

Bovis Appeal – TRAPP'D Representation

PINS Appeal reference: APP/P0119/W/17/3189592

SGC Planning reference: PT17/2006/O

Application site address: Land South of Gloucester Road Thornbury Bristol South Gloucestershire

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1. Introduction and Summary

I am instructed to respond to this appeal on behalf of TRAPP'D (Thornbury Residents Against Poorly Planned Development). We are an Action Group formed from residents of Thornbury who are alarmed at the impact of the speed and quantum of housing development in and around Thornbury with more than 300 registered supporters. We are not against development per se, but we are against *poorly planned* development.

At the time of writing we have not had a Planning Officer's report made available to us, and this application is yet to be heard by the Development Control Committee (West), so we are not in a position to know the LPA's recommendation or the reasons behind it. **We therefore request permission to update our objection once we have the benefit of this information.**

Although we do not yet know the LPA's recommendation, we can be confident that the appellant believes that the LPA will recommend dismissal, or this application would not have come to appeal for non-determination. The applicant is desperate to complete the appeal prior to the Joint Spatial Plan (JSP) being adopted, because they know that their site is not included in the JSP. This appeal is therefore a manufactured brief window of opportunity to make a claim using the five-year land supply argument during the very final moments of the JSP consultation.

We are against this appeal in part because this application is premature with the JSP in its final stages, and in addition because the development is contrary to the following policies set out in the South Gloucestershire Local Plan Core Strategy:

- CS15, CS32 and CS33 – Thornbury, Distribution of Housing and Housing Opportunity (Appendix A)
- CS9 – Thornbury and Managing the Environment and Heritage (Appendix B)
- CS7 and CS8 – Tackling Congestion and Improving Accessibility (Appendix C)

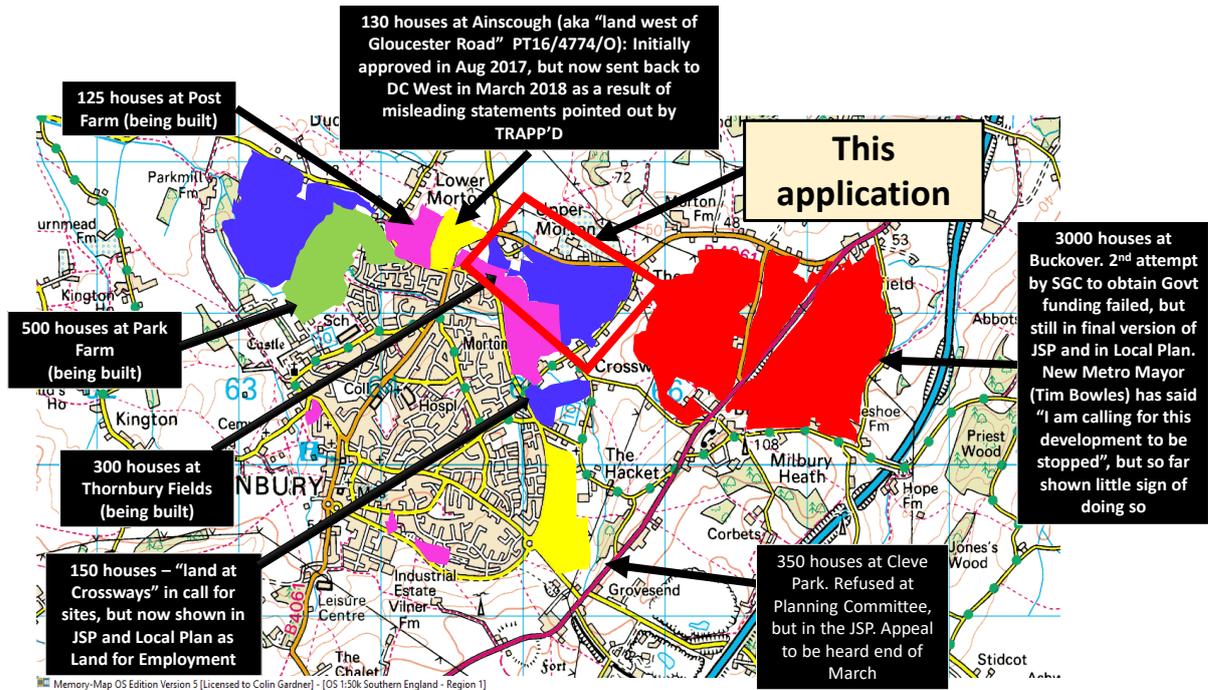
Furthermore, the development is contrary to many of the policies set out in South Gloucestershire Policies, Sites and Places Plan (Adopted November 2017) including:

- PSP1 – Local Distinctiveness
- PSP2 – Landscape
- PSP3 – Trees and Woodland
- PSP8 – Residential Amenity
- PSP10 – Active Travel Routes
- PSP11 – Transport Impact Management
- PSP17 – Heritage Assets and the Historic Environment
- PSP40 – Residential Development in the countryside
- PSP42 – Self Build and Custom House Building

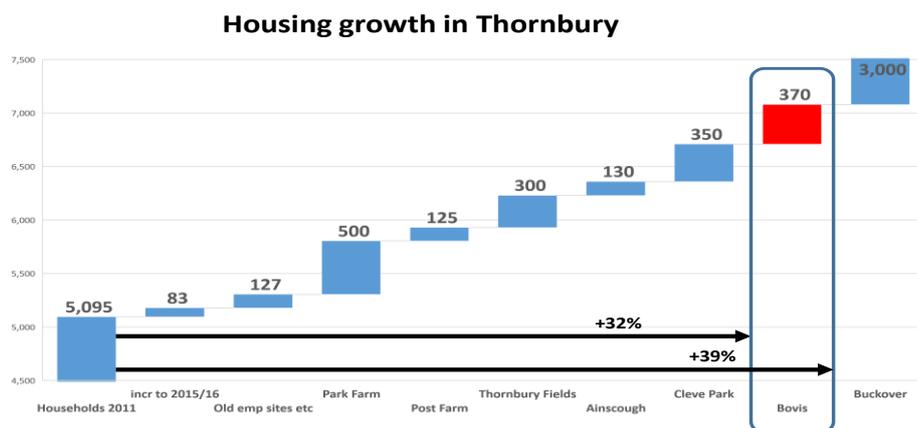
Copies of the above Policies, Sites and Places policies are attached in Appendices E, H and I.

2. Background to the Development

The context is critical to our objection. TRAPP'D came into being 18 months ago because of deep concern by residents about the cumulative impact of housing development on the character and infrastructure of our historic market town. Thornbury lies at the edge of the greenbelt to the north of Bristol, and has become a prime target for speculative development, such as this one from Bovis. The map below illustrates the problem:



Taken in sequence of approval there has been a 32% growth in houses since 2011, either built, under construction, or approved, or under appeal prior to this appeal. If this and other appeals are accepted it would take the cumulative increase to 39%, with Buckover to follow:



This scale of development contradicts the Core Strategy vision for Thornbury (see Appendix D) which begins on page 147 by listing the town's strengths including "*proximity to attractive countryside and areas of open public space*" which is therefore protected by policy CS32 (see Appendix A) which says that development will "*ensure that the current character and setting of Thornbury's open spaces, which contribute strongly to the*

attractiveness of Thornbury, is maintained and enhanced”, and by CS33 which states that “proposals will need to demonstrate that the development would not adversely impact upon the historic environment of Thornbury and its setting”.

Within the context of that vision, CS33 considered that *“the preferred location for a housing opportunity are is to the north of Thornbury..... where potential exists for up to 500 dwellings”*. This was Park Farm shown in green on the map above.

CS33 also stated that a further site for 300 houses had been allocated to meet the Council’s five-year land supply (this is “Thornbury Fields” shown in pink on the map) – essentially code for the fact that the Council lost on appeal before the Core Strategy had been adopted. Hence the Core Strategy overall made provision for 800 houses, as shown in CS15.

Other sites in pink on the map above – Post Farm, Alexandra Workwear, former council offices – have all since been approved with building underway, and the Ainscough development initially gained outline approval in August but will now be reconsidered in the March 2018 Development Control Committee (West) because of misleading advice given to members that was pointed out by TRAPP’D.

With each planning application the applicant argues that the incremental impact of the proposed development on services and congestion is not significant. However, it is the cumulative impact that really matters. As a community we welcome people into the town, but even though only around a quarter of the developments prior to Cleve Park are now occupied we believe that we can show that the harm caused by these developments on infrastructure services and traffic congestion is already very significant.

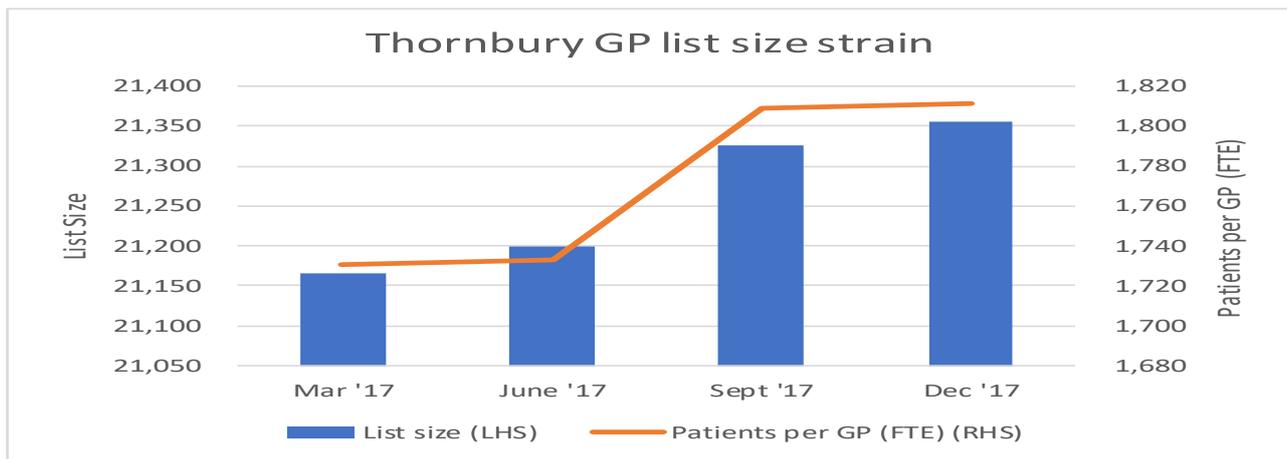
As of the start of this year around 30% of the recent approvals have been built out – South Gloucestershire’s Annual Monitoring Report 2017 (appendix S) show an estimated 494 completions locally to the end of 2016/17. The number of dwellings sold and occupied will be slightly less, so for the purpose of assessing the impact on infrastructure we are assuming that by this point less than 450 of the 1,532 shown above prior to Bovis will have been occupied.

Compare that to Employment - since adoption of the Core Strategy in December 2013 South Gloucestershire has recorded in its employment land survey for Thornbury a net loss of 348 jobs. This does not include the Council Offices where some 300 people used to be employed. Note that this deterioration in employment sites is due to the Local Authority ignoring Policy CS12 (see Appendix F) which safeguarded both Alexandra (Midland Way) and the Council Offices as employment locations, and instead allowed yet more housing. With falling employment and rising numbers of houses, Thornbury is being transformed from an historic market town to a dormitory satellite development of Bristol, with all the implications on things like traffic congestion that go with it.

3. Impact on Infrastructure

We believe the measure of patients per GP is a good bell-weather of strain on a town’s infrastructure because it is a service that everyone needs and can be measured objectively over time and against other locations.

By the end of 2017, with around 30% of the houses prior to Bovis shown on the chart on page 2 having been completed, the GP list size is growing strongly, with patients per GP climbing towards unacceptable levels:



It therefore comes as no surprise to the residents of Thornbury that the normal waiting time for a non-urgent GP appointment has significantly worsened and is now typically around six weeks.

A similar situation exists with local schools. We have provided below an indication of the school place availability factoring in this element.

new houses, yet to be occupied				930	
	Capacity	Current pupil No.	Free places	Impact of new developments prior to Bovis*	Deficit of places
A: Local Primary Schools					
Christ the King Primary	161	138	23		
Crossways infant school	180				
Crossways junior school	240				
Crossways total	420	360	60		
Gillingstool Primary	210	164	46		
Manorbrook Primary	198	187	11		
St Mary's CofE Primary	215	198	17		
Total (at 7/3/2017)	1204	1047	157	335	(178)
B: Local Secondary School (within 3 mile distance)					
Castle School (incl 6th form)	1733	1654	79	167	(88)
* based on South Gloucestershire Council's Developer's guide: Formula of 36 pupils per 100 houses for Primary and 18 pupils per 100 houses for Secondary schools					

There are 5 junior and primary schools in Thornbury, and one senior school that also has a sixth form. There is another secondary school in Alveston, but this has been excluded as it is more than three miles from the development, which means that the Council would have to provide a free bus service for this school. The table above is based on school places as at March 2017 showing junior and primary school free places of 157, and senior school places of 79. We have then factored in an assumption of the impact of 930 homes still to be built or occupied prior to Bovis (using the South Gloucestershire Annual Monitoring Report 2017), using the formula from South Gloucestershire's Developers guide.

This shows the surplus turning into a deficit prior to adding the impact of Bovis which itself would be expecting to add a further 133 primary school pupils and 67 secondary school pupils. It is not clear how, or even whether, these places could be accommodated, but certainly at the very least the s106 contribution

should take into account the fact that there will be no free spaces in any school by the time this development becomes occupied.

However, this analysis simply looks at the overall numbers in the schools, not by individual year groups. We understand that capacity problems currently exist with the lower year groups (particularly year R for primary and year 7 for secondary schools). Well before the overall capacity numbers are reached there is a distinct danger that we are already at the point where new residents with children at particular ages are going to find that the local schools are full for the relevant year group when they arrive.

4. Impact on heritage assets

There are two elements specifically associated with the impact on Heritage assets, firstly, the setting of the hamlet of Upper Morton, secondly the impact on the properties of Upper Morton as a result of the traffic that would be generated from this development that would essentially 'bi-sect' this hamlet, thus causing harm to its 'setting'. This is in direct contravention to policy CS9 (appendix B) which states that development must "*ensure that heritage assets are conserved, respected and enhanced in a manner appropriate to their significance*". A flavour of the heritage value of these assets is given in appendix K.

Setting of Upper Morton

The heritage assets at Upper Morton would be 'engulfed', and their position as a distinct and historic hamlet would be eroded, resulting in a totally inappropriate treatment for the style and character of these properties. In our opinion this is substantial harm to the setting:

Before

After



The Heritage Consultant for PT16/4774/O (Land West of Gloucester Rd) ' in his assessment of the impact re-Upper Morton of that site said...*As primarily agricultural buildings their rural setting makes a far more major contribution to their significance than that attributed in the CGMS assessment and as a consequence the harm to their setting is substantially greater than the very minor harm that CGMS concludes will occur.....Currently however whilst there may be public benefits that could go some way to mitigating the identified harm to the settings of these heritage assets, I take the view that the development fails to preserve the settings of the affected designated heritage assets and is contrary to section 66.(1) of the 1990 Planning, (Listed Buildings and Conservation Areas) Act. Saved Local Plan Policy L13, and Core Strategy Policy C.S. 9....'* The Council's scoping opinion for this development equally concludes.. '*As indicated in*

sections 11, 15, 16 and 19 the proposed development would likely have a significant impact on Grade II* listed Morton Grange, whose curtilage is abutted by the development site, and its landscape setting. In addition the setting of the three Grade II listed buildings Malt Cottage/Malt House, Manor Farmhouse and Yew Tree Farm will be significantly impacted by development on this site. The present character and settlement pattern in the area, including the hamlet of Upper Morton will be significantly impacted, as the settlement would be subsumed by the addition of development in this location. The site sits at the entrance to Thornbury and the visual impact of development in this location is likely to have a significant effect on the present character of the area and the contribution of the setting of the listed buildings and their significance.'

Traffic impact on Heritage assets

Noise/air pollution. Four of these heritage assets (Old Malthouse, Malt Cottage, Manor Farm, Yew Tree Farm) are situated **adjacent** and parallel to the Gloucester Road. In many instances, principal internal rooms have historic single glazing (crown/float glass) of approx. 1/16th inch. Current noise pollution is already at unacceptable levels internally. Periods between 6:30-9am, 11:30-2pm, 4-7pm, have with recent development in Thornbury, become increasingly busy, and with still another 650+ dwellings to be delivered and a further 350 (+70 bed nursing home) subject to another appeal. **Internally** in one property, averages in excess of 55 decibels from the traffic have been recorded, with extremes of 70-80 not uncommon. This glazing contributes to the significance of these properties and installation of 'secondary glazing' (if at all possible) would totally negate the visual asset. However, double /secondary glazing does not totally negate the noise pollution either. For Morton Grange similar levels will exist. Some residents have been forced to sleep in 'rear' rooms of their property, in order to avoid being disturbed by the traffic, however this is not an option in some properties. Needless to say, the noise pollution **externally** or internally in the summer months when windows are open in all properties, is even worse and thus totally destroying the 'rural historic setting'. **Air pollution** from the traffic, given the proximity, is also a major concern.

The primary pedestrian access to the Old Malthouse/Malt Cottage, is now adjacent to the Gloucester Road, being 1.5/0.7m respectively from the edge of the carriageway, where cars supposedly travel past at a maximum of 40mph on a blind 'S' or 'Z' bend - frankly **too dangerous to use**.

With increased traffic volume, and additional speed, evidence shows that noise pollution further increases. Under the current proposed scheme, all traffic from this so-called '*Thornbury*' development going towards Thornbury and all local services, will actually travel **through** the named hamlet of **Upper Morton**. All traffic from the Thornbury direction to this development will travel **through Upper Morton**, in each instance **bisecting Upper Morton**. Thus, to suggest this so called '*Thornbury*' development will not impact on the heritage properties of Upper Morton is blatantly untrue. Bovis admit that the traffic levels at the Newton Hill junction will increase by approximately 30%. However, the validity of these figures is questionable. Timings of their assessments were when traffic levels were likely to be lower. No account is taken of applications already subject to consideration/appeal or other change of use/developments in or on the other side of Thornbury. These cannot be discounted as when there is a bottleneck for a junction leaving Thornbury, **all other potential routes** become rat runs ie. drivers will go North to save queuing time at a southerly junction. Hence we would refute the figures that are projected.

The resultant noise and air pollution will *become much worse*.

Safety issues. The residents of Upper Morton have been involved in long and lengthy correspondence with the Traffic Safety Officer at South Glos, The Police, the local Speed Watch team and analysis has been undertaken. Residents have been told by the Road Safety officer that '*The key factor in setting a speed limit*

is what the road looks like to road users. Drivers are likely to expect and respect lower limits where the road environment looks and feels like the speed limit being applied. If some drivers aren't currently respecting the 40mph speed limit, they are unlikely to respect an even lower limit.' – it is a blind, narrow bend, between stone built walls! - but they will not reduce the speed. Analysis by South Glos last summer over 4 separate weeks, indicated that 15% of the vehicles were travelling above 44mph - over 7400 vehicle movements passing through Upper Morton in excess of the accepted speed limit and up **to 80mph** on this blind bend. The visibility for the 'access and egress' from these properties falls radically below the acceptable splay levels for new developments and yet it is considered acceptable for the traffic to be increased to make it even more hazardous? None of the residents wishes to be part of the accident caused by the 15% statistic. There have been fatalities/accidents/numerous near misses on the road between Upper Morton and the proposed site.

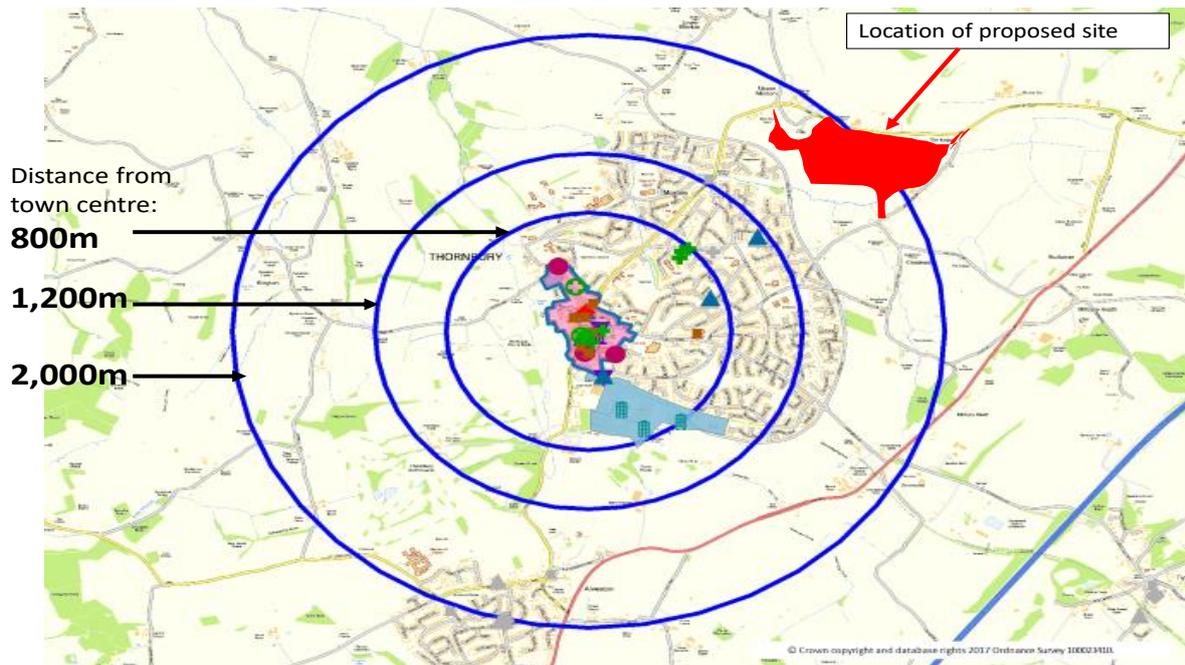
Light pollution. The aspect of the main house of Manor Farm, facing essentially the line of the Gloucester Rd, towards Thornbury, suffers from car light pollution to its frontage every night, despite the trees at its boundary. The mature growth at Morton Grange bounding the proposed site, has probably been planted for exactly the same purpose.

Traffic weight. Upper Morton sits on bed rock, in some instances the rock is at/above the ground. Given the proximity of the road to these heritage properties, the impact of traffic vibration is a major concern. Irrespective of any development proposals, an assessment for a weight limit on this stretch of road should be considered. During the Decommissioning of Oldbury Power Station, after a large container passed through Upper Morton, cracks appeared in windows of both Malt Cottage/ the Old Malthouse in subsequent days. Through the current development phase in Thornbury, construction traffic has regularly used this road and indeed, soil has been transported on fully laden trucks passing at 10 minute intervals (both directions), some also in excess of the speed limit.

We conclude, that this development will result in significant harm to these heritage assets and the hamlet of Upper Morton and the setting, and thus, this should be afforded 'considerable importance and weight'. Any additional development that were to be permitted to the Northern side of THORNBURY would necessitate an alternate new road access from it to and from Thornbury - The Gloucester Road (B4061) cannot safely or otherwise, take additional traffic, without further destroying the setting and assets of Upper Morton. The current B4061 needs a reduced speed and weight protection with calming measures, for existing residents.

5. The site is unsustainable in terms of its location to services and thus promotes the use of cars

The location proposed is also outside of the recommended distances to key services, as can be seen from South Gloucestershire's chart below (used in Sustainable Access Profiles, and adopted in November 2017 in the Policies Sites and Places Plan – see appendix O) which shows that even on an 'as the crow flies' basis the proposed location is outside of the radius for all key services, as used in South Gloucestershire's Sustainable Access Profiles (Appendix P):



However, this simple ‘as the crow flies’ indicator is imprecise and understates the real distances. TRAPP’D has therefore undertaken a survey using safe walking routes, measured both from the nearest point of the site and the site centre:

Facility	mode of measurement	Travel Distance site entrance metres	Travel Distance central square metres	SAP distance metres	Percentage of SLA (site centre) %
<u>Health facilities.</u>					
Health Centre.	Surveyor's measuring wheel	1,170	1,684	800	211%
GP. Surgery St Mary	Surveyor's measuring wheel	1,996	2,510	800	314%
NHS Dentist	Surveyor's measuring wheel	2,053	2,567	800	321%
Opticians	Surveyor's measuring wheel	1,327	1,841	800	230%
Pharmacies	Surveyor's measuring wheel	2,004	2,518	800	315%
----“-----	Surveyor's measuring wheel	1,676	2,190	800	274%
A & E (Hospital).	Car odometer	25,456	25,970	5,000	519%
Small Injuries Unit	Car odometer	16,166	16,680	5,000	334%
<u>Town Centres</u>					
High Street Shops	Surveyor's measuring wheel	1,941	2,455	1,200	205%
<u>Other Facilities</u>					
Post Office	Surveyor's measuring wheel	1,861	2,375	800	297%
<u>Meeting Venues.</u>					
Library	Surveyor's measuring wheel	2,225	2,739	800	342%
Community Hall	Surveyor's measuring wheel	2,046	2,560	800	320%
Public House	Surveyor's measuring wheel	528	1,042	800	130%
Convenience shop	Surveyor's measuring wheel	662	1,176	1,200	98%

* Note: Barton, Grant & Guise# recommend lower limit of 800m for Primary schools and 1.5km for Secondary schools
In "Shaping Neighborhoods" see appendix P

With the exception of schools, all facilities are well outside of South Gloucestershire Council's recommended maximum distances and will result in the private car being the almost exclusive mode of transport for using local services, thus putting further pressure on town congestion and car parking space, which is currently at a severe shortage. **The proposed site would be beyond the recommended maximum for every type of service except schools and is therefore unsustainable as it will promote the use of private cars and thus will directly contravene CS7 and CS8. Furthermore, it directly contravenes Policy PSP11 which states that residential development proposals should be located on safe, useable walking and, or cycling routes, that are an appropriate distance to key services and facilities** (see Appendix H).

The travelled distance of more than 2km from the town centre, coupled with poor bus services, will inevitably mean that local journeys will be predominantly by private car. In the Appendix 3 (Town Summaries) of Policies, Sites and Places (See appendix Q) it says, "*There has recently been an increased issue of limited car parking within Thornbury town centre, particularly as residential developments on the outskirts of Thornbury have increased*". This comment comes despite the fact that only about a third of the previously approved plans have been completed.

6. Impact on Congestion

Thornbury is very poorly served for non-car transportation. There is no railway station and bus services available take so long to get to and from the popular places of work that they are rarely used. We attach an e-mail (Appendix J) from Emma Blackham, South Gloucestershire Council's interim Head of Transport and Strategic Projects. This e-mail was obtained through a freedom of information request and relates to a different development, but nevertheless her comment under bullet point 1 relates equally to Bovis where she says "*Given the [Public Transport] journey times from Thornbury are already prohibitively long extending them further to serve really isn't good enough*". This e-mail was clearly never intended for use outside of the Council (see comments further down the e-mail about issues being "*fudged*") and is therefore unquestionably her genuine professional assessment of the situation.

Moreover, the shortcomings of the bus service as a practical alternative to commuting by car is underlined by a survey from TRAPP'D taken at the Leisure Centre bus stop (being the last passenger pick up point from Thornbury) on Wednesday 18th October 2017, commencing at 07.00 hrs and terminating at 09.00 hrs. During this period there were six separate busses (the first at 07.09 hrs the last at 08.32 hrs) that carried a total of 101 passengers. All of the buses were single decker (34 or 35 seater models) and the passenger numbers were as follows:-

- (i) 77. @ 07.09 hrs 5 passengers.
- (ii) 79. @ 07.11 hrs 12 passengers.
- (iii) 79. @ 07.42 hrs 31 passengers
- (iv) 78. @ 08.07 hrs 30 passengers.
- (v) 77. @ 08.09 hrs 9 passengers
- (vi) 79. @ 08.32 hrs 14 passengers.

It can therefore be shown that at peak commuting time in this survey the buses were only 41% full. At the same time, based on the current South Gloucestershire Council estimate [June 2016] of 2,185 cars leaving Thornbury daily between these times, this equates to only 4.5% of the residents commuting by bus.

There is currently no additional employment being created in Thornbury. Since adoption of the Core Strategy in December 2013 South Gloucestershire has recorded in its employment land survey a net loss of 348 jobs. This does not include the Council Offices where some 300 people have now been transferred to Yate.

Therefore, we believe we can conclude that anyone moving into the proposed development would be commuting to and from work outside of the town and would be doing so by car. In other words, Thornbury is becoming a dormitory town, with commuting almost exclusively by private car.

This is all in addition to the severe localised impact around the site described in section 4.

The impact of traffic congestion on people's health and well-being is now well documented amid a realisation that this is a much more serious problem than had previously been appreciated. Core Strategy CS7 (Appendix C) has the aim of **"reducing congestion and air pollution by improving accessibility by means other than the private car"** and is therefore compromised by this proposed development. Furthermore, this proposal clearly undermines Policy PSP11, Transport Impact Management (Appendix H), which, in Para 6, states that development proposals must not generate traffic that would:

- i. Create or contribute to severe congestion
- iii. Have an unacceptable effect on highway and road safety

7. Material waste historically dumped on this site

Part of the eastern end of the proposed site is a disused tip operated by the then Thornbury Rural District Council, we estimate used until the late 1970s. At the time of operation tips were unregulated, the dangers of asbestos were not known, and contamination of ground water not considered. The waste material put into this site was not recorded; we do not know what this former tip contains, but it is highly likely to include material hazardous to health.

We have not seen an environmental study for the site, or any proposals for remedial action, but we understand that a cheap solution is proposed simply involving some kind of parkland – this is in contravention of policy CS9 which requires "appropriate" remediation (see appendix A). In our view this is a dangerous suggestion, particularly as an open area accessible to children who would be exposed to chemical hazards through the habit of experimenting by putting things in their mouths.

In our view anyone wishing to develop this area should be required to ensure that the material and its effluents are isolated from human activity and the environment by excavating it in its entirety and transporting it in sealed containers to a registered waste tip.

8. The proposed building heights are unacceptable and will cause significant harm to the landscape setting of Thornbury and its rural fringe

The proposals include building height parameters for the main body of the site at levels that are considerably higher than any of the other recent developments approved along the rural fringe of Thornbury.

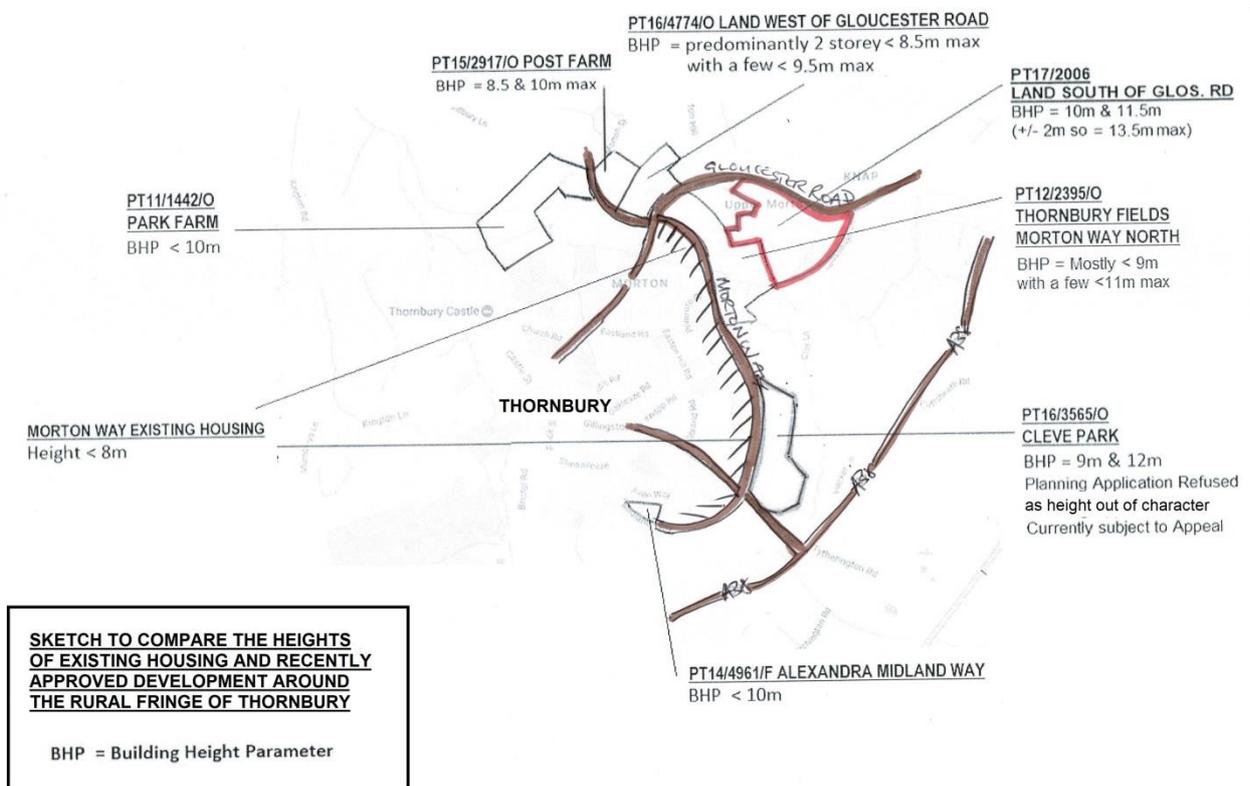
The existing houses in Upper Morton along Gloucester Road opposite the northern boundary of the site and along Crossways Lane to the eastern perimeter of the site are all less than 7m tall and are built on land that is considerably lower than the site.

The proposed build height for the appeal proposals is defined on Parameter Plan 2: Building Heights and Scale EDP3255_35c. This plan proposes building heights of 2 storeys up to 10m +/-2m from existing ground levels and 2.5 storeys up to 11.5m +/-2m from existing ground levels. The vast majority of the site is proposed at the 2.5 storeys height of 11.5m +/-2m and potentially could be up to as high as 13.5m.

Even at height parameters of 10m and 11.5m (without adding the 2m flexibility requirement stated in the parameter plan) the site will stand out way above the adjoining housing along Gloucester Road and Crossways Lane as well as rest of Thornbury.

The sketch below compares the building height with the adjacent houses and other recently consented sites nearby. From this it is very clear that **the proposed development, by reason of its height is completely out of character with the town of Thornbury.**

Buildings that will be more than 50% taller than the surrounding housing particularly when accounting for the difference in land levels will be totally out of keeping with the fringe of Thornbury and have an overbearing and detrimental impact on the surrounding area. All other nearby recently consented housing development was consented at substantially lower height.



The landscape character for this site is described in the Supplementary Planning Document “South Gloucestershire Landscape and Character Assessment” (SGLCA). A copy of the relevant section for the area in which the site sits (The Severn Ridges Area) is attached in Appendix R. This document describes Thornbury’s setting on page 257 as:

“The topographical bowl within which Thornbury sits, limits the prominence of the town in the wider landscape, by the physical containment formed by the Severn Ridge; the open sided bowl merges with the adjoining Levels landscape to the west. Visually, despite the size of the town, the well treed structure throughout the older areas of the settlement greatly contribute to its integration within the landscape

framework of the wider Levels and of the slopes of the ridge, which provide a backdrop to the town” and on page 260 the document states: “The expansion of Thornbury to the north, south and east, has pushed the settlement fringe closer to the Levels and further into the bowl landform defined by the Severn Ridge. The visual expanse of the town is evident within elevated views. However, Thornbury generally sits well in the landscape”

Thornbury’s integration within the landscape framework described in the SGLCA has only been successful because Thornbury’s development thus far has been predominantly 2 storeys with heights of 8m or less and set down below the treed structure referred to in the SGLCA.

The SGLCA also goes on to set out the Landscape Strategy for the Severn Ridges on page 263 and in this makes a number of landscape objectives which are applicable to this site:

- *“Ensure long term protection of the character of the ridgeline as a rural backcloth, and the panoramic views across adjacent character areas”*
- *“Conserve the rural character of the visually prominent ridges and hills.”*
- *“Any new vertical development should avoid dominating, or visually competing with landmark heritage assets or undisturbed rural landscapes or skylines in the character area.”*
- *“Ensure that new development respects and integrates with the historic pattern of the host landscape or the settlement pattern of small dispersed hamlets, villages, towns and scattered building groups and reinforces local distinctiveness.”*
- *“Preserve the tranquillity of the landscape, particularly to the north and west of the character area.”*

The introduction of development at the appeal site with maximum build heights of 11.5m goes completely against the strategy outlined because such unprecedented and very tall heights:

- will cause serious harm to the panoramic views from the ridge across the adjacent character areas
- are completely out of keeping with the rural character of the setting and as such will not conserve the rural character of the ridge but detract from its visual prominence.
- will dominate and visually compete with the undisturbed rural landscape and skyline viewed from the ridge.
- do not respect nor integrate with the adjoining rural settlement of Crossways Lane nor Upper Morton, nor the housing along the fringe of Thornbury. They will overshadow and dominate the existing settlements.
- will intrude into the landscape to the north and west of the Severn Ridge character area. They will be very visible and therefore will dominate not preserve the tranquillity of the landscape.

For this reason, we consider that consent should not be granted. **The unprecedented height contravenes many of the policies set out in the Core Strategy including CS1 (appendix G) & CS32 (appendix A) and Policies, Sites and Places PSP1 (Local Distinctiveness – See appendix E). This will cause significant and demonstrable harm to the character of Thornbury, its rural fringe including the adjacent designated GI visually significant hillside or scarp which forms part of the Severn Ridges and the edge of the topographical bowl in which Thornbury sits.**

The proposals will therefore also:

- have unacceptable impact on the historic assets of Thornbury, Upper Morton and Crossways Lane, contrary to Policy CS9 (appendix B)

- cause harm to the character and setting of Thornbury's open spaces contrary to Policy CS32
- cause harm to the historic environment of Thornbury thus demonstrating that it has not been planned in accordance with the vision for Thornbury and is therefore contrary to policy CS33
- harm the special character of the landscape (as defined by the SGLCA) and is therefore contrary to PSP2
- cause significant harm to the amenity and outlook of residents of Thornbury including those of Crossways Lane and Upper Morton as well as visitors to the town contrary to PSP8
- cause harm to the setting of the adjacent heritage assets including the Grade II* Morton Grange contrary to PSP17, and cause harm to the character of the countryside and the amenity of the surrounding area contrary to PSP17 & PSP40.

9. Application of the NPPF

The Supreme Court ruling on Richborough destroyed the argument of the overall supremacy of the NPPF. Since then the same court, the ultimate arbiter in the law of the United Kingdom, confirmed and strengthened in a judgment handed down in 30th June 2017 (East Staffordshire Borough Council and the Secretary of State for Communities and Local Government v Barwood Land II LLP) the primacy of a proven 5-year supply of housing sites. In short, if a five-year supply can be demonstrated then development outside of the adopted plan must be refused.

A view has sprung up that there are only two options regarding the level of addition to the objectively ascertained housing demand, namely 5% for day to day vagaries and 20% for persistent under delivery; this is not so. It was considered by the Court of Appeal (Bloor v Secretary of State for Communities Local Government and Hinkley and Bosworth B C). The Court ruled in a judgment handed down 19th March 2014, that the size of the buffer depended on individual circumstances; it is not prescribed by legislation but is instead a matter for those arriving at planning judgments to set such a level as to provide a realistic prospect of achieving the planned supply. It also follows that as circumstances change and variations occur, as they surely will, then the decision makers must also revise the level to attain the requisite number. It is evident that the officers and councillors in considering this development proposal have acted in ignorance of their duties and the appellant's case rests solely on the performance being so wayward as to justify the addition of 20% uplift in the target. This is not the case; the inspector hearing the Little Stoke appeal accepted that the supply in South Gloucestershire was compliant (see appendix L, paras 28 and 29). That was in 2017 on the basis of a 4.54 year land supply, since which time the land supply has improved further to 4.66 years.

It is a matter of fact that without any addition (buffer), South Gloucestershire has a five-year supply of housing and the only decision to be made is what the level of adjustment is necessary to ensure that the overall requirement will be met in the period of the Local Plan. Clearly 20% is too high at this stage in the plan; the projections commissioned by South Gloucestershire from Mr. T. Cann, MBA Dip (Est Man) FRICS, Senior Director, Residential Development Consulting, BNP Paribas Real Estate, indicate an oversupply will result. We therefore argue that the lower figure in the NPPF is appropriate which confirms the existence of a 5-year supply, which remains the case even with uplift to 10%.

The latest position shown in South Gloucestershire's Annual Monitoring report shows supply of 4.66 years. However, the shortfall is entirely created by policy of using a 20% buffer which we consider to be inappropriate given the clearly improving trend:

	2015		2016		2017	
	Years	shortfall / Surplus	Years	shortfall / Surplus	Years	shortfall / Surplus
prior to buffer	5.14	234	5.45	778	5.59	1,029
5% buffer	4.89	(187)	5.19	344	5.32	592
20% buffer	4.28	(1,451)	4.54	(960)	4.66	(719)

All of our calculations have been made using South Gloucestershire's Annual Monitoring Report (see appendix S), and the improvement seen is underlined by in an internal document dated 20th July 2017 Mr. P. Conroy, Strategic Planning Policy and Specialist Advice Team Manager, which states "*The council has made progress in reducing the extent of the housing supply deficit. Where previously the decision taker may have judged the larger shortfall to be an overriding factor in favour of approval, this position now needs to be re-evaluated as part of the overall planning balance, especially given the fact the council is currently actively engaging through the plan led system on options for the future growth of Thornbury.*" (See Appendix M)

As part of that overall assessment it is material to consider that permission has been given or under consideration for more than 1,600 new homes in Thornbury since 2011, a 32% increase in dwellings which has not been accompanied by additional education or health provisions. The adopted Core Strategy identified the appropriate and commensurate level of growth, which has already been exceeded.

NPPF Paragraph 47 (see appendix N) directs that where a shortfall exists, sites be "*moved forward from later in the plan period*". South Gloucestershire has identified all the sites necessary to comply with its obligations and this proposal is not included and therefore cannot be moved forward. Introducing additional sites will inevitably produce more dwellings than the objectively assessed need demands and reinforces the conclusion that the Authority is applying an inappropriate level of buffer.

10. Conclusion and Summary

We believe we have shown that the Core Strategy, coupled with the recently adopted Policies Sites and Places Plan, remains the applicable policy base against which to assess this proposed development and, on this basis, we believe that we have clearly shown the proposal would result in material and very significant harm to Thornbury in terms of:

- the cumulative impact on services and congestion,
- the particular harm to grade II listed buildings and their settings
- the site location:
 - exacerbating the issue of the "urban bulge" on Thornbury away from the town centre which is increasingly being isolated on the western fringe of the town
 - in terms of the distance to local services, making it entirely based around the private car
 - being partially located on a disused tip
- the site design, particularly in terms of building height
- prematurity with regard to the Joint Spatial Plan

On behalf of the residents of Thornbury we call on the Planning Inspector to reject this appeal.

Appendices:

A	CS15, CS32 and CS33 – Thornbury, Distribution of Housing and Housing Opportunity
B	CS9 – Thornbury and Managing the Environment and Heritage
C	CS7 and CS8 – Tackling Congestion and Improving Accessibility
D	Core Strategy vision for Thornbury 2006-2027
E	Policies, Sites and Places policy PSP1
F	Core Strategy policy CS12
G	Core Strategy policy CS1
H	Policies, Sites & Places Policy PSP 11
I	Other PSP Policies: 2,3,8,10,17,40,42
J	Freedom of Information memo from South Gloucestershire’s Head of Transport and Strategic Projects
K	Background to heritage value of Upper Morton
L	Decision on Little Stoke
M	Memo from Patrick Conroy
N	NPPF Para 47
O	Sustainable access profiles – extract from Policies, Sites and Places plan
P	South Gloucestershire Sustainable Access Profile distances
Q	Policies, Sites & Places – Town Summary - Thornbury
R	South Gloucestershire Landscape and Character Assessment
S	South Gloucestershire Annual Monitoring Report 2017