

WARD: Filwood
SITE ADDRESS: Land On The West Side Of Novers Hill Bristol

APPLICATION NO: 21/05164/F Full Planning

DETERMINATION DEADLINE: 31 December 2021

Erection of 144 no. dwellings, including 43 no. affordable housing units (30%), along with 2 no. access points from Novers Hill, the provision of play facilities and public open space with associated works. (MAJOR).

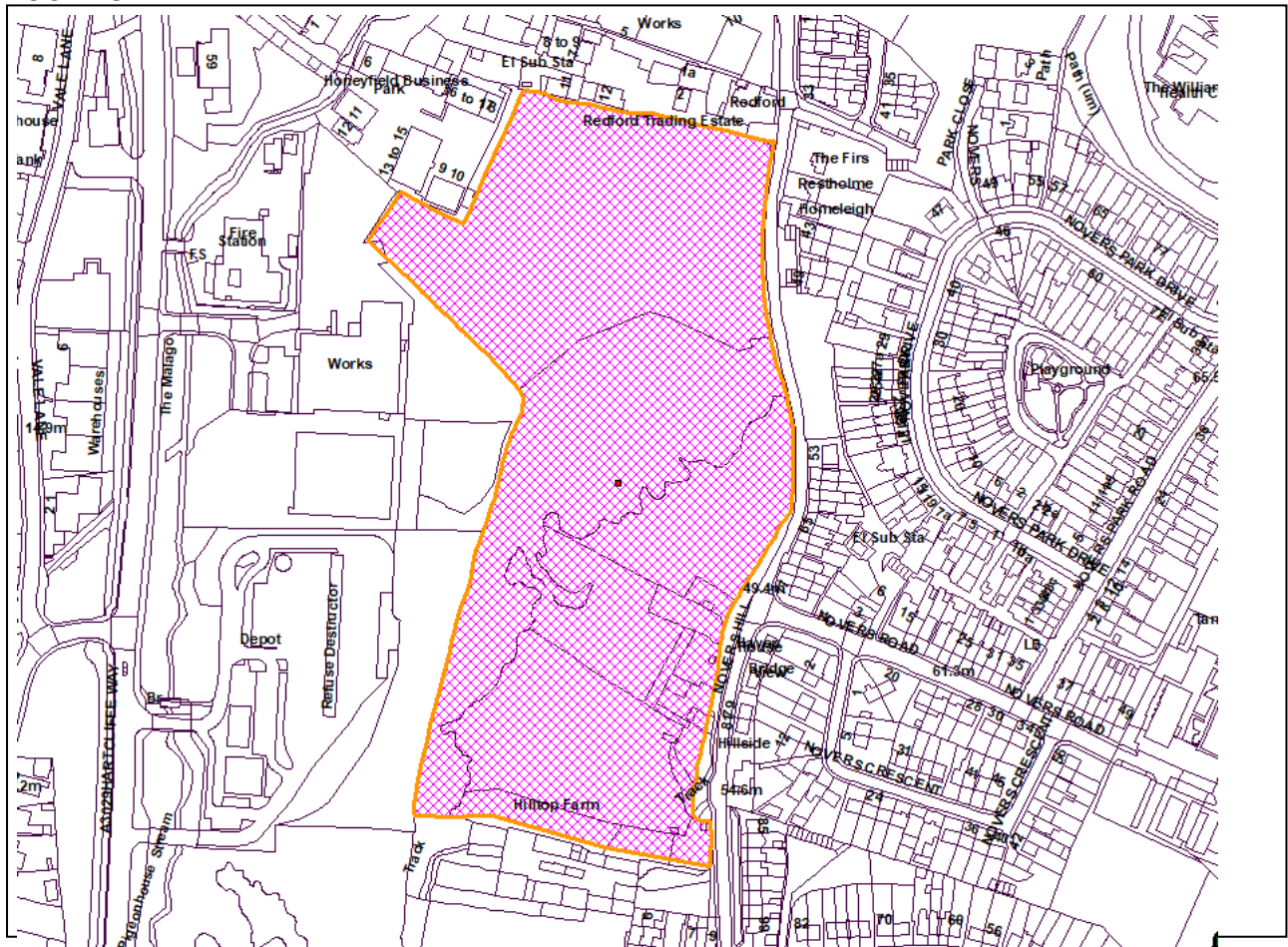
RECOMMENDATION: Refuse

AGENT: Pegasus Planning Group
First Floor South Wing
Equinox North
Great Park Road
Almondsbury
Bristol BS32 4QL

APPLICANT: Lovell Homes
C/o Agent

The following plan is for illustrative purposes only, and cannot be guaranteed to be up to date.

LOCATION PLAN:



Development Control – 19 July 2023

Application No. 21/05164/F : Land On The West Side Of Novers Hill Bristol

1.0 SUMMARY

- 1.1 This application is brought to Committee because of the level of opposition to the application.
- 1.2 During the consideration of this application, the amount of housing proposed has been reduced to 144 homes, including the provision of 43 affordable homes (30% provision).
- 1.3 There are three key issues in the determination of this application:
 1. The principle of the site being used for housing.
 2. Whether the access arrangements to the site acceptable.
 3. What the impact of the proposed development would be on the ecology of the area.

2.0 SITE DESCRIPTION

- 2.1 The application site is located on Novers Hill to the south of Bristol in the suburb of Knowle West.
- 2.2 The site comprises large areas of open grassland and a dense wooded area through the centre of the site. The edge of the site to the north and west abut an industrial area with a garage, builder's merchants and other light industrial uses with Hartcliffe Way beyond.
- 2.3 The site is in the vicinity of predominantly two storey residential dwellings plus single and two storey industrial buildings. The housing fronting Novers Hill include a series of terraced and semi-detached dwellings at high level and, to the northern part of the site, a garage and parking area.
- 2.4 The prominence of the site on the hillside gives views to Bristol including views of the Clifton suspension bridge, Cabot Tower and the Wills Memorial Building.
- 2.5 The gradient of the site is sloped, steeply in some places, with the highest points to the south-east against Novers Hill and falls away to the north west.
- 2.6 The central part of the site is designated as a Site of Nature Conservation Interest (SNCI).
- 2.7 The site is located in Flood Zone 1 (low risk of flooding).
- 2.8 The site is allocated for housing in the adopted Local Plan, 2011 (BS1108 and BS1114).

3.0 RELEVANT PLANNING APPLICATION HISTORY

- 3.1 There have been no recent planning applications. Historically the following applications were considered:

00/02464/P - Outline application for mixed use to provide housing and publicly available open space. Appeal against non-determination dismissed in 2003 (APP/Z0116/A/02/1093973)

Development Control – 19 July 2023**Application No. 21/05164/F : Land On The West Side Of Novers Hill Bristol**

02/02388/P - Outline application for mixed use to provide housing and publicly available open space.(Duplicate of Application No. 00/02464/P). Refused on 6th September 2002.

- 3.2 It is noted that four applications dating from 1965-1981 for residential or industrial development (ref: 65/00769/P_U, 75/03278/P_S, 76/01103/P_S and 81/01337/P_S) do not contain any online records, but are all recorded as refused.

4.0 ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 4.1 An EIA screening application was submitted under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 by the applicant on 15 January 2021 (Application Reference: 21/00200/SCR). On 11th February 2021, the Local Planning Authority confirmed that an EIA was not required.

5.0 APPLICATION DETAILS

- 5.1 This is an application for full planning permission for the erection of 144 no. dwellings, including 43 no. affordable housing units (30%), along with 2 no. access points from Novers Hill, the provision of play facilities and public open space with associated works.
- 5.2 The central area of 'Important Open Space' and Site of Nature Conservation Interest is retained for public open space
- 5.3 The proposal comprises the following mix of homes for the site.

Open Market Homes

	Unit Type	Number	Area (Square Metre)
1 Bed Apartment		3	50.45
2 Bed Apartment		7	61.22
2 Bed	A	11	70.89
3 Bed	B	20	85.28
3 Bed Dual-Aspect	C	11	95.41
3 Bed Split-Level	D	24	119.57
4 Bed	F	14	101.36
4 Bed Split Level Type 1	G	5	135.27
4 Bed Split Level Type 2	I	6	143.26
Total		101	

Social Rent

	Unit Type	Number	Area (Square Metre)
1 Bed Apartment		6	50.45
2 Bed Apartment		15	61.22
2 Bed	A	7	70.89
3 Bed M4(3)	E	1	107.40
4 Bed M4 (3)	H	1	114.74
Flat Over Garage	J	1	53.05
Maisonette	K	1	54.63
Maisonette M4(3)	K	1	50.07
Total		33	

Development Control – 19 July 2023**Application No. 21/05164/F : Land On The West Side Of Novers Hill Bristol****Shared Ownership**

	Unit Type	Number	Area (Square Metre)
3 Bed	B	1	85.28
1 Bed Apartment		3	50.47
2 Bed Apartment		6	61.22
Total		10	

Unit Types

5.4 The homes proposed incorporate predominantly a mixture of two storey pitched detached and semi detached dwellings and five blocks of flats divided into two parts of the overall site and separated by the Site of Nature Conservation Interest (SNCI).

A	2 Bed 763sq.m.	Two storey pitched slate roof semi detached dwellings incorporating some affordable housing social rent units.
B	3 Bed 922	Two storey pitched slate roof semi detached dwellings incorporating some affordable housing shared ownership units.
C	3 Bed 912	Two storey iron grey finish weatherboard clad in timber house
D	3 Bed 922 – Split Level	Split three (front) and two (rear) storey rendered render dwelling incorporating slate pitched roof. Ground floor includes integral garage.
E	3 Bed 922 – M4 (3)	Two storey brick house
F	4 Bed 1044	Two storey mixed brick and render dwellings with gable frontage and central pitched roof.
G	4 Bed 1044 – Split Level	Split three (front) and two (rear) storey rendered render dwelling incorporating slate pitched roof. Ground floor includes integral garage.
H	4 Bed 1044 – M4 (3)	Two storey pitched roof house
I	4 Bed 1176 - Split Level	Split three (front) and two (rear) storey rendered render dwelling incorporating slate pitched roof. Ground floor includes integral garage.
J	1 Bed FOG	Brickwork flat over garage
K	Maisonette	Two storey block
L	Flat Block – Type A	Block 1 - Three storey pitched roof flat block finished in render and ground floor brickwork and balconies
M	Flat Block – Type B	Block 2 - Three storey pitched roof flat block finished in brickwork and render and balconies
N	Flat Block – Type C	Block 3 - Three storey slate roof flat block incorporating a central entrance and render tower and balconies.
O	Flat Block – Type D	Block 4 -Two storey mixed render / brickwork pitched roof block
P	Flat Block – Type E	Block 5 -Three storey pitched roof hardi-plank cement fibre weatherboard cladding in timber effect Iron Grey finish

Density

5.5 The proposed density is 27 dwellings per hectare (excluding the SNCI land).

Access to the site

5.6 Vehicle crossovers are proposed for the Novers Hill and Barnack trading estates to the north of the site. These are proposed as per the existing provision and will be upgraded to suit the alignment of the route.

Development Control – 19 July 2023

Application No. 21/05164/F : Land On The West Side Of Novers Hill Bristol

- 5.7 The application proposal includes a pedestrian cycle path along Novers Hill, pedestrian links within the site and pedestrian connections to neighbouring sites.

Amendments

- 5.8 During the consideration of this application, the Applicants have revised the scheme, making the following changes:

- The reduction in quantum of development to 144 homes ascribed to amended layout, removal of one apartment block and reduction in apartment building height. Increase in green public open space resulting.
- Amended affordable housing distribution to address updated tenure guidance since submission and layout revisions.
- The introduction of split-level housing.
- Alteration to elevational treatment and materials.
- Alterations to detailed landscaping treatment.
- Introduction of pedestrian link within the site to improve permeability between lower and higher roads on the southern parcel. • Introduction of shared use cycle path within southern parcel road layout to provide alternative cycle route.
- Reconfiguration of the layout to safeguard possibility for pedestrian/bicycle/maintenance access to land to south, instead of adoptable road access.
- Amended vehicle and cycle parking provision.
- Various associated alterations to road layout, alignment and levels.

6.0 EQUALITIES ASSESSMENT

- 6.1 The public sector equalities duty is a material planning consideration as the duty is engaged through the public body decision making process.
- 6.2 S149 of the Equalities Act 2010 provides that a public authority must in the exercise of its functions have due regard to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Act
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
 - (c) foster good relationships between persons who share a relevant characteristic and those who do not share it.
- 6.3 During the determination of these applications due regard has been given to the impact of the scheme upon people who share the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. In their assessment of these applications your officers are satisfied that any adverse impacts can be

Development Control – 19 July 2023**Application No. 21/05164/F : Land On The West Side Of Novers Hill Bristol**

addressed and mitigated through the detailed design of the buildings and the imposition of appropriate conditions.

7.0 STATEMENT OF COMMUNITY INVOLVEMENT (SCI)**Process**

- 7.1 In support of their application, the Applicants submitted a Statement of Community Involvement. This states:

“The consultation programme acknowledges the pre-application consultation advice set out in Bristol City Council’s Statement of Community Involvement (2015) and Guidelines for Pre Application Involvement (2018), as well as national planning policy and guidance on pre- application engagement within the NPPF and PPG. The applicant team also sought - where possible - to adhere to the Knowle West Alliance (KWA) Protocol for Pre-Planning Application Community Involvement, which the applicant team discussed in advance with the KWA’s coordinators. The consultation was undertaken online, in response to ongoing concerns about the COVID pandemic.

- 7.2 The consultation started before the Government’s July 19 ‘Freedom Day’ though concerns were still being expressed by health leaders at that time. However, a freephone number was widely shared so residents could call to speak with the applicant’s team, and request paper copies of the proposals, feedback form and a Freepost envelope.
- 7.3 The Bristol Neighbourhood Planning Network was consulted at the outset, to ensure the applicant was aware of all stakeholder groups to engage with.” (Taken from the Applicant’s Statement of Community Involvement).

Key Outcomes

- 7.4 The SCI includes the Applicants’ response to various objections raised by local residents. The Applicants agree to various elements of mitigation, including a construction management plan, a landscape strategy for the green open space and pedestrian connectivity measures.

8.0 POLICY CONSIDERATION

- 8.1 The following policy is relevant to the consideration of this application:

National Planning Policy Framework – July 2021

Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocations and Development Management Policies (Adopted July 2014) and (as appropriate) the Bristol Central Area Plan (Adopted March 2015) and (as appropriate) the Old Market Quarter Neighbourhood Development Plan 2016 and Lawrence Weston Neighbourhood Development Plan 2017 and the Hengrove and Whitchurch Park Neighbourhood Development Plan 2019.

- 8.2 In determining this application, the Local Planning Authority has had regard to all relevant policies of the Bristol Local Plan and relevant guidance.

Emerging Policy and Legislation

Development Control – 19 July 2023**Application No. 21/05164/F : Land On The West Side Of Novers Hill Bristol**

- 8.3 The consultation on the Levelling Up and Regeneration Bill seeks view on the proposed approach to preparing National Development Management Policies and how policy might be developed to support levelling up. This feeds directly into the proposed changes to the NPPF (see below). At the time of writing, the Bill is progressing committee stage in the House of Lords. The Bill seeks to make the planning system work better for communities including introducing a requirement for local authorities to produce design codes, introducing a new infrastructure levy, giving increased weight to neighbourhood plans, reforming the 5-year housing land supply by removing the requirement for 5%, 10% and 20% buffers, and making changes to the Housing Delivery Test.
- 8.4 On 22 December 2022 the Department for Levelling Up, Housing and Communities published its proposed approach to updating the NPPF for consultation. The consultation ran until 2 March 2023. The main proposed changes relate to the weakening of the presumption in favour of sustainable development, with reduced support for high density development; strengthening neighbourhood plans; the potential removal of the requirement for robust testing of objectively assessed need, and potential strengthening of green belt boundaries.
- 8.5 Bristol City Council published the latest draft Local Plan policies for consultation in November 2022. This states that these allocations will be removed and retained as open space with nature conservation interest.
- 8.6 Draft Policy H1 sets an annual average minimum housing target of 1,925 net additional dwellings, which falls drastically below housing need derived by the Standard Method figure plus 35% uplift of 3,376, without any strategy in place for unmet need to be addressed outside of BCC's boundaries.

9.0 RESPONSE TO PUBLICITY AND CONSULTATION**Representations received**

- 9.1 There have been 649 objections received to this application. The vast majority express concern about the impact of housing on the ecology of the site.
- 9.2 The representations received objecting to the application can be summarised as follows:

Principle of development (Key Issue A)

- This site is not needed for housing as there are a huge number of other developments nearby including a vast array of rented accommodation.
- The housing that will be built will be unaffordable.

Transport (Key Issue B)

- Concern about the impact on the local transport network

Ecology (Key Issue C)

- There are protected species on the site.
- There would be destruction of 700 trees.
- "How can this be justified in terms of climate change?"
- Wildlife on the site should be protected.

Development Control – 19 July 2023

Application No. 21/05164/F : Land On The West Side Of Novers Hill Bristol

- Concern about destroying countryside. We need more trees to combat climate change.
- Green spaces should be preserved.
- The Slopes are an important part of Bristol's ecological diversity.

9.3 There have been 5 representations received in support for the application:

- More housing is needed
- A dedicated footway is needed for Novers Hill
- The area needs a play area.

External Contributions

Avon Fire and Rescue

9.4 The additional residential and commercial developments will require additional hydrants to be installed and appropriately-sized water mains to be provided for fire-fighting purposes. This additional infrastructure is required as a direct result of the developments and so the costs will need to be borne by developer.

Internal Contributions (All comments relate to the original proposal. No further comments have been received)

BCC Transport Development Management (TDM)

9.5 Comments incorporated into the Key Issues Section below.

BCC Nature Conservation Officer

9.6 Comments incorporated into the Key Issues Section below.

BCC Pollution Control

9.7 Would require more detailed information to assess the impact of the proposal. Conditions relating to construction management would be required in the event that a recommendation to approve were recommended.

BCC City Design Group (Comments received in November 2011)

9.8 Raised an objection to the application:

“The main concern with the proposal relates to its overly engineered approach to integrating housing with the site’ highly visible steeply sloping landform.”

BCC Housing Delivery Team

9.9 Raise no objection:

“The affordable housing proposal for the application is policy compliant in terms of the number of affordable units and the proposed tenure split and the size mix is acceptable. Clarification is needed on the number of one and two bed flats and the sizes and on the specification of the ground floor maisonette unit (plot 27) and whether it is suitable for M4(3) standard. We continue to have concerns about the grouping together of the affordable rented and shared ownership flats in one corner

Development Control – 19 July 2023

Application No. 21/05164/F : Land On The West Side Of Novers Hill Bristol

of the scheme and would prefer to see these more evenly distributed in the interests of tenure blindness and integration.”

BCC Archaeologist

- 9.10 In the event that this application is recommended for approval, a standard pre-commencement condition requiring a programme of archaeological work is undertaken. A pre-occupation condition requiring that this programme is completed is also recommended.

BCC Tree Officer

Trees

- 9.11 The Council's Arboricultural Officer comments that:

“I have no major objection to the proposed; the supporting arboricultural documentation is reasonable to support the application and can be conditioned with your decision notice if you are minded to consent the proposed.

However the following concerns relating to the current proposal are highlighted:

1. Due to the topography of the site there is an inevitable need to reprofile land portion of the site to create developable areas. The southern area of housing is proposed adjacent to groups 5 & 9 and will require the partial removal of both groups. What level of engineering works are required in close proximity to the retained portions of these groups and how will these works be undertaken to ensure no further loss of tree from G5 & 9 will occur. I recognise tree protection fencing has been located in these areas, however, engineering works on steep gradients often overspill and I would like re-assurance that this will not be the case.

2. The landscape plan does provide tree lined street outside of a majority of the proposed dwellings. This is a requirement of para 131 of the National Planning Policy Framework. Tree lined streets provide a number of social, environmental & economic benefits which are well documented. An increase in street trees would be a positive improvement to the long term landscape value of the site. If this cannot be achieved we would require a compelling reason why not. Once the additional information has been provided regarding any proposed engineering works adjacent to Group 5 & 9 and a rational regarding further tree planting outside of properties to provide tree lined streets I can provide you with condition if you are minded to consent the application.

Hedgerows

- 9.12 The hedgerows surrounding and within the proposed development site do appear to be in existence in 1840 (1840's Tithe & 1844-1888 OS25" 1st Edition maps – Know your Place, Bristol) There is some movement in the location of Novers Hill between the mapping systems but this is slight. Earlier maps do not cover this area. This would suggest the field structure was in place before the Enclosures Act period.
- 9.13 The hedgerows have not been pro-actively managed for a significant period and have therefore become neglected reducing the species diversity due to the encroachment of blackthorn sucker growth. The dominant species within a majority of the hedgerow along Novers Hill is Blackthorn in the main. Gaps have begun to form

Development Control – 19 July 2023**Application No. 21/05164/F : Land On The West Side Of Novers Hill Bristol**

and trees such as ash, elm, hazel, and elder are scars where they would have once grown well evident by the small numbers remaining within the hedgerow.

- 9.14 There is limited evidence of age succession within the hedge other than Ash where mature trees and young trees are present.
- 9.15 Species diversity is poor with Blackthorn being the dominant species, some sections of the hedgerow have 5 native species within a 30m length, however, the distribution is low and of poor quality. There is little evidence of historic hedgerow management from laying; more commonly it appears the hedge has been managed with a flail creating a sparses understory (A ground flora assessment has not been undertaken due to the time of year; this should be conduct from spring onwards to capture the species present). During my site visit I have taken photographic evidence of a number of sections on Novers Hill Only.
- 9.16 The hedgerow adjacent to Novers Hill would be considered a neglected ancient hedgerow, that has been in existence prior to the Enclosures Act period.
- 9.17 A full assessment by an ecologist should be undertaken to provide a detailed assessment and how this would influence the current planning application.

BCC Sustainable Cities Team

- 9.18 The Council's Sustainable Cities Team have made the following comments:

Fabric: The improvement in fabric efficiency and air permeability, over minimum values set by the Building Regulations is supported.

Heating and hot water: The proposal to use an air source heat pump (ASHP) to provide space heating and hot water in each unit is supported. Further detail of pump specification will be required.

An energy calculation to show compliance with Policy BCS14 should be provided.

PV: Even if PV is not required to meet BCC sustainability policies the applicant is strongly encouraged to provide PV as part of the standard specification, to reduce residual energy demand. PV will also work well in combination with ASHP's helping to reduce energy running costs.

Broadband: Further information is required to show how the scheme will satisfy the requirements for Broadband connectivity under BCS15 as set out in the Broadband Connectivity Practice Note (2018).

EV charging provision: Details of EV charging provision should be set out in the Energy Statement or a link provided if addressed in other submissions.

Given that the sale of new petrol and diesel vehicles will end in 2030, and the rapid increase in the uptake of EV's, the applicant is strongly encouraged to meet emerging policy on EV charging and provide a minimum of one charge point per dwelling with contingency for a charge point to be added in the remaining parking spaces as demand increases.

Development Control – 19 July 2023

Application No. 21/05164/F : Land On The West Side Of Novers Hill Bristol

Charge points should have a minimum output of 7kW and comply with the Electric Vehicles (Smart Charge Points) Regulations 2021

Details of EV charging provision including the location of charge points should be provided on drawings.

Resilience to overheating: Further assurance that the scheme will not be liable to overheating during the design-life of the development, assumed to be 60 years, should be provided.

BREEAM Communities: Having reviewed the BREEAM Report provided by KSD Sustainability Consultants (Sept 2021) my recommendation is that a 'self-certified' assessment be provided.

- 9.19 Officer Note: These matters would all be secured by condition in the event that Members were minded to approve.

BCC Drainage Officer

- 9.20 The Council's Drainage Officer comments that they would require additional information to confirm that the Drainage Strategy for the site is satisfactory. This would relate to:

1. Confirmation of adoption of surface water system by Wessex Water.
2. Confirmation of how the drainage strategy would work.
3. The proposals are based on an end of pipe SuDS solution. Source control and other upstream measures should also be incorporated, which should help reduce the volume of water to be stored
4. Additional commentary on the land drain that is proposed.

- 9.21 Officer Note: These matters would all be secured by condition in the event that Members were minded to approve.

10.0 KEY ISSUES

- 10.1 The following issues are key to the determination of this outline application:

- Is the proposed development acceptable in principle?
- Can a safe highway solution be found?
- Is the proposal acceptable in terms of impact on ecology?

(A) IS THE PROPOSED DEVELOPMENT ACCEPTABLE IN PRINCIPLE?

- 10.2 Core Strategy Policy BCS1 identifies South Bristol as a priority focus for development and comprehensive regeneration. This includes:

- Around 60,000m² of net additional office floorspace focused on centres and the major regeneration areas.
- Up to 10 hectares of new industrial and warehousing land focused on the major regeneration areas.

Development Control – 19 July 2023**Application No. 21/05164/F : Land On The West Side Of Novers Hill Bristol**

-The provision of around 8,000 new homes of a mix of type, size and tenure.

Core Strategy Policy BCS1 is clear that development in South Bristol will primarily occur on previously developed land.

- 10.2 Core Strategy Policy BCS5 establishes that the aim is to deliver new homes within Bristol's existing built-up areas. Between 2006 and 2026, the policy states that 30,600 new homes will be provided in Bristol. It is noted that by March 2022, 28,821 homes had been completed.
- 10.3 Core Strategy Policy BCS18 states that all new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities.
- 10.4 The application site is allocated for housing in the Development Plan. Allocation BSA1108 includes the land at Novers Hill, land east of Hartcliffe Way and the application site. It has an overall area of 10.6 hectares and has an estimated capacity of 440 homes. Allocation BSA1114 includes land at Novers Hill, adjacent to the industrial units. It has an area of 2.2 hectares and has an estimated capacity of 50 homes.
- 10.5 It is recognised that there is a significant need for new housing developments in Bristol, a need which this application would help to address. As the Council cannot demonstrate a five year supply of deliverable housing sites and has failed the recent Housing Delivery Test, paragraph 11(d) of the NPPF is engaged.
- 10.6 The NPPF requires each authority to demonstrate a five-year supply of deliverable housing sites plus five per cent land supply buffer. The Council cannot currently do so. The Council identified a housing land supply of 2.45 years for the purposes of a recent Appeal at Brislington Meadows and has failed its most recent Housing Delivery Test.
- 10.7 Since the LPA is unable to demonstrate a five-year housing land supply, paragraph 11(d) of the NPPF is engaged, and the tilted balance applies meaning the presumption in favour of sustainable development as set out in paragraph 11(d) of the NPPF is applicable. This states:
- Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

(c) approving development proposals that accord with an up-to-date development plan without delay; or

(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (8), granting permission unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (7); or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Development Control – 19 July 2023**Application No. 21/05164/F : Land On The West Side Of Novers Hill Bristol**

The relevant elements of paragraph 11 which have particular relevance are underlined.

Footnote (8) categorizes policies as being out of date where the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous 3 years.

The Council's relevant policies are regarded as out of date in this context.

- 10.8 Key to the determination of this application is whether Officers would be justified in recommending refusal for this application based on transport concerns, despite not having a five-year housing supply. It is the assessment of your Officers that such a recommendation would be justified.
- 10.9 The NPPF, Paragraph 11 and specifically 11(d)(ii) includes a presumption in favour of sustainable development. In applying Footnote (8), that the policies which are most important are out of date, and so permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 10.10 This wording suggests that the policy evaluation which is to be carried out is limited to policies within the NPPF, i.e. *when assessed against the policies in this Framework*, which in turn would imply that policies within the development plan should be disregarded. However, such an approach would not be correct, and there is extensive case law which supports the view that when considering planning applications, it is necessary to consider the proposal in terms of development plan policy as well (and that in fact it would be unlawful to fail to do so).
- 10.11 Arguably the leading case on this point is *Gladman Developments Limited v SSHCLG and another [2020]*, in which Gladman argued (unsuccessfully) that only policies within the NPPF could be taken into account. The judgement in this case effectively concluded (in the context of the NPPF as issued in 2019) as follows:
- The tilted balance was to be regarded as a material planning consideration in the determination of the application
 - However, Section 38(6) PCPA 2004 is not set aside by the NPPF, and so there is still an obligation on the LPA to have regard to the development plan and to determine the application in accordance with the plan unless material considerations indicate otherwise
 - Where development plan policies are out of date, the correct decision making approach is to consider (a) development plan policy and (b) the tilted balance arising from the lack of a 5YHLS at the same time, and it is still necessary for the decision maker to assess the weight to be attributed to (a) and (b)
 - The NPPF does not exclude development plan policies from the tilted balance: such policies are to be taken into account
- 10.12 Therefore having decided the weight is to be attributed to development plan policy as well as the tilted balance and other material considerations, the conclusion has been reached that the objection from Transport Development Management identifies issues which are “adverse impacts” within the terms of paragraph 11 of the NPPF, and to consider relevant development plan policies in the process.

Development Control – 19 July 2023**Application No. 21/05164/F : Land On The West Side Of Novers Hill Bristol****(B) IS THE ACCESS TO THE DEVELOPMENT ACCEPTABLE?**

- 10.13 Core Strategy Policy BCS10 states that developments should be designed and located to ensure the provision of safe streets. Development should create places and streets where traffic and other activities are integrated and where buildings, spaces and the needs of people shape the area.
- 10.14 Policy DM23 of the Site Allocations and Development Management Policies outlines that development should not give rise to unacceptable traffic conditions and will be expected to provide safe and adequate access onto the highway network. With regard to parking, Policy DM23 states that this must be safe, secure, accessible and usable.
- 10.15 The Council's Transport Development Management (TDM) have reviewed the application and raise an objection on multiple grounds.

Poor Permeability

- 10.16 TDM object to the proposed layout due to its poor permeability and lack of safe and adequate access to and within the development, which, to be overcome, would require substantial redesign of the site and evidence of deliverability of proposed future links to key transport corridors.
- 10.17 This has not been addressed with the amended proposals for the site. New links within the site have been identified, but there is no evidence that any of these can be achieved, nor have the applicants sought to contribute nor secure any such links. As they stand, these are merely stubs of footway leading to nowhere, and are unreflective of the terrain in the site. There is no certainty that these routes can be delivered in any short or long term, and as such these links are not considered to provide any permeability of the site in either the short or long term.
- 10.18 Furthermore, there is no detail of how these may physically link into surrounding sites as no gradients have been supplied to indicate that these can be achieved on a suitable level.

Insufficient traffic calming and visibility splays

- 10.19 TDM object to the application on the basis that the proposed traffic calming is insufficient, visibility splays inadequate, and the proposals do not provide a sufficiently safe walking and cycling environment.
- 10.20 This has not been addressed with the amendments to the scheme. The applicants have not satisfactorily addressed the issues outlined in the substantial comments sent by TDM and in the subsequent Road Safety Audit review. TDM continue to have a strong objection on the grounds of road safety.

Shared use cycle and walking link

- 10.21 TDM object to the proposed internal shared use cycle and walking link due to its insufficient width, surveillance, accessibility and safety.

Development Control – 19 July 2023**Application No. 21/05164/F : Land On The West Side Of Novers Hill Bristol**

- 10.22 This has not been adequately addressed in the amendments to the scheme submitted by the Applicants. An alternative route into the site has been provided to the west of the houses, which is stated to provide an alternative facility.

Link to neighbouring sites

- 10.23 A link has been indicated in the neighbouring south site, but the levels are inaccessible and no details of how any future link could be physically provided into the neighbouring site are available. The indicative gradients in this location are prohibitive to any safe route through.
- 10.24 In the absence of any feasible link into the neighbouring site this shared use path would only serve the residents of the development, and not address the safety for any other existing pedestrians and cyclists who would be affected by the additional traffic arising from the development, who would be dependent on a safe route alternative to the live carriageway in Novers Hill.
- 10.25 The northernmost section of the cycle route has not been addressed and this is the steepest section of the route, and the concerns about safety and conflict between fast moving cyclists and pedestrians in this shared surface have not been addressed.

Public Transport Infrastructure

- 10.26 TDM object to the proposals as they fail to provide for links to and appropriate improvements to public transport infrastructure.
- 10.27 This has not been addressed in the resubmission. As point above, safe and direct access is not provided to local public transport routes.

Internal Layout

- 10.28 TDM object to the internal layout on the basis that the gradients are inaccessible and not conducive to walking or cycling, footway widths are inadequate and visibility and turning has not been sufficiently demonstrated.
- 10.29 Forward visibility has been clarified and addressed.
- 10.30 Gradients are still excessive for safe walking, cycling and wheeling and would make the development dependent on car use and make it inaccessible and inequitable for those who have no access to a car. This is particularly pertinent for the affordable housing, which is at the lowest part of the site.
- 10.31 It is expected that the highway would be to an adoptable standard, including ensuring that the gradients are acceptable and the highway is structurally sound. To achieve this, the highway must be constructed to suitable engineering standard. This will involve a significant amount of cut, full and structural works. No AIP has been submitted and / or agreed. In the absence of this information TDM are not fully satisfied that the development can be delivered safely.
- 10.32 The substantial earthworks involved is likely to have a considerable impact on the structural integrity of the surrounding environment.
- 10.33 There are still areas to the south of the site with inadequate footway widths.

Development Control – 19 July 2023

Application No. 21/05164/F : Land On The West Side Of Novers Hill Bristol

Over provision of allocated parking

- 10.34 TDM object to the overprovision of allocated parking which exceeds Local Plan maximum standards.
- 10.35 TDM object to the proposals as the cycle parking provision is inadequate in its current form.
- 10.36 There are many parts of the application site where cycle stores are inaccessible.

Waste storage and collection facilities

- 10.37 TDM objects to the current waste storage and collection facilities as these are not fit for purpose.
- 10.38 There are many parts of the site where refuse stores are inaccessible, resulting in obstruction of the footway if not put away properly.
- 10.39 No clear Construction Management Plan has been submitted and there is road safety implication of queueing on Novers Hill by construction vehicles. The construction of the site will have significant environmental and traffic management matters needing to be addressed prior to commencement. This would need to be addressed as this would raise serious road safety concerns.
- 10.40 Furthermore, TDM are concerned about the impact that this development will have on the structural integrity of this land, and the impact that any failure or excessive terracing / structural works will have on the natural environment.
- 10.41 TDM has concerns over the cut and fill, and the safety aspects of such retaining structures, which not only require significant earthworks and retaining features, but they also require safety barriers as indicated on the plans.
- 10.42 TDM would therefore advise that the construction of the highway and the retaining features necessary from the very commencement of the scheme (including the very start of construction) is likely to have a significant impact on the stability of the ground, given the site's topography. There has been no evidence that this can be undertaken satisfactorily, contrary to Policy DM37. It would take a considerable amount of pre-commencement information to satisfy any condition and it could be considered unreasonable to apply a condition that may not be able to be satisfied.
- 10.43 In summary, the cumulative impact of the road safety and severity of the gradients in this area mean that this application cannot be supported. Accordingly highway related reasons for refusal are recommended.

(C) IS THE PROPOSAL ACCEPTABLE IN TERMS OF ITS IMPACT ON ECOLOGY?

Use of land outside of the site allocation boundaries (SNCI land) for green corridor and access

- 10.44 The applicant is proposing to use land outside of the site allocation boundaries (SNCI land) for a green corridor.

Development Control – 19 July 2023**Application No. 21/05164/F : Land On The West Side Of Novers Hill Bristol**

- 10.45 Inclusion of the SNCI land within the red-line boundary triggers policy DM19 which states: “Development which would have a harmful impact on the nature conservation value of a Site of Nature Conservation Interest will not be permitted”.
- 10.46 It has not been demonstrated that the use of this land (SNCI) outside of the site allocation boundaries will not have a harmful impact on the SNCI, as habitat is being lost and areas of hardstanding ‘Local Play Space’ and part of one of the access roads is being proposed in it.
- 10.47 The application is therefore not policy compliant with DM19. The only activities which would be compliant are those that would not have a harmful impact, such as enhancement.
- 10.48 The Council’s Ecologist comments that ‘Local Play Space’, green infrastructure and access points for the residents of any development within the site allocations should be provided within the site allocation boundaries only, and the SNCI should be protected from habitat degradation and enhanced only.

Previous Nature Conservation Officer comments, BNG, and the SNCI

- 10.49 The Council’s Nature Conservation Officers (NCO) have spent considerable time assessing the impact of the application proposal on the ecology of the site.
- 10.50 The previous NCO commented:
- “My advice is that a re-evaluation of the grassland habitats would be useful now that grazing has (allegedly) ceased. This type of (Phase 2) survey would need to be carried out by a botanist at an appropriate time of year. Basically, it is an NVC survey that needs to be carried out.”
- 10.51 It is unclear at this stage whether this work has been done and your Officers will update Members at the Committee Meeting.
- 10.52 Complete ecological surveys are therefore not complete which is a material planning consideration as not compliant with Policy DM19. See section in bold below.
- 10.53 DM19 Development and Nature Conservation states that development which would be likely to have any impact upon habitat, species or features, which contribute to nature conservation in Bristol will be expected to:
- i. Be informed by an appropriate survey and assessment of impacts
- The previous NCO commented: It is not clear why the existing badger sett cannot be retained in situ. A reasoned justification for relocating the sett needs to be provided by the applicant. Since which, a justification has not been received however the applicants’ documents state that Japanese Knotweed (JK) is present in same area as badger sett. JK must be removed. A JK Removal Strategy would be required. This could be secured by condition.
- There is also a need for the LPA to agree that the badger sett must be relocated.
- 10.54 The previous NCO commented: The applicant also needs to provide a reasoned justification for the loss of woodland, which is a Habitat of Principal Importance.
- 10.55 This has not been received. The quantum of loss of woodland seems unnecessarily high and unjustified. As a Habitat of Principal Importance this would require robust justification. Some of this woodland is in the ‘Pigeonhouse Stream and adjacent

Development Control – 19 July 2023

Application No. 21/05164/F : Land On The West Side Of Novers Hill Bristol

meadows' Site of Nature Conservation Interest (outside of the site allocation boundaries).

- 10.56 Any harmful impact on a SNCI, such as the habitat loss proposed here, is not compliant with Policy DM19 and the National Planning Policy Framework (2021) (NPPF).

Sites of Nature Conservation Interest (SNCI)

- 10.57 Policy DM19 states that development which would have a harmful impact on the nature conservation value of a SNCI will not be permitted.

- 10.58 NPPF 2021 paras 174 states:

174. Planning policies and decisions should contribute to and enhance the natural and local environment by:

(a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

(d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

- 10.59 NPPF 2021 paras 179 states:

179. To protect and enhance biodiversity and geodiversity, plans should:

(a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity 61 ; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation 62 ; and

(b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

- 10.60 The Council's Ecologist has commented that no bat roost assessment of any of the trees in this woodland has been carried out. No commentary was provided in the Ecological Impact Assessment on bat roost suitability of any of the trees on site. This information is required before a full assessment of the site can be undertaken as the location of any potential bat roosts in the woodland would impact design, mitigation requirements, and the developments impact on a European protected species. This is material planning consideration as it is not compliant with policy DM19 and the NPPF 2021.

- 10.61 Policy DM19 Development and Nature Conservation states that development which would be likely to have any impact upon habitat, species or features, which contribute to nature conservation in Bristol will be expected to be informed by an appropriate survey and assessment of impacts.

- 10.62 Earlier Ecologist comments stated:

Development Control – 19 July 2023**Application No. 21/05164/F : Land On The West Side Of Novers Hill Bristol**

“... the viability of securing off site biodiversity units needs to be reviewed. I am aware that no agreement has been reached about using Crox Bottom SNCI for this purpose or for securing such gains via planning obligations at this or any other site. And I would advise that the application should not be determined until more certainty is offered.”

10.63 The Applicant has stated that “our proposal is to use a biodiversity offset habitat bank in nearby Nailsea to deliver the offsetting required for the proposed development. At the current time, no other options exist for the delivery of a net gain for biodiversity” and “Bristol City Council will need to advise the applicant what information they require about the offset project to ensure that a net gain for biodiversity is deliverable. A management and monitoring plan, plus a net gain assessment have been carried out for the site, and these can be made available on request”.

10.64 It is unusual for an applicant not to provide a Biodiversity Net Gain plan to their LPA up front if they have one. What we would be looking for in a BNG plan is evidence of how the mitigation hierarchy has been applied, how net gains are going to be achieved, specifically details of the offset habitat bank in Nailsea, how many biodiversity units are being procured, and proof that the trading rules are being met. Without this currently we can't be certain that the application is compliant with the 2021 NPPF. This is a material planning consideration.

10.65 Without the aforementioned information, the application does not demonstrate compliance with one of the development considerations (for both allocations), which states:

“be informed by an ecological survey of the site and make provision for compensation and mitigation measures, including compensation for the loss of the ‘Lowland Meadow’, ‘Lowland Calcareous Grassland’ and semi-improved neutral grassland. The site currently has city-wide importance for nature conservation due to the presence and condition of particular species, habitats and / or features;”.

This is a material planning consideration.

Land Instability

10.66 The Council's Ecologist is concerned about the impact of the proposed earthworks that would be required to deliver development on the site.

10.67 NPPF 2021 para 174 states:

174. Planning policies and decisions should contribute to and enhance the natural and local environment by:

(e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

10.68 The long-term viability of the site is a key component to securing and protecting the biodiversity on it. If a suitable engineering solution has not been agreed yet, then it cannot be confirmed that there won't be further adverse impact on ecology and natural habitats.

Biodiversity Net Gain

Development Control – 19 July 2023**Application No. 21/05164/F : Land On The West Side Of Novers Hill Bristol**

- 10.69 In response to the previous NCO's comments on the BNG assessment, the applicant stated: "Strategic significance will be high if the location of the habitat is identified in a local plan, strategy or policy related to biodiversity. Medium strategic significance can be used where a location is deemed ecologically desirable for that particular habitat type."
- 10.70 The applicant should therefore have used the Bristol Local Plan in their search for published plans and strategies for biodiversity. The Bristol Local Plan specifically states the following regarding SNCIs: "Although they do not receive the same legal protection as international or national nature conservation sites, Sites of Nature Conservation Interest (SNCIs) collectively represent the city's critical stock of natural capacity. In some areas of Bristol, SNCIs offer people their only valuable contact with wildlife. Therefore, development proposals which would harm the nature conservation value of an SNCI will not be permitted."
- 10.71 The 'Bristol Nature Conservation Map' displays the location of SNCIs within Bristol and also gives an overview of habitats and species on each SNCI. This, along with more 2.0 Development Management Policies 43 Bristol Local Plan – Site Allocations and Development Management Policies – Adopted July 2014 detailed information from the appropriate survey and assessment, should inform any development proposal which may impact upon an SNCI to ensure harm is avoided.
- 10.72 For land to be given SNCI status strict criteria have to be met. These criteria establish the site as having substantive value for nature conservation due to the presence and condition of particular species, habitats and features."
- 10.73 All habitats within the 'Pigeonhouse Stream and adjacent meadows' SNCI (outside of the site allocation boundaries) should therefore have been assigned high strategic significance in the BNG assessment. All other habitats should have been assigned medium strategic significance because they are contained in the former SNCI designation.
- 10.74 Site allocation development considerations could be met and the NPPF and Bristol DM policies could be complied with, with a greater focus on achieving BNG on site within the boundaries of the site allocations. The existing 'Pigeonhouse Stream and adjacent meadows' SNCI should remain unimpacted by development. Where BNG on site is genuinely not feasible and this is evidenced, off-site BNG as close to the application site as possible should be the next step and trading rules must be met.
- 10.75 Notwithstanding all these outstanding issues, your Officer's are mindful of the parallels with the recent Brislington Meadows Appeal outcome. There the Inspector placed limited weight on the loss of trees and hedgerows and ecology because of the site allocation (Appeal Reference APP/Z0116/W/22/3308537, Inspector's decision dated 17th April 2023 , paragraph 149). It is concluded therefore that while there is the need to undertake additional work in respect of mitigating the impact of housing on this site, ecological concern cannot be supported as an in principle objection to this application proposal. Rather, the reasons for refusal recommended will ensure the delivery of the required mitigation.

11.0 CONCLUSION

- 11.1 Attention must be paid to the need to deliver more housing to address the significant housing need in the city. This site is allocated for housing and the city is without a five year housing supply. The Local Planning Authority should therefore be in a

Development Control – 19 July 2023**Application No. 21/05164/F : Land On The West Side Of Novers Hill Bristol**

position to support this application proposal and recommend that permission is granted. However, it is the assessment of your Officers that the objection of Transport Officers (TDM) amounts to a significant material consideration that outweighs the allocation of this site for housing.

- 11.2 The cumulative impact of the road safety and severity of the gradients in this area mean that this application cannot be supported. An acceptable highway solution has not been found.
- 11.3 In respect of ecology, it is noted that a significant number of objections have been received expressing concern about the impact of the proposal on the ecology of the site. There is a need to undertake additional work in respect of mitigating the impact of housing on this site. There is no reason to suggest that this could not be done. As a consequence, ecological concern cannot be supported as an in principle objection to this application proposal.
- 11.4 Overall, this application is recommended for refusal.

RECOMMENDED REFUSED

The following reason(s) for refusal are associated with this decision:

Reason(s)

1. The proposed development fails to provide the following:
 - Adequate permeability within and to / from highway network
 - Sufficient road safety measures
 - Walking and cycling infrastructure
 - Public Transport infrastructure
 - Travel Planning provision
 - Adequate waste storage and collection proposals
 - An acceptable level of parking (by reason of overprovision)

It is therefore contrary to the requirements of the NPPF, policies BCS10, BCS13, BCS21 of the Bristol Core Strategy (2011) and policies DM23, DM27, DM28 of the Bristol Local Plan, Site Allocations and Development Management Policies (2014) and the Knowle West Regeneration Framework.

2. The proposed development by reason of the internal gradients would not allow easy or safe walking and cycling. This is contrary to the requirements of the NPPF, policies BCS10, BCS13 of the Bristol Core Strategy (2011) and policies DM23, DM28 of the Bristol Local Plan, Site Allocations and Development Management Policies (2014).

Development Control – 19 July 2023

Application No. 21/05164/F : Land On The West Side Of Novers Hill Bristol

3. The application proposal is not supported by a complete set of ecological surveys and reports to demonstrate mitigation on the ecology of the site and its biodiversity. The application proposal is therefore contrary to the requirements of the NPPF and to Policy DM19 of the Bristol Local Plan, Site Allocations and Development Management Policies (2014).

Supporting Documents

Land on The West side of Novers Hill

1. Application Site
2. Site Location Plan
3. Existing Site Plan
4. Proposed Site Layout
5. Access
6. Ecology
7. Overview
8. Transport Development Management Comments

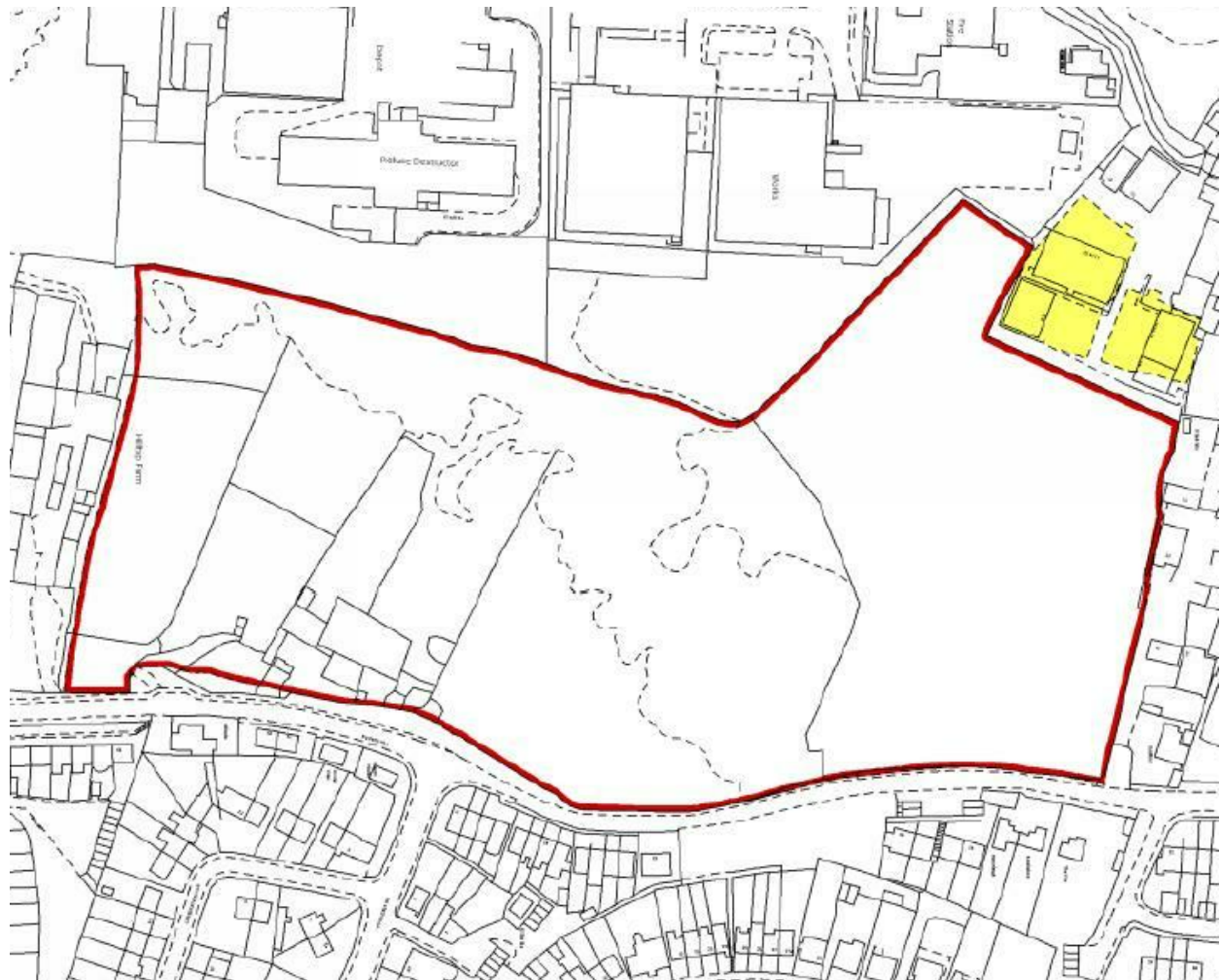
Land on the west side of **Novers Hill**

Erection of 157 no. dwellings, including 47 no. affordable housing units (30%), along with 2 no. access points from Novers Hill, the provision of play facilities and public open space with associated works.

Application site

- Site Area: 5.30 Hectares
- Allocated for Housing in the Adopted Local Plan
- 101 Open Market Homes
- 43 Affordable Homes
- Access to the site from Novers Hill

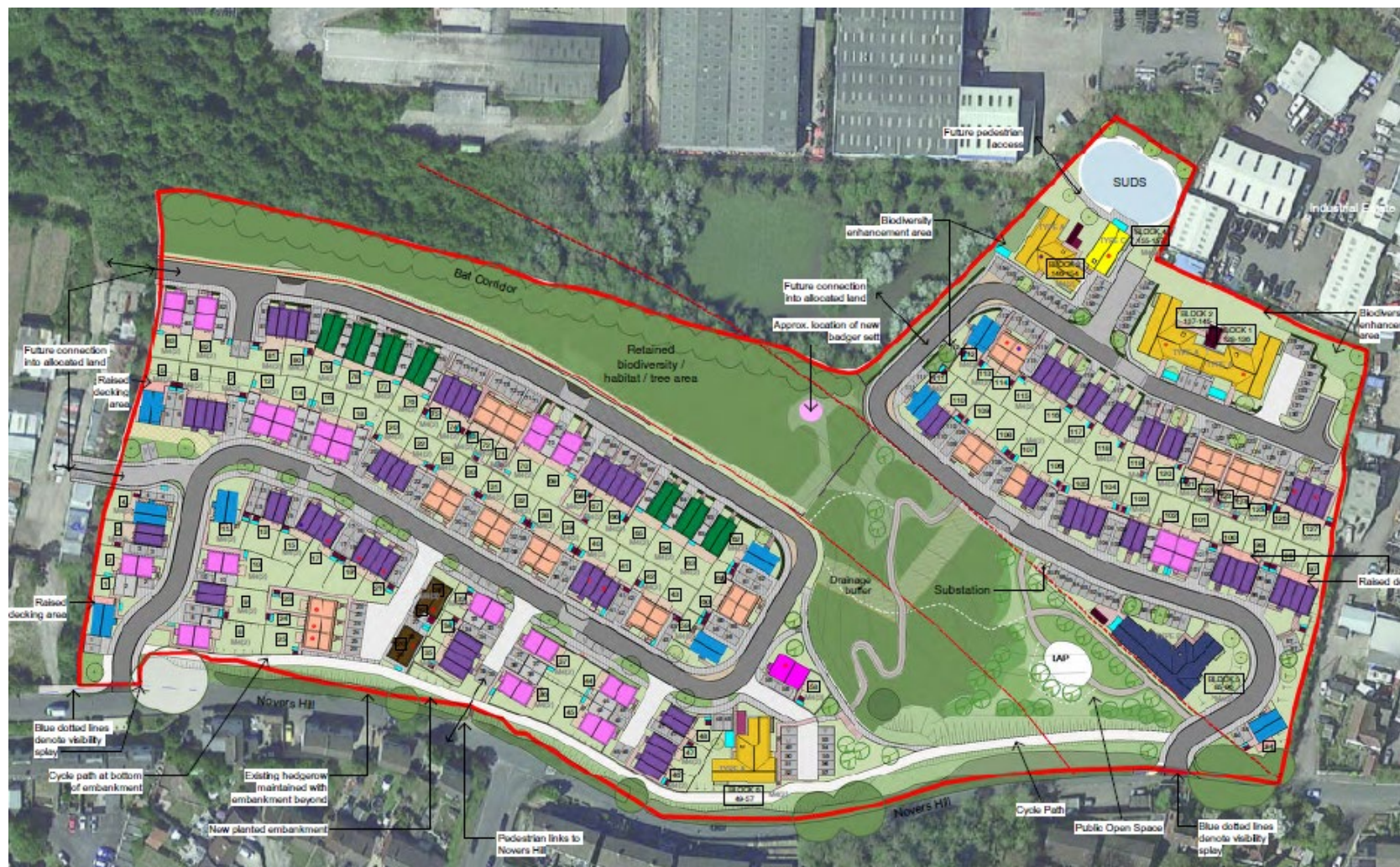
Site Location Plan



Existing Site Plan



Proposed Site Layout



Access

- There is unacceptable internal gradients rendering the site inaccessible and not allowing easy or safe walking and cycling - DM23, DM28, BCS10, BCS13, NPPF.
- Inadequate permeability within and to / from highway network - DM23, DM27, DM28, BCS10, BCS13, BCS21, NPPF, Knowle West Regeneration Framework
- Inadequate measures to mitigate impacts of development and provide for sustainable travel patterns to and within the site, with insufficient provision of road safety measures, walking and cycling infrastructure, public transport infrastructure and travel planning provision - DM23, BCS10, BCS11, BCS13 and the NPPF.
- Inadequate cycle parking and overprovision of car parking - DM23, BCS10, BCS13 and the NPPF
- Inadequate waste storage and collection proposals - DM23, DM32, BCS15

Ecology

- It has not been demonstrated that the use of this land (SNCI) outside of the site allocation boundaries will not have a harmful impact on the SNCI, as habitat is being lost and areas of hardstanding 'Local Play Space' and part of one of the access roads is being proposed in it. The application is therefore not policy compliant with DM19.
- *A re-evaluation of the grassland habitats would be useful now that grazing has (allegedly) ceased. This type of (Phase 2) survey would need to be carried out by a botanist at an appropriate time of year. Basically, it is an NVC survey that needs to be carried out.*
- *It is not clear why the existing badger sett cannot be retained in situ. A reasoned justification for relocating the sett needs to be provided by the applicant.*
- *The applicant also needs to provide a reasoned justification for the loss of woodland, which is a Habitat of Principal Importance.*
- No bat roost assessment of any of the trees in this woodland has been carried out
- There is a need for a greater focus on achieving BNG on site.
- **Site allocation development considerations could be met and the NPPF and Bristol DM policies could be complied with, with a greater focus on achieving BNG on site within the boundaries of the site allocations. The existing 'Pigeonhouse Stream and adjacent meadows' SNCI should remain unimpacted by development. Where BNG on site is genuinely not feasible and this is evidenced, off-site BNG as close to the application site as possible should be the next step and trading rules must be met.**

Overview

- 649 objections received on ecological impact
- Recommendation to refuse on highway grounds



City Transport

Transport Development Management

Application Response

To: Peter Westbury, Development Management Planning Team
From: Pip Howson, Transport Development Management
Date: 22 June 2023
Address: Land at Novers Hill
Application No: 23/05164/F
Proposal: 157 dwellings
Response: Final Response
Recommendation: **Objection**


I refer to previous correspondence dated 11 April 2022, 22 August 2022 and 20 April 2023.


The following table summarises TDM's position and provides an update following a resubmission of plans dated 1 March 2023, including the following alterations relevant to TDM:

- Introduction of pedestrian link within the site to improve permeability between lower and higher roads on the southern parcel.
- Introduction of shared use cycle path within southern parcel road layout to provide alternative cycle route.
- Reconfigure layout to safeguard possibility for pedestrian/bicycle/maintenance access to land to south, instead of adoptable road access.
- Amended vehicle and cycle parking provision.
- Various associated alterations to road layout, alignment and levels.

It is TDM's position that these have not satisfactorily addressed the concerns raised, and TDM continue to object to the proposals.

	Objection	Commentary
1	<i>TDM object to the proposed layout due to its poor permeability and lack of safe and adequate access to and within the development, which, to be overcome, would require substantial redesign of the site and evidence of deliverability of proposed future links to key transport corridors.</i>	This has not been addressed in the resubmission. New links within the site have been identified, but there is no evidence that any of these can be achieved, nor have the applicants sought to contribute nor secure any such links. As they stand, these are merely stubs of footway leading to nowhere, and are unreflective of the terrain in the site. There is no certainty that these routes can be delivered in any short or long term, and as such these links are not considered to provide any permeability of the site in either the short or long-term. Furthermore, there is no detail of how these may physically link into surrounding sites as no

		<p>gradients have been supplied to indicate that these can be achieved on a suitable level.</p> 
2	<p><i>TDM object to the application on the basis that the proposed traffic calming is insufficient, visibility splays inadequate, and the proposals do not provide a sufficiently safe walking and cycling environment.</i></p>	<p>This has not been addressed in the resubmission. The applicants have not satisfactorily addressed the issues outlined in the substantial comments sent by TDM and in the subsequent Road Safety Audit review. TDM continue to have a strong objection on the grounds of road safety.</p>
3	<p><i>TDM object to the proposed internal shared use cycle and walking link due to its insufficient width, surveillance, accessibility and safety.</i></p>	<p>This has not been adequately addressed in the resubmission. An alternative route into the site has been provided to the west of the houses, which is stated to provide an alternative facility.</p> <p>A link has been indicated in the neighbouring south site, but the levels are inaccessible and no details of how any future link could be physically provided into the neighbouring site are available. The indicative gradients in this location are prohibitive to any safe route through:</p>

		 <p>In the absence of any feasible link into the neighbouring site this shared use path would only serve the residents of the development, and not address the safety for any other existing pedestrians and cyclists who would be affected by the additional traffic arising from the development, who would be dependent on a safe route alternative to the live carriageway in Novers Hill.</p> <p>The northernmost section of the cycle route has not been addressed and this is the steepest section of the route, and the concerns about safety and conflict between fast moving cyclists and pedestrians in this shared surface have not been addressed.</p>
4	<p><i>TDM object to the proposals as they fail to provide for links to and appropriate improvements to public transport infrastructure.</i></p>	<p>This has not been addressed in the resubmission. As point 1 above, safe and direct access is not provided to local public transport routes.</p>
5	<p><i>TDM object to the internal layout on the basis that the gradients are inaccessible and not conducive to walking or cycling, footway widths are inadequate and visibility and turning has not been sufficiently demonstrated.</i></p>	<p>Forward visibility has been clarified and addressed.</p> <p>Gradients are still excessive for safe walking, cycling and wheeling and would make the development dependent on car use and make it inaccessible and inequitable for those who have no access to a car. This is particularly pertinent for the affordable housing, which is at the lowest part of the site.</p> <p>It is expected that the highway would be to an adoptable standard, including ensuring that the gradients are acceptable and the highway is structurally sound. To achieve this, the highway must be constructed to suitable engineering standard. This will involve a significant amount of cut, full and structural works. No AIP has been submitted and / or agreed. In</p>

		<p>the absence of this information TDM are not fully satisfied that the development can be delivered safely. The substantial earthworks involved is likely to have a considerable impact on the structural integrity of the surrounding environment.</p> <p>There are still areas to the south of the site with inadequate footway widths.</p>
6	<i>TDM object to the overprovision of allocated parking which exceeds Local Plan maximum standards.</i>	This has not been addressed nor rebutted in the resubmission.
7	<i>TDM object to the proposals as the cycle parking provision is inadequate in its current form.</i>	Not fully addressed in resubmission - there are still a lot of locations where cycle stores are inaccessible.
8	<i>TDM objects to the current waste storage and collection facilities as these are not fit for purpose.</i>	Not fully addressed in resubmission - there are lot of locations where refuse stores are inaccessible, resulting in obstruction of the footway if not put away properly.
9	<i>TDM objects as no clear CMP has been submitted and there is road safety implication of queueing on Novers Hill by construction vehicles.</i>	Not addressed as part of the re-submission. The construction of the site will have significant environmental and traffic management matters needing to be addressed prior to commencement. This would need to be addressed as this would raise serious road safety concerns.

Furthermore, TDM are concerned about the impact that this development will have on the structural integrity of this land, and the impact that any failure or excessive terracing / structural works will have on the natural environment.

TDM agree with the comments submitted by City Design and Ecology over the cut and fill, and the safety aspects of such retaining structures, which not only require significant earthworks and retaining features, but they also require safety barriers as indicated on the plans.

TDM would therefore advise that the construction of the highway and the retaining features necessary from the very commencement of the scheme (including the very start of construction) is likely to have a significant impact on the stability of the ground, given the site's topography. There has been no evidence that this can be undertaken satisfactorily, **contrary to Policy DM37**. It would take a considerable amount of pre-commencement information to satisfy any condition and it could be considered unreasonable to apply a condition that may not be able to be satisfied.

In summary, the cumulative impact of the road safety and severity of the gradients in this area mean that TDM continue to strongly object to the proposals for the reasons as outlined below.

Reasons for refusal:

- Inadequate permeability within and to / from highway network - DM23, DM27, DM28, BCS10, BCS13, BCS21, NPPF, Knowle West Regeneration Framework
- Inadequate measures to mitigate impacts of development and provide for sustainable travel patterns to and within the site, with insufficient provision of road safety measures, walking and cycling infrastructure, public transport infrastructure and travel planning provision - DM23, BCS10, BCS11, BCS13, NPPF

- Unacceptable internal gradients rendering the site inaccessible and not allowing easy or safe walking and cycling - DM23, DM28, BCS10, BCS13, NPPF
- Inadequate cycle parking and overprovision of car parking - DM23, BCS10, BCS13, NPPF
- Inadequate waste storage and collection proposals - DM23, DM32, BCS15