

Statement of Common Ground

**B&NES Core Strategy – Alternative Strategic Site
WH1**

**Pegasus Group on behalf of Robert Hitchins Ltd
and
Bath & North East Somerset Council**

14th February 2014

1.0 Introduction

- 1.1 In his note of 3rd January 2013 ([ID/44](#)) the Inspector outlined his requirements in terms of Statements of Common Ground that he would like to be prepared in advance of his preparation for the hearings in March/April 2014. He has also confirmed the dates and scope of coverage for these hearing sessions.
- 1.2 The Inspector has requested that the Council and the various owners/developers/promoters of the Green Belt sites proposed for allocation in the November 2013 Amendments should prepare Statements of Common Ground relating to delivery and environmental impact of those allocations as per the Council's proposals in the following revised policies:
 - B3A Land Adjoining Odd Down, Bath
 - B3B Land Adjoining Weston, Bath
 - KE3A Land Adjoining East Keynsham
 - KE4 Land Adjoining South West Keynsham
 - RA5 Land at Whitchurch
- 1.3 The deadline for submission of hard copies of these Statements of Common Ground to the Inspector is noon on 14th February 2014; the Council has a working deadline of **7th February** in order to ensure timely completion.
- 1.4 The Inspector has specified that the Statements of Common Ground, should include (but not be limited to), this template covers these issues accordingly:
 - Delivery: Availability/start on site/likely annual completions (assuming that the Core Strategy is adopted by Autumn 2014).
 - Evidence already submitted relating to the main documents, including the evidence from landowners/developers included in the Core Documents or submitted with representations to the November consultation.
 - The Statement of Common Ground should make clear which parts of evidence are agreed and where there is disagreement briefly the main reasons for that disagreement.
- 1.5 The Inspector has suggested that the Statements of Common Ground may need to involve parties not currently active in the Examination, but they will only have a right to be heard if they have already made representations at an appropriate opportunity. The Council considers that this relates primarily to landowners who have not previously been involved in the examination process prior to Nov-Dec 2013.
- 1.6 In addition, Statements of Common Ground between the Council and other promoters in relation to their suggested alternative or enlarged proposals are welcomed by the Inspector as separate submissions. **This Statement of Common Ground relates to an alternative proposal.**

2.0 Description of the site

- 2.1 The description of the site and the surrounding area is taken from the Statement of Common Ground agreed for the purposes of the recent Planning Appeal for Fields North of Orchard Park, Staunton Lane, Whitchurch, Bristol (Statement of Common Ground, dated 30th July 2013 – section 2)(PINS Ref: APP/F0114/A/13/2199958 and B&NES planning application reference 12/04597/OUT)
- The appeal site comprises 13.4ha of land currently used for grazing lying to the west of Stockwood Lane and the A37 Bristol Road further to the west.
 - The site slopes from a high point of approximately 93m AOD at its south east boundary, to approximately 76m AOD at the northwest corner providing an even gradient of 1:30 across the site.
 - There are a number of existing mature hedgerows of varying heights running through and along the boundaries of the site some of which include groups of trees. Adjoining the site to the west is an area of woodland designated as a site of nature conservation interest.
 - There is a vehicular access in the south east corner of the appeal site currently serving Manor Farm.
 - There are four existing public rights of way running through the site. The remainder of the site is privately owned and therefore not lawfully accessible for public use.
 - The application site lies between the outer Bristol suburb of Stockwood and the village of Whitchurch, approximately 6km south of Bristol City Centre. The site is designated as Green Belt within the Bath & North East Somerset (B&NES) adopted Local Plan. An area in the south east of the site is currently used as a horse paddock, through which access is served to the adjoining Manor Farm.
 - The site is bounded by a mobile home park and existing residential development to the south and residential development to the north. Adjoining the site to the west is an area of woodland beyond which lies the course of a former railway line.
 - Whitchurch Green, which is used as open amenity space, lies directly to the north east of the site.
 - Much of the northern boundary of the site adjoins the administrative boundary of Bristol City Council.
 - Within the suburb of Stockwood there is a Co-Operative Supermarket and Post Office, in addition to a public library.
 - There are existing local facilities within Whitchurch Village including a pub/restaurant as well as a small parade of shops located along Bristol Road. Whitchurch Primary School is also located along Bristol Road.
 - Whitchurch village lies to the south of Stockwood, approximately 6km south of Bristol City Centre.
 - Much of the development within Whitchurch Village comprises 20th Century/late 19th Century development with buildings generally being set close to the edge of the highway following an informal street

pattern. Buildings are typically two storeys in height and the roofscape is often characterised by a combination of pitched, gabled and hipped roofs. There are also more historic parts of the village.

2.2 See map included in **Appendix 2**.

3.0 Delivery

3.1 The Council's SHLAA identifies the site as available and deliverable. This availability is also demonstrated by the recent Appeal Inquiry for the site.

3.2 The landowner considers that the site is viable with no overriding environmental constraints precluding development. (Appellants Closing Statement at appeal – October 2013).

3.3 The landowner considers that the site is both available and deliverable and therefore capable of meeting housing needs in the area. (Closing Submission on behalf of the Appellant para 22 and para 31).

3.2 An application was submitted to the Council on 12th October 2012 and a decision issued on 14th May 2013. A Planning Appeal was held on 22nd October 2013, the decision is due on or before 6th March 2014 (as per a letter from the Planning Inspectorate dated 22nd November 2013).

3.3 The landowner has submitted additional evidence to the Core Strategy examination showing deliverability, which consists of supporting documentation from the recent planning application and appeal. This additional evidence is listed in section 4 of this statement.

3.4 The landowner has provided the following conservative estimate of deliverability from outline planning permission stage:

- 4 months to disposal of the site
- 4 months to prepare and approve reserve matters
- 2 months to start on site
- 4 months for initial infrastructure
- 6 months to first occupation (so first occupation occurs 20 months after outline planning permission)
Completions then at 65 – 70 dwellings a year including affordable

4.0 Key relevant evidence

4.1 The key evidence prepared by the Council in relation to land at Whitchurch is as follows:

<p>Key evidence 2012 (Taken from BNES 47)</p>	<ul style="list-style-type: none"> • Summary of key evidence included in the South East Bristol Urban Extension - Key references (November 2009) CD6/O3 • Core Strategy Spatial Options Consultation (October 2009) (CD5/4) • B&NES Urban Extension Environmental Capacity Appraisal (2006) CD4/UDL22 • Core Strategy – Post Submission Changes (Report to Council 15th September 2011) CD5/24 • Core Strategy – Post Submission Changes (Minutes of Council Meeting 15th September 2011) CD5/25 • Previous iterations of SHLAA • Previous B&NES Submissions to the hearings including: B&NES 11: Green Belt; B&NES 16: Statement of Common Ground between B&NES and Robert Hitchins Ltd <p>NB Much of this earlier evidence is superseded by more detailed evidence prepared to support the allocations as outlined below.</p>
<p>Evidence prepared within Core Strategy suspension (Taken from BNES 47)</p>	<ul style="list-style-type: none"> • Sustainability Appraisal Annex L (May 2013) (CD9/A1/5) • Arup Green Belt Review Stage 1 Report (May 2013) (CD9/E2) • Arup Development Concept Option Report for Whitchurch (May 2013) (CD9/CO9) <p>NB As per BNES/47 the Council is of the view that the Arup Concept Options were part of the investigative process but not conclusive of the development capacity. They do not represent a comprehensive assessment of all development constraints.</p> <ul style="list-style-type: none"> • Arup Transport Evaluations of alternative locations (May 2013) (CD9/I2/1-25 – in particular Appendix J CD9/I2/11) • Habitat Regulations Assessment of the Proposed Changes to the Submitted Core Strategy (May 2013) (CD9/A2) • Assessment of Locations in Annex 1 of the Council Report, 4 March 2013 (CD9/PC3)
<p>Additional evidence to support proposed change Submitted alongside BNES 47</p>	<ul style="list-style-type: none"> • Stage 2 Green Belt Review, Arup (September 2013) CD9/E9 • Core Strategy/Placemaking Plan Additional Heritage Asset Study (Land Use Consultants, BaRAS & Conservation Studio) September 2013. CD9/LV/1 • Whitchurch Landscape and Visual Impact Assessment (September 2013) CD9/LV/6

(Sept 2013)	
Documents associated with the Core Strategy strategic site allocation Submitted (Nov 2013)	<ul style="list-style-type: none"> • Preliminary Arboricultural Assessment – Whitchurch CD10/E3 • B&NES CIL – Strategic Greenfield Allocations Viability Testing BNP Parabis CD10/E7 • Transport Access Assessment Core Strategy Greenfield Site Allocation Bath & Whitchurch CD10/E8 • Addendum to Landscape & Visual Impact Assessment: Whitchurch CD10/E11 • Renewable Energy Assessment for B&NES Green Belt sites: Assessment, Regen SW CD10/E16 • Valuing people, place and nature – a Green Infrastructure Strategy for B&NES CD10/E17 • Strategic Green Infrastructure Profiles Maps: Green Belt sites at Odd Down, Weston and Whitchurch CD10/E18 • SHLAA CD10/19 • B&NES Local Education Authority – Education Requirements for the sites CD10/21
Assessments	<ul style="list-style-type: none"> • Sustainability Appraisal • Habitat Regulations Assessment
Other	<ul style="list-style-type: none"> • B&NES Officers Report to Planning Committee for Orchard Park Planning Application • B&NES Proof of Evidence for Orchard Park Appeal <ul style="list-style-type: none"> - Planning - Education - Landscape

4.3 The landowner has prepared a number of detailed technical reports, as part of the Planning Application submitted for fields north of Orchard Park, Staunton Lane on matters relating to highways access and impact, landscape and visual impact, ecology, flood risk and drainage etc. Key evidence is summarised below:

Key landowner evidence	<ul style="list-style-type: none"> • Supporting Planning Statement (Pegasus Group October 2012) • Design and Access Statement (Pegasus Urban Design October 2011) • Transport Assessment PFA Consulting October 2011) • Landscape and Visual Impact Assessment (MHP October 2012) • Ecological Assessment (Ecology Solutions October 2012) • The full list of planning application documents including Community consultation, Flood Risk Assessment, Noise Assessment, Waste Management and Waste Minimisation , Heritage Assessment, Travel Plan, Green Infrastructure
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	<p>Strategy, Sustainable Construction , GeoEnvironmental Report , http://idox.bathnes.gov.uk/WAM/showCaseFile.do?appNumber=12/04597/OUT</p> <p><i>Planning Appeal Fields North of Orchard Park, Staunton Lane, Whitchurch, Bristol. Planning Appeal documents are as follows:</i></p> <ul style="list-style-type: none"> • Planning Proof of Evidence - M E Dobson (Pegasus Planning) September 2013 • Highways Proof of Evidence - dealing with Highways, Traffic and Transport Related matters – P L Finlayson (PFA Consulting) September 2013 • Landscape and Visual Matters Proof of Evidence (MHP) September 2013 • Opening Submissions on behalf of the Appellant (22nd October 2013) • Closing Submissions on behalf of the Appellant (25th October 2013) • Planning Statement of Common Ground (July 2013) and Addendum (September 2013) • Statement of Common Ground Highways, traffic and Transport-related matters (September 2013) • Robert Hitchin’s Response to the consultation on the Schedule of Proposed Changes to the Core Strategy (March 2013) • Robert Hitchin’s Response to the consultation on the Schedule of Core Strategy Amendments (Nov 2013) with additional evidence: a review of landscape and visual matters by MHP and a transport assessment by PFA <p>NB Due to the volume of submissions related to the Appeal, the landowner has selected the items above in bold to be submitted for the purpose of the Core Strategy examination.</p>
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5.0 Summary of Agreed Matters

5.1 As part of the recent Appeal for this site agreed matters have been established in the following:

- Planning Statement of Common Ground (July 2013) and Addendum (September 2013)
- Statement of Common Ground Highways, traffic and Transport-related matters (September 2013)

5.2 Both parties have prepared proofs of evidence listed in section 4 of this Statement.

5.3 In addition, the following are matters agreed between the parties, in relation to the Core Strategy:

General location

- That the Proposed Changes to the Core Strategy considered by the Council in March 2013 identify Whitchurch as a general location for residential development for 200 dwellings.
- That the Whitchurch location is a sustainable location for development. The Council has accepted that 200 dwellings is not the maximum capacity at Whitchurch, but that this is a residual figure (para 2.28 BNES/47)
- That the Whitchurch area contributes to meeting identified needs for housing and to improving health and well-being of communities with opportunities to enhance public footpaths, improving accessibility to the countryside and improving green infrastructure (B&NES CD/A1/3 page 37 para 1 Key Summary comments Whitchurch)

Background evidence

- The Orchard Park site lies within each of the three options identified by ARUP in the Development Options Report (March 2013) - (CD9/CO9).

Education

- Both parties agree that this site “would be able to provide a suitable playing field within walking distance from the school” (CD 10/A1/3 – Sustainability Appraisal - Area F). Subject to detailed design, that would need to be agreed with the Local Education Authority. Therefore enabling Whitchurch Primary School to expand to respond to increasing need for primary school provision.
- Both parties agree that the March 2013 Sustainability appraisal states that the is site “allows Whitchurch Primary School to expand to respond to increasing need for primary school provision” CD 10/A1/3 Area f Objective 3)

Community Facilities

- Both parties agree that “Some potential to link new development to the existing community in Whitchurch. (CD10/A1/3 Area F Objective 4)

6.0 Summary of Matters in Dispute

6.1 As part of the recent Appeal for this site matters in dispute have been established in the following:

- Planning Statement of Common Ground (July 2013) and Addendum (September 2013)
- Statement of Common Ground Highways, traffic and Transport-related matters (September 2013)

6.2 The Council also considers the Reasons for Refusal of the Orchard Park Appeal to be relevant, these are outlined in the Planning Statement of Common Ground (July 2013).

6.3 Both parties have prepared proofs of evidence that are listed in section 4 of this Statement.

6.3 In addition, the following are matters in dispute between the parties, in relation to the Core Strategy:

Spatial Strategy

- The landowner considers that alternative option WH1 should be allocated in policy RA5 for housing as an alternative to or as well as the Council's preferred site.
- The landowner considers that the Orchard Park site should be the preferred option for development at Whitchurch but the Council disagree.

Green Belt

- There is disagreement between the parties in relation to the Green Belt impact of the development site. The landowner and the Council's positions are covered in detail in the Proofs prepared for the Appeal. The landowner's position is also covered in their representations. In summary:
 - The landowner considers that the Orchard Park site has been demonstrated to be a suitable area to be removed from the Green Belt, and that Stockwood Lane will provide a new defensible boundary to the Green Belt
 - The landowner considers that the Council's evidence, specifically the Stage 2 Green Belt Report (CD9/E9 p48-49), supports their site as an appropriate location for development in Green Belt terms. The Council disagrees with this interpretation of the evidence.
 - The landowner considers that for the Orchard Park site that only 2 Green Belt purposes are engaged compared with other cells at Whitchurch (Stage 2

Green Belt Report (CD9/E9 p48-49). The Council disagrees that the number of Green Belt purposes defines Green Belt impact.

Landscape & Visual Impact

- There is disagreement between the parties in relation to the Landscape and Visual Impact assessment of the Whitchurch area. The landowner's critique of the B&NES LVIA (CD9/LV/6 and CD10/E11) is included in their latest representations on the Schedule of Core Strategy Amendments (Dec 2013), which includes their "Representation on Landscape and Visual matters" prepared by MHP and is summarised in their representations.
- The bullet points below represent the views of the landowner, and are taken from their representation to the Core Strategy:
 - The critique of B&NES Whitchurch Landscape and Visual Assessment (CD9/LV/6 and CD10/E11) prepared by MHP to support representations on the Schedule of Core Strategy Amendments on behalf of Robert Hitchins Ltd demonstrates that the decision making process is flawed as the outcomes reflected in proposed Policy RA5 do not reflect the logical outcomes supported by key evidence. In summary, the MHP report confirmed that the proposed allocation of the Horseworld areas (part of Land Area E) is not justified in landscape and visual terms when consideration is given to both the existing and new evidence base. The evidence base confirms that land north west of Staunton Lane (Land Area F) is more appropriate for allocation on the basis that it would result in less significant effects of development. In addition, the development of land north west of Staunton Lane (Land Area F) would maintain a strong and robust Green Belt boundary at Whitchurch. The key evidence that supports this assessment is summarised as follows:
 - The B&NES Landscape and Visual Assessment Summary (August 2013 CD9/LV/6 identifies overall landscape sensitivity of Land Area F to be Medium. The overall landscape sensitivity of the Horseworld area (part Land Area E) is identified as Medium to High through to High sensitivity. evidence provided by the Addendum to Landscape & Visual Impact Assessment: Whitchurch (October 2013 CD10/E11) does not provide reliable evidence to change the original findings.
 - ii. The B&NES Landscape and Visual Assessment Summary identifies the main site features (hedgerows and trees) of Land Area F to be Medium Sensitivity. The hedgerow and trees of the Horseworld area (part Land Area E) are identified to be Medium to High sensitivity. New evidence provided by the Addendum to Landscape & Visual Assessment: Whitchurch (October 2013 CD10/E11)

- confirms the importance and sensitivity of the natural features on the Horseworld area.
- iii. Area F and Horseworld area have not been equally reassessed on effects on or potential for strategic green infrastructure. This has led to a flawed reassessment of landscape sensitivity preventing fair site comparison and inclusion of unsupported comments in the key summary comments in the Sustainability Appraisal Report Annex O.
 - iv. Area F and Horseworld (Area E) area are not equally reassessed on impact on public rights of way. This has led to a flawed reassessment of landscape sensitivity preventing fair site comparison and resulting in a change in landscape sensitivity along an arbitrary line which is unsupported by any additional evidence.
 - v. The additional evidence provided by the addendum to the LVIA confirms that not all of Land Area F is required to maintain reasonable separation of settlements and that some of the area could be suitable for an extension to Whitchurch Village. This contradicts the key summary comments in the Sustainability Appraisal Report Annex O.
 - vi. An assessment of potential cumulative effects has not been undertaken for the proposed allocation site or alternative option sites at Whitchurch.
- The cumulative effects of development of the Horseworld area would create a weak boundary to the Green Belt whereas development within Land Area F would retain a strong and robust Green Belt boundary.
- Area F has been demonstrated to be a suitable area to be removed from the Green Belt, and will provide a new defensible boundary to the Green Belt, both through the recent inquiry and also through the Arup Concept Options Report.
- New evidence from B&NES (the Addendum to the LVIA October 2013 ref CD10/E11, page 3) has confirmed that the retention of the existing open space between Whitchurch and Stockwood is not essential to the distinctness of the settlements and that a lesser gap would be sufficient to maintain reasonable separation thus subject to this Land Area F would be suitable for an extension to Whitchurch village.

The Council disagrees with the landowner's critique of the B&NES LVIA and the interpretation of the evidence set out above.

Education Requirements

- In relation to the Education requirements, the Council considers that there are compulsory purchase options that would provide

equal and potentially better options for re-provision of the school playing field and the expansion of the school than allocating development at Orchard Park. The landowner has not seen the evidence demonstrating alternative realistic deliverable options for the re provision of the school playing field or any comparative assessment of the options with the Orchard Park site.

- The Council will be submitting details of the CPO process that is now being advanced in the form of a *Compulsory Purchase Note: Whitchurch Primary School Playing Field* (new CD12/10)
- This note will be submitted by the Council so that it is available for the Inspector by 14th February. For the purpose of the Statement of Common Ground the landowner has not had the opportunity to review any new evidence on this issue from the Council.

7.0 Declaration

- 7.1 The content of this document is agreed for the purposes of the B&NES Core Strategy hearing 2013.

Signed on behalf of Pegasus Group (representing JS Bloor):



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Position: Director
Pegasus Group

Date: 14th February 2014

And

Signed on behalf of Bath & North East Somerset Council:

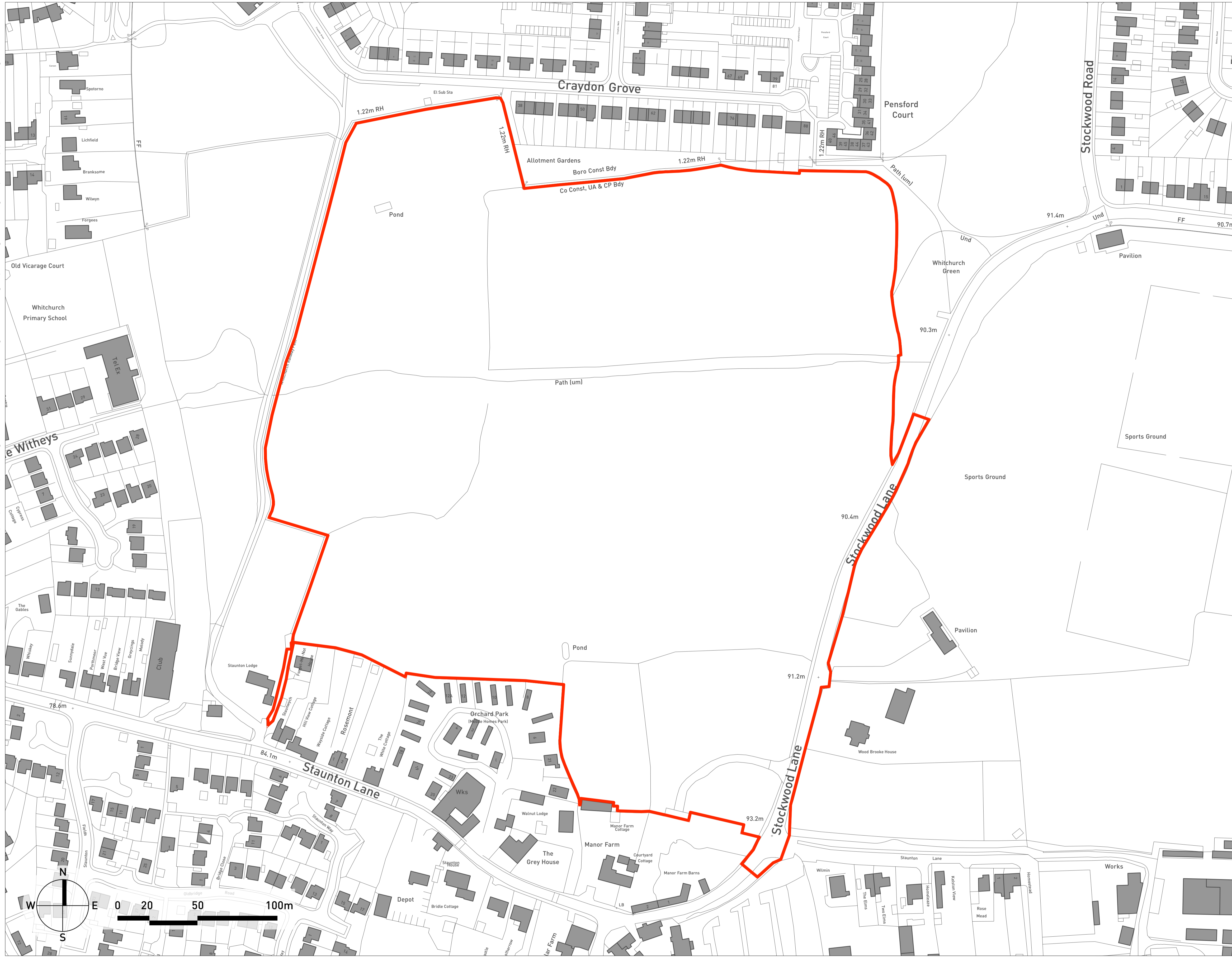



Position: Planning Policy Team Leader

Date: 18th February 2014

Appendix 1: Site Plan

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Key:
 Site boundary (13.4ha)

Land off Stockwood Lane, Whitchurch - Site Location Plan

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