either being within a settled landscape or close to the settlement edge from any of the aforementioned viewpoints. Consequently, taking an overall view, the proposal would result in a moderate degree of visual harm on initial completion, with a residual limited effect in future years post-establishment of the landscaping scheme. Given the size of the site and range of identified receptors, this harm would be relatively localised.
21. Nonetheless, insofar as it would harm the landscape character and visual amenities of the area, the proposal would conflict with Policy 1 of the TNP, Policies CS1, CS9 and CS34 of the Core Strategy and Policy PSP2 of the PSP. Amongst other things, these policies collectively require that new proposals shall enhance the quality, amenity, distinctiveness and special character of the landscape and its tranquillity.

#### *Heritage effects*

22. The designated heritage assets which the appellant considers would be affected by the appeal scheme includes Yew Tree Farmhouse (Grade II, List Entry Number: 1312612) and Spring Farmhouse (Grade II, List Entry Number: 1321106). The non-designated heritage asset (NDHA) that would be affected is the hamlet of Lower Morton. The effects on the significance of said assets would be of an indirect nature through development within their settings.

#### *Yew Tree Farmhouse*

23. The listing description summarises Yew Tree Farmhouse as a mid-C18 two storey rubble stone dwelling with brick stacks and a hipped, pantile roof. Features such as its casement windows and hooded door are described and its side lean-to extension hidden with rubble wall is also noted. The Farmhouse's principal elevation faces towards Morton Street and the wider landscape beyond, away from the site. The Farmhouse benefits from a domestic garden and associated plot of land to the south and east, bound by trees and a cluster of buildings which will have formed part of its historic farmstead.

24. Yew Tree Farmhouse derives much of its significance from the architectural, historic, aesthetic and archaeological interest of its physical fabric as an example of a former 18th-century farmhouse. However, the setting also contributes to its significance, albeit to a lesser extent. In this context, the setting comprises the extent of the former farmstead and historically associated landholdings and its relationship with Morton Street.
25. The appeal site is not a part of the immediate setting of Yew Tree Farmhouse but sits within the more peripheral agricultural hinterland behind the historically associated landholding. With winter vegetation, it is possible to see glimpses of the appeal site through trees from Morton Street in the vicinity of Yew Tree Farmhouse, less so when trees are in full leaf. Views towards the asset from the appeal site are of the rear and its collection of outbuildings. The appeal site makes a minor positive contribution to the setting of Yew Tree Farmhouse through its undeveloped nature and the way in which it allows an appreciation of the rural context of the farmstead on the edge of the detached hamlet of Lower Morton. The PROWs in the vicinity of the appeal site to the north and west of Yew Tree Farmhouse allow an appreciation of this rural context.
26. The urbanisation of the appeal site would result in the built edge of Thornbury creeping closer towards Yew Tree Farmhouse and lessening its degree of physical separation. Whilst there would still be some separation by undeveloped agricultural fields, it would be narrower, and the glimpses of roof forms and parts of buildings would be more likely in views from the PROWs and from Morton Street. Already from such views, the presence of recently built dwellings is apparent and so this would not be an entirely new change to its setting, but an incremental additional harm to it.

#### *Spring Farmhouse*

27. Spring Farmhouse is described in its listing description as a two storey building which was remodelled in early C19. It is rendered, under a pantile roof and has rendered stacks and has features such as casement windows which are mentioned. In a wider context, the farmhouse is adjoined and surrounded by agricultural buildings, many of which are large and modern. The Farmhouse faces towards Morton Street and has some views over rising land to the east. It is evident that the significance of Spring Farmhouse is mainly derived from the architectural, historic and aesthetic interest of its physical fabric as an example of an early 19th-century farmhouse. However, it also derives some significance from its setting, within its farmstead and surrounded by agricultural land, detached but associated with Lower Morton and appreciable from Morton Street, and from land which maintains its separation from the built extent of Thornbury.
28. As a part of the agricultural hinterland which maintains the separation of Lower Morton and Thornbury and keeps the Farmhouse within a relatively rural context, the appeal site makes a minor contribution to the significance of Spring Farmhouse. In the similar way to which it would affect Yew Tree Farmhouse, the appeal proposal would result in the built edge of Thornbury creeping closer and lessening its degree of physical separation. Some glimpses of roof forms and parts of buildings would be more likely in views from Morton Street and the curtilage of Spring Farmhouse. Whilst such features can also be glimpsed in views already there would be an incremental addition to the amount of potentially visible built



mass which would be closer to the asset. Therefore, there would be some erosion of harm to its significance.

#### *Lower Morton*

29. The significance of Lower Morton as an NDHA is principally derived from its collection of C18 buildings, including many former farmsteads, which, taken together, form a linear, rural and detached hamlet. There is an area where its distinction from Thornbury has been compromised, where Morton House has been surrounded by more modern development which is a part of the built extent of Thornbury. Nonetheless, despite some infilling of plots within the main part of the hamlet, it remains readily legible as a historic, rural settlement.
30. The appeal site forms a part of the setting of Lower Morton and makes a modest contribution thereto by retaining its separation from Thornbury as a rural, historic hamlet. There has already been a degree of compromise to this setting through development of the recently built adjoining developments, glimpses of which are obtainable from within Lower Morton. The appeal proposal would urbanise an extent of the agricultural hinterland surrounding the settlement which would further erode its sense of detachment and rurality. More roofs would be glimpsed above and through trees and vegetation, with the remaining agricultural land appearing more fragile as a means of maintaining the distinction between the settlements.

#### *Heritage conclusions*

31. I have taken account of the submitted Indicative Masterplan which seeks to maintain a green edge to the development closest to the heritage assets, add further tree planting and landscaping and reduce building heights from the mid-point to the lower parts of the site. The combination of these measures could be secured by condition and would help to minimise the anticipated harms. I have taken these measures into consideration.
32. Nonetheless, the harms to the significance of Yew Tree Farmhouse, Spring Farmhouse and to Lower Morton bring the scheme into conflict with Core Strategy Policies CS1, CS9 and PSP Policy PSP17 which seek to ensure that heritage assets are conserved, respected and enhanced in a manner appropriate to their significance. I attach reduced weight to the requirements of PSP Policy PSP17 insofar as it requires a sequential exercise to consider what alternative sites might generate similar public benefits without harms to the significance of designated heritage assets, as this requirement far exceeds that in the Framework in relation to protecting heritage assets such as to make it inconsistent therewith.
33. in the context of the Framework, I consider that the harm to the setting, and thus, significance of both Yew Tree Farmhouse and Spring Farmhouse would be of a less than substantial nature. The degree of harm would be towards the lower end of such a spectrum in each case. Framework paragraph 215 sets out that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this case, there would be two designated heritage assets, each affected by less than substantial harm at the lower end of the spectrum.
34. The public benefits of the proposal include the delivery of up to 32 dwellings, in the context of an undersupply of housing, and of which 40% would be affordable

homes. Additional benefits would include the provision of further public open space and biodiversity enhancements, through landscaping and specific enhancement measures. In my view, these public benefits outweigh the identified less than substantial harms to the aforementioned designated heritage assets.

35. Framework paragraph 216 indicates that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The significance of Lower Morton would also be harmed from further development within its setting and the degree of indirect harm would be of a moderate nature. Overall, my balanced judgement is that the harm to Lower Morton as an NDHA would also be outweighed by the aforementioned public benefits.

*Best and most versatile agricultural land*

36. The site extends to around 2 hectares and there is agreement that it comprises Grade 2 land, thus qualifying as Best and Most Versatile (BMV) agricultural land. However, the size of the site means that the extent of loss of BMV would be limited; a point on which the main parties agree in the SoCG. Natural England would not need to be consulted on the loss of such a limited amount of BMV.
37. Nonetheless, Policy CS9(9) of the Core Strategy requires that new development maximises opportunities for local food cultivation by avoiding the BMV agricultural land and safeguarding allotment sites. The unavoidable loss of BMV land as part of this proposal therefore conflicts with Core Strategy Policy CS9.

**Other Matters**

38. I have considered the range of points advanced by local residents in objection to the scheme, including those eloquently made by the representative group Thornbury Residents Against Poorly Planned Developments.
39. I note the concerns expressed in connection with the cumulative effects of unplanned developments. Whilst the development would further expand Thornbury in a way not planned through the existing or emerging development plan, it would do so by only a modest scale of development and in a way which would logically complete the newly created built edge without significantly harming the separate identity of Thornbury.
40. There would be additional traffic flows on the local road network and, potentially, further movements on the junction of the M5 motorway which is already at stress. However, there is a plan for the improvement of this junction through another scheme. The development of up to 32 dwellings is not of a scale which has attracted objection on highway grounds from the Highways Authority or Highways England. On this basis, I find no reason to find material harm in these respects.
41. I have noted the concerns in relation to the local healthcare facilities not having increased in capacity despite the recent growth in Thornbury. There is no cogent evidence to suggest that contributions are required specifically from the appeal proposal to provide for the new residents that would be attracted to the area. However, there would be a payment made towards the provision of school places for pupils generated by the proposal which should hopefully assist with providing

the places in the closest school to the site for sustainability and socially advantageous reasons.

### *Severn Estuary Protected Sites*

42. The Severn Estuary Special Protection Area, Special Area of Conservation and Ramsar Sites (collectively referred to as the Protected Sites) are respectively designated under the Conservation of Habitats and Species Regulations 2017 (as amended) for their contribution to the estuarine features of importance, including subtidal sandbanks, intertidal mudflats, salt meadows and reefs, which in turn support a wide assemblage of fish and waterfowl species.
43. The appeal site is some 4km distant from the closest point of the Protected Sites and does not, itself, support any of the habitats or species that are qualifying features for the Protected Sites. The most likely effect on the Protected Sites of the proposed development of up to 32 dwellings on the appeal sites would be the indirect pressures of additional residents, accessing the estuary area for recreational purposes such as walking, dog walking and cycling. The effects of additional recreational activities in the Protected Sites area include trampling and the compaction of soils, erosion pressures, damage to ground flora, eutrophication of soils and disturbance of wildlife.
44. Whilst a range of other impact pathways can be ruled out, such as direct land take or loss of functionally linked land, noise effects, water or air quality effects, the potential for recreational pressures from new residents cannot be ruled out, when the development is taken alone or in combination with other plans or projects (i.e. other housing developments in the wider vicinity). Therefore, taking a precautionary approach, the development would give rise to likely significant effects on the Protected Sites, such as to require an Appropriate Assessment under the Habitats Regulations.
45. The size of the development, at up to 32 dwellings, is relatively modest and it is situated some 4km at the closest point to the Protected Sites. An area of informal managed greenspace will be provided within the site, amounting to no less than 8,600sqm. An additional allotment of minimum 150 sqm will be provided, and an extra small area of equipped play space of another 195sqm. In addition, an information board will detail the other areas of available recreational space in the local area. A planning condition will secure the approved design and require the information board to be displayed in perpetuity. This will have the effect of diverting recreational activities to those areas.
46. As competent authority, I am satisfied that this specific mitigation measure will ensure that the development would not result in an adverse effect on the integrity of the Severn Estuary Protected Sites when considered on its own and in combination with other plans and projects.

### **Planning Obligation**

47. The submitted planning obligation provides for:
  - 40% of the total number of dwellings to be provided as affordable dwellings, of which 72% shall be social rented units and 28% shall be shared ownership units with a detailed size mix and accessibility specifications;



- The provision of open space, including informal green space, allotments, equipped play space and management requirements relating to the same;
  - A contribution of £109,180.11 towards off site public open space improvements at either of a number of specified locations;
  - An education contribution of £199,993 towards the provision of primary school places in the area; and
  - A contribution towards the provision of local library services comprising both a library contribution (£9,292.67) and library stock contribution (£696).
48. I have had regard to the Statement relating to Regulation 122 of the Community Infrastructure Levy Regulations (2010, as amended), submitted by the Council, which justifies the various contributions and the monitoring fee for the planning obligations. I have also considered the S106s and the terms on which the parties agree to make and spend the contributions and secure the affordable housing, despite that the amount provided exceeds the current adopted policy requirement. I am satisfied that all of the obligations are necessary to make the proposal acceptable in planning terms and that they pass the tests for planning obligations set out in the Framework in all other respects. I have therefore taken the S106 into account in reaching my decision.

### **Planning Balance**

49. The proposal is in conflict with the development plan by reason of its scale and location outside of the settlement boundary of Thornbury. The Council do not dispute that reduced weight should be attributed to the locational policies of the development plan in light of the inability to demonstrate a five year housing land supply. Whilst I agree that these particular policies are out of date, they still attract moderate weight in so far as they express a desire to concentrate development on the urban areas and seek to apply some proportionality to the growth of Thornbury relative to the larger urban settlements.
50. Though I have found that the public benefits would outweigh the less than substantial harms to designated heritage assets and outweigh the harm to the significance of the NDHA, the harms to the same still weigh against the scheme.
51. I have found that there would be harm to the character and appearance of the landscape, which whilst relatively localised, would still raise conflict with the development plan. Further harm would also arise from the loss of around 2 hectares of BMV agricultural land.
52. Taken together, the various harms bring the scheme into conflict with the development plan when taken as a whole.
53. As agreed by the main parties, there is an undersupply of housing in the plan area of at least 1,000 homes. In such a scenario, the presumption in favour of sustainable development set out in paragraph 11 d) of the Framework is engaged. This requires that permission is granted unless the application of Framework policies protecting areas or assets of particular importance provide a strong reason for refusal, or unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes.

54. The scheme would deliver up to 32 dwellings of which 40% would be affordable homes and are agreed as being in a moderately sustainable location. Further benefits would include the provision of further public open space and biodiversity enhancements, through landscaping and specific enhancement measures. The economic benefits of the construction phase also attract limited additional weight in favour of the scheme. In the absence of any strong reasons for refusal based on the need to protect any assets or areas of particular importance, I am of the view that the adverse impacts would not significantly or demonstrably outweigh the benefits of the scheme, having regard to the need to locate development sustainably, make effective use of land, secure well-designed places and the need to provide affordable homes.
55. Therefore, in this instance, the presumption in favour of sustainable development is a consideration of such materiality that it indicates that permission should be granted other than in strict accordance with the development plan.

### **Conditions**

56. I have considered the suggested planning conditions in the context of the Framework's requirement for them to be imposed only where they are necessary, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. The standard time limit and plans conditions are necessary in the interests of certainty. For similar reasons, a condition is needed to specify what reserved matters approval should be sought prior to implementation of the scheme.
57. In the interests of the character and appearance of the area, a condition is needed to require general accordance with the submitted parameter plans, Design Principles Statement and restricting the maximum building heights as per the submitted plan. For similar reasons relating to character and appearance, conditions relating to the implementation of landscaping and public art measures are also necessary.
58. To accord with the development plan in relation to building fabric efficiency, a condition is needed to secure details of efficiency measures that will be secured through the development.
59. A condition is needed to secure arboricultural protection measures as part of the scheme to ensure the preservation of the character and appearance of the area.
60. In the interests of protecting the quality of the environment and living conditions of neighbouring occupiers, a condition is needed to secure a management plan to implement throughout the construction phase. A similar construction phase environmental management plan is also needed by way of a condition with a specific focus on biodiversity protection measures.
61. For further biodiversity enhancement reasons, conditions are necessary requiring the submission of a landscape and ecology management plan and final Biodiversity Net Gain scheme. For the related reason of protecting light-sensitive species, a condition is necessary to stipulate that any external lighting shall be detailed prior to installation. Additionally, in view of the potential effects on the Protected Sites, a condition is needed to require the installation of a display board detailing the alternative available areas of public open space for recreational purposes.

- 62. To secure the necessary highway infrastructure as part of the scheme, conditions are needed to secure the provision of the access and internal estate roads, parking for the respective dwellings and the implementation of a residential Travel Plan.
- 63. In the interests of environmental protection and to avoid the increased risk of flooding elsewhere, a condition is needed to secure the approval and implementation of the final Sustainable Urban Drainage System.
- 64. To accord with the requirements of the development plan, a condition is necessary to require the affordable dwellings are built to adequate accessibility standards.
- 65. Two other conditions are necessary. The first is to secure uninhibited access to the allotments and foul drainage pumping station to ensure that these features can be accessed and maintained in perpetuity. Secondly, a condition is also needed to secure the change to the planning obligation for the adjacent completed scheme to release the vehicle crossover through the public open space into the appeal site.

### **Conclusion**

- 66. In view of the above and taking all other matters into account, the appeal should be allowed.

*H Nicholls*

INSPECTOR

## **APPEARANCES**

### **FOR THE APPELLANT:**

|                    |                                                 |
|--------------------|-------------------------------------------------|
| Catherine Sheppard | Newland Homes Limited                           |
| Killian Garvey     | Counsel                                         |
| Hannah Armstrong   | Director, Pegasus Group<br>Heritage             |
| Paul Harris        | MHP Design - Landscape                          |
| Neil Tiley         | Senior Director, Pegasus Group<br>Housing Needs |
| Chris Marsh        | Director, Pegasus Group Planning                |

### **FOR THE LOCAL PLANNING AUTHORITY**

|                      |                               |
|----------------------|-------------------------------|
| Charmian Eyre-Walker | South Gloucestershire Council |
| Charles Merrett      | Counsel                       |
| Robert Nicholson     | South Gloucestershire Council |
| Rachel Fry           | South Gloucestershire Council |
| Tracey Price         | South Gloucestershire Council |

### **INTERESTED PARTIES:**

|                  |                                                                                              |
|------------------|----------------------------------------------------------------------------------------------|
| Mr Colin Gardner | Local resident and Chairperson of Thornbury<br>Residents Against Poorly Planned Developments |
| Mr Roger Hall    | Local resident                                                                               |

### **HEARING DOCUMENTS:**

|            |                                                                                                 |
|------------|-------------------------------------------------------------------------------------------------|
| Document 1 | Representation from Thornbury Residents Against<br>Poorly Planned Developments (via Mr Gardner) |
| Document 2 | Plan showing Thornbury settlement boundary                                                      |
| Document 3 | Updated list of suggested planning conditions                                                   |

### **DOCUMENTS RECEIVED AFTER THE HEARING**

|            |                                    |
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| Document 4 | Completed S106 planning obligation |
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## SCHEDULE OF CONDITIONS

- 1) 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, whichever is the later.
- 2) No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:
  - (a) The scale of the development;
  - (b) The layout of the development;
  - (c) The external appearance of the development; and
  - (d) The landscaping of the site.

The development shall be carried out in accordance with the approved details.

- 3) An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Site Location Plan, Ref 880-100
  - Access Plan, Ref 880-ACC-01 C
- 5) The development hereby permitted shall be carried out in general accordance with the following plans:
  - Indicative Open Space Masterplan 880
  - Strategic Landscape Plan 23/563/01A
  - Indicative Masterplan 880-05 Rev B
  - Drainage Strategy Plan 880-102 Rev B
- 6) The reserved matters details of scale and building heights to be submitted pursuant to Condition 2 of this Outline Planning Permission shall be in accordance with drawing 880-07 Rev B - Building Heights Plan. The 1.5 storey dwellings shall have a ridge height of no higher than 7.5m.
- 7) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) in each phase of development or the completion of the relevant phase of development whichever is the sooner.

All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock.

Any trees or plants which, within a period of five years (in perpetuity for areas of Public Open Space), die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning



authority, except where the planting relates to land within designated Public Open Space where the requirement for replacement planting is in perpetuity.

All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the relevant phase of development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

8) Any Reserved Matters application (for any building) shall be accompanied by an updated Sustainability Statement, which shall be submitted to and approved in writing by the Local Planning Authority. The statement shall cover at least the following matters:

- Climate adaptation and resilience to overheating.
- Reduction in residual emissions.
- On-site renewables
- Heating and hot water systems
- Fabric efficiency

The development shall be carried out in accordance with the recommendations and timescales in the approved statement.

9) Any Reserved Matters application shall be accompanied by an arboricultural impact assessment, tree constraints plan and arboricultural method statement.

10) Prior to the commencement of the development hereby permitted a public art scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be relevant to the development and its locality and commensurate with its size and importance. It shall include full details, designs and timings of delivery as well as a scheme for the ongoing maintenance. The public art scheme shall be devised and managed by a public art professional to ensure a high-quality scheme.

11) Prior to the commencement of the development hereby permitted, a site specific Construction Environmental Management Plan (CEMP), shall be submitted to and approved in writing by the Local Planning Authority. The CEMP as approved by the Council shall be fully complied with at all times.

The CEMP shall address the following matters:

- i. Measures to control the tracking of mud off-site from vehicles.
- ii. Measures to control dust from the demolition and construction works approved.
- iii. Adequate provision of fuel oil storage, landing, delivery and use, and how any spillage can be dealt with and contained.
- iv. Adequate provision for the delivery and storage of materials.
- v. Adequate provision for contractor parking.
- vi. A lorry routing schedule.
- vii. Temporary access arrangements for construction traffic.
- viii. Details of Main Contractor including membership of Considerate Constructors scheme.

- ix. Site Manager contact details.
  - x. Processes for keeping local residents informed of works being carried out and dealing with complaints.
  - xi. Hours of working and deliveries.
- 12) No dwelling shall be occupied until the highway linking that dwelling to the existing public highway has been provided with street lighting, completed to base course level for the carriageway and surface course level for the footway or shared surface, all in accordance with details to be submitted to and approved by the Local Planning Authority.
- 13) No dwelling shall be occupied until car and cycle parking has been provided for that dwelling in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to commencement of the Development.
- 14) Within 3 months of commencement of the development a Travel Plan Statement promoting and incentivising sustainable modes of travel is to be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan Statement is to be implemented in accordance with the details and timetable therein.
- 15) No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority.
- A detailed development layout showing the location of surface water proposals is required along with results of percolation tests and infiltration calculations to demonstrate that the proposal is suitable for this site.
- 16) Prior to first occupation of a dwelling, an information board with details of all public footpaths and bridleways, alongside areas of green space, within 2km of the site will be erected within the Public Open Space onsite, together with the implementation of any other practical mitigation as required, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Once any other practical mitigation is implemented and the information board erected in the location approved and contain the approved information both shall remain in place and be maintained in perpetuity.
- 17) No development shall take place (including ground works or vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall be written in accordance with BS42020 and be informed by in date ecological surveys.

The CEMP: Biodiversity will include mitigation details on bats, dormice, nesting birds, great crested newt, amphibians, reptiles and badgers as well as any pollution prevention measures.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

- 18) Details of new artificial lighting must be submitted to and approved in writing by the local planning authority. It must detail the location and specification of the lighting, including any timing regimes, and be supported by lux contour plans. The plans must demonstrate that the dark corridors are maintained below 1 lux. It should be completed in conjunction with advice from the project ecologist and include light spill from internal fixtures as well as external. Measures to monitor the post-construction lighting elements will be included, with remedial actions should monitoring show that the 1 lux limit is being exceeded.

The development must be implemented in accordance with the approved details.

- 19) Prior to commencement, a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development. The LEMP shall be written in accordance with BS42020. The LEMP shall include details of;
- The legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.
  - Where the results from monitoring show that conservation aims and objectives of the LEMP are not being met, how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.
  - An Ecological enhancement plan including the location of inbuilt bird boxes and bat boxes on 50% of the new units. Bird boxes will be suitable for house sparrows, swifts and house martins.

The approved plan must be implemented in accordance with the approved details.

- 20) Prior to commencement, a final Biodiversity Net Gain Assessment, including DEFRA Metric, Condition sheets and Management and monitoring plan will be provided, to incorporate any final amendments to the design plans. The approved plan must be implemented in accordance with the approved details.

- 21) The Affordable Dwellings shall be constructed to meet Part M of the Building Regulations accessibility standard M4(2) with the exception of:
- any self-contained accommodation built above ground floor level where level access is not achievable;
  - the 8% affordable homes required to meet:
  - Part M of the Building Regulations accessibility standard M4(3)(2)(a); and
  - Part M of the Building Regulations accessibility standard M4(3)(2)(b) and M4(3) paragraphs 3.37 and 3.39 to provide a ground floor level wheelchair accessible wet room which shall contain a WC, a basin and a level access shower. The person carrying out the building work must inform the building control body as the building control body will be required to determine compliance with Part M of the Building Regulations accessibility standard M4(2) and/or M4(3)(2)(a), M4(3)(2)(b) and M4(3) paragraphs 3.37 and 3.39.

- 22) Prior to the first occupation of any dwelling hereby permitted, details of a mechanism for free and unobstructed access across any private land required to maintain the pumping station and allotments shall be submitted to and approved in writing by the Local Planning Authority. The agreed mechanism shall be implemented permanently thereafter.
- 23) The development shall be carried out in accordance with the Design Principles Document December 2023/P21-15126C.
- 24) Prior to the commencement of the development hereby approved, details of the mechanism to secure the legal process to remove the public open space (POS) secured under the S106 associated with application PT18/0910 to allow access to the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be completed prior to the construction of the access in accordance with the approved Access Plan 880-ACC-01 C.

----- End of Schedule -----