

STATEMENT OF COMMON GROUND

BETWEEN:

**ROBERT HITCHINS LIMITED
&
BATH & NORTH EAST SOMERSET COUNCIL**


**FIELDS NORTH OF ORCHARD PARK,
STAUNTON LANE, WHITCHURCH, BRISTOL
(SUBMITTED AS: LAND OFF STOCKWOOD
LANE, WHITCHURCH, SOMERSET)**

PROPOSAL:

**RESIDENTIAL DEVELOPMENT (UP TO 295 DWELLINGS) INCLUDING
INFRASTRUCTURE, ANCILLARY FACILITIES, OPEN SPACE, ALLOTMENTS
AND LANDSCAPING. CONSTRUCTION OF TWO NEW VEHICULAR
ACCESSES FROM STOCKWOOD LANE**

PINS REF: APP/F0114/A/13/2199958
LPA REF: 12/04597/OUT
PPG REF: CIR.H.0346

DATE: JULY 2013

	
Name:	Name: Mervyn Dobson
On behalf of: Bath & North East Somerset Council	On behalf of: Pegasus Group (acting on behalf of the appellant)
Date: July 2013	Date: July 2013

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1. INTRODUCTION

1.1 This is an agreed Statement of Common Ground in relation to Appeal Ref APP/F0114/A/13/2199958. This appeal is against the refusal of Bath & North East Somerset Council to grant outline planning permission for up to 295 dwellings on land off Stockwood Lane, Whitchurch.

1.2 The application was submitted in outline form and will involve construction of up to 295 dwellings, including infrastructure, ancillary facilities, open space, allotments and landscaping and construction of two new vehicular accesses from Stockwood Lane.

1.3 It was submitted to the Council on 12th October 2012 and a decision issued on 14th May 2013. The Reasons for Refusal were:-

"1. The introduction of 295 dwellings on a site, which is currently open fields represents inappropriate development harmful to the Green Belt. It would also harm the openness of the Green Belt and it would contribute to the sprawl of Bristol, encroach into the countryside and compromises the character, identify and setting of the village of Whitchurch through closing the gap between the village and Bristol, leading to an erosion of the rural character and the visual amenity of the Green Belt. No very special circumstances have been demonstrated that outweigh the identified harm, the proposal is therefore considered contrary to Policy GB.1 and GB.2 of the Bath and North East Somerset Local Plan (including minerals and waste polices) 2007 and paragraphs 88 and 89 of the National Planning Policy Framework.

2. The proposed residential development would generate a significant educational need which in the absence of any satisfactory proposal from the developer to meet that need is considered not to be satisfactorily provided for. The proposed development is therefore contrary to Policy CF3 and IMP1 of the Bath and North East Somerset Local Plan (including minerals and waste polices) adopted October 2007 and adopted Supplementary Planning Document Planning Obligations 2009 and paragraph 38 of the National Planning Policy Framework.

3. Inadequate information has been submitted to demonstrate that the development would not result in an unacceptable impact on the highway network and sustainable transport routes, and it is therefore contrary to Policy T.24 and T.25 of the Local Plan and paragraph 34 of the National Planning Policy Framework".

1.4 The grounds of appeal were as follows:-

1. The Council is unable to demonstrate that it has a deliverable five year supply of land for housing and the presumption in favour of sustainable development as set out in the NPPF should apply.

Given that there is a presumption in favour of sustainable development, there is clear policy support for the proposals, subject to meeting Green Belt policy requirements as set down in the NPPF and B&NES Local Plan.

Although the site currently lies within the designated Green Belt around Bristol it has been acknowledged for over 10 years that because of the need to accommodate development in sustainable locations there needs to be a review of the Green Belt boundary. The Council have recently undertaken a Stage 1 Review of the Green Belt which has informed the Proposed Changes to the Core Strategy (March 2013) and identified that land should be released from the Green Belt at Whitchurch through the Placemaking Plan for around 200 dwellings. The Core Strategy is not site specific, so the exact location will not be determined until the Placemaking Plan is prepared.

However, it is considered that very special circumstances exist, which justify the granting of planning permission:

- Delays in the preparation of the Core Strategy
- Green Belt boundaries need to be amended in order to deliver additional housing to meet local needs
- Affordable housing need
- The site represents an appropriate and logical site to release from the Green Belt
- The site would meet national objectives to achieve sustainable development

Land off Stockwood Lane, Whitchurch is available and deliverable to contribute to the five year land supply shortfall and is in a general location which the Council previously found acceptable for larger scale growth (as part of the evidence base for the emerging Core Strategy). The lack of suitable deliverable housing sites in B&NES provides the “very special circumstances” necessary for releasing this site. There are no other objections to the development of the site (that cannot be dealt with by means of planning conditions and/or appropriate Section 106 Deeds) and, as concluded in the evidence base of the RSS and the emerging Core Strategy the area is suitable for development to meet the established housing needs.

2. Section 106 (Deed) will be provided that will make provision for and secure the appropriate contributions to local education.

3. Further information will be submitted to demonstrate that the development would not result in an unacceptable impact on the highway network and sustainable transport routes.”

1.5 The appeal was submitted on 13th June 2013 and was registered by the Planning Inspectorate on 18th June 2013.

2. SITE DESCRIPTION AND CONTEXT

(1) The Site

2.1 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.

2.2 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.

2.3 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.

2.4 There is a vehicular access in the south east corner of the appeal site currently serving Manor Farm.

2.5 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.

2.6 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.

(2) The surrounding area

- 2.7 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.
- 2.8 Whitchurch Green, which is used as open amenity space, lies directly to the north east of the site.
- 2.9 Much of the northern boundary of the site adjoins the administrative boundary of Bristol City Council.
- 2.10 Within the suburb of Stockwood there is a Co-Operative Supermarket and Post Office, in addition to a public library.
- (3) Whitchurch Village
- 2.11 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.
- 2.12 Whitchurch village lies to the south of Stockwood, approximately 6km south of Bristol City Centre.
- 2.13 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.
- (4) Pre-application Discussions
- 2.14 On behalf of Robert Hitchins Ltd, Pegasus Planning Group undertook some pre-application discussions with Bath & North East Somerset Council as well as undertaking public consultation.

3. PROPOSED DEVELOPMENT

- 3.1 The proposals which comprise this appeal involve construction of up to 295 dwellings, including infrastructure, ancillary facilities, open space, allotments and

landscaping and the construction of two new vehicular access routes from Stockwood Lane.

3.2 The application as submitted gives the address as: Land off Stockwood Lane, Whitchurch, Somerset. The Local Planning Authority registered the planning application as Fields North of Orchard Park, Staunton Lane, Whitchurch; this address appears on the Decision Notice but the site is identical.

3.3 The proposals are in outline form, with all matters reversed with the exception of access, which is to be determined at the outline stage. All other matters are reserved for future determination.

3.4 Given the outline nature of the proposal the proposed layout is not yet finalized. However, an Illustrative Master Plan was submitted with the application to indicate the likely disposition of uses across the site.

3.5 Two public exhibitions were held on Monday the 4th of October 2010 and Thursday the 7th of October 2010 at Whitchurch Primary School. The report of the consultation with the community was included in the supporting documentation for the planning application.

4. REGIONAL AND LOCAL PLANNING POLICIES

Relevant Planning Policy

4.1 The Government's planning policies for England are set out in the National Planning Policy Framework (NPPF) which was published in March 2012.

4.2 Until recently the statutory Development Plan for the area comprised Regional Planning Guidance for the South West (RPG10), the 'saved' policies of the Joint Replacement Structure Plan, and the saved policies of the Bath & North East Somerset Local Plan. However an Order to revoke the Regional Strategy for the South West came into effect on 20 May 2013. The Order also revoked all directions under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 preserving policies contained in the Joint Replacement Structure Plan. Consequently the development plan for the area now comprises only the "saved" policies in the Bath & North East Somerset Local Plan (and the Joint Waste Core Strategy although that is not relevant to this appeal).

Bath & North East Somerset Local Plan (October 2007)

- 4.3 The B&NES Local Plan was adopted in accordance with the Town and Country Planning Act 1990 and not under the Planning and Compulsory Purchase Act 2004.

The Council is, nonetheless, obliged to give “due weight” to the “saved” Local Plan policies according to their degree of consistency with the NPPF (paragraph 215). This means up to and beyond 27th March 2013, where there is a conflict between a saved policy in the B&NES Local Plan and the NPPF, “due weight” will be given to the Local Plan policy in accordance with the guidance in paragraph 215.

- 4.4 In due course some of the Local Plan policies will be replaced by the policies in the Core Strategy but until its adoption the Council made a request to the Secretary of State to extend the life of relevant policies in the Local Plan to ensure there is a comprehensive robust planning policy framework for the District beyond 2010.

A decision letter and schedule has been received from the Secretary of State setting out which policies will be saved. These policies will be saved until replaced through the Local Development Framework. The following ‘saved’ policies are of particular relevance to the planning appeal:

- **Policy CF.3:** Contributions from new development to community facilities;
- **Policy HG.1:** Housing requirement
- **Policy HG.4:** Residential development in the urban area R.1 and R.2 settlements;
- **Policy HG.10:** Housing outside settlements;
- **Policy GB.1:** Development in the Green Belt;
- **Policy GB.2:** Visual Amenities of the Green Belt;
- **Policy IMP.1:** Planning Obligations;
- **Policy SC.1:** Settlement Classification.
- **Policy T24 :** General development control and access policy
- **Policy T25 :** Transport assessment and travel plans

➤ **Policy NE.1** Landscape Character

➤ **Policy NE12** Natural Features

4.5 Other policies, as identified within the Committee Report may also be a consideration.

4.6 The following documents set out the factual position in relation to the saved Polies. Local Plan Saved Policies Secretary of State letter (2010); Local Plan Saved Policies Secretary of State letter - Policy NE16 Direction (2010); Schedule of Saved Policies

Other Planning Policies

(i) **Emerging Core Strategy**

4.6 The Council submitted its draft Core Strategy to the Secretary of State for examination in May 2011. The Examination of the Plan commenced on 17 January 2012 and was suspended on 17 July 2012.

4.7 The Inspector, in a letter dated 21 June 2012, set out preliminary conclusions on strategic matters and the way forward.

4.8 On 4 March 2013 the Proposed Changes to the submitted Core Strategy, and associated updated evidence based documents, were considered by the Council, which resolved to approve the amended Core Strategy for development management purposes.

4.9 The Proposed Changes to the Core Strategy proposed the delivery of 12,700 dwellings across the district over the planned period (2011 – 2029) with 200 additional dwellings being accommodated within the rural areas.

4.10 The Core Strategy Examination is subject to ongoing discussion and relevant notes issued by the Inspector and B&NES relevant to this issue are raised by the parties in Evidence.

5. PLANNING HISTORY

The site

5.2 A planning application, 11/03236/OUT, was submitted in July 2011 for outline with all matters reserved (apart from access) for residential development of up to 295 dwellings including infrastructure, ancillary facilities, open space, allotments and landscaping. Construction of two new vehicular accesses were proposed from Stockwood Lane. This application was refused on 13 October 2011.

6. MATTERS NOT IN DISPUTE

(i) Planning Issues

6.2 The Council cannot currently demonstrate a 5 year supply of housing land against an adopted Local Plan. Evidence will be presented on the scale of the shortfall by the appellants.

6.3 The parties agree that limited weight can be given to the Core Strategy spatial strategy/housing policies which are subject to unresolved objections as part of the Core Strategy examination process.

6.4 Whitchurch is classified as an R.1 settlement under Local Plan Policy SC.1.

6.5 It is agreed that the Proposed Changes to the Core Strategy considered by the Council in March 2013 identify Whitchurch as a general location for 200 dwellings in policy RA5. The Council intend that the precise site will be allocated through the Placemaking Plan process.

(ii) Affordable Housing

6.6 The Council has acknowledged that the 35% Affordable Housing offer included in the application documentation is in line with the Council's adopted policy and that further details as to tenure and mix should be capable of being agreed at reserved matter stage or as part of a Section 106 Obligation.

(iii) Drainage and Flooding

6.7 The Council and the Environment Agency are content that the proposed development would not increase the risk of flooding to those on site or those off site.

(iv) Open Space

6.8 The Council is satisfied with the quantum of open space but requires details of commuted sums for maintenance. It is agreed that these matters can be resolved through Section 106 Planning Obligations. The parties are in discussion in relation to the outstanding matters.

7. MATTERS IN DISPUTE

7.1 The following matters are in dispute between the Council and the Appellant:-

- 1) Given that the site lies outside the defined Housing Development Boundary for Whitchurch and within the adopted Green Belt, whether the 5 Year land supply deficit and/or other material considerations constitutes “very special circumstances” sufficient to override the harm to the Green Belt.
- 2) The nature and scale of the contribution towards education facilities necessary to meet demand from the site, having regard to existing capacity in the area.
- 3) The effect of the development on the highway network and sustainable travel routes and the extent of contributions necessary to mitigate any adverse consequences and/or improve public transport links.

8. APPEAL DRAWINGS

8.1 The following drawings are those that are relied upon by the appellant, and the Council, and which are before the Inspector for determination as part of this appeal:-

- 1) Plan identifying the land to which the application relates (Reference: H.0250_01-5, dated March 2011, Pegasus Urban Design);
 - 2) Plan showing Access (Reference H370/4 Rev A, PFA Consulting).
- 8.2 The following drawings were submitted for illustrative purposes only:-
- 1) Concept Master Plan (Reference H.0250_02-12, dated May 2011, Pegasus Urban Design).

9. PLANNING CONDITIONS

9.1 Discussions are ongoing between the appellant and B&NES to agree a list of conditions before the Inquiry opens.

S106 Undertakings

9.2 It is the intention of both parties to agree draft S106 Obligations to the Inspectorate ahead of the Inquiry.

10. DECLARATION

10.1 This document forms an agreed Statement of Common Ground between Bath & North East Somerset Council and Pegasus Planning Group, representing the Appellant, in relation to the appeal at **Fields North of Orchard Park, Staunton Lane, Whitchurch, Bristol** (Inspectorate Ref: **APP/F0114/A/13/2199958**).