

List of planning applications and other proposals submitted under the planning acts to be determined by the director of environment and community services

CIRCULATED SCHEDULE NO: 03/23

Date to Members: 20/01/2023

Member's Deadline: 26/01/2023 (5.00pm)

The reports listed over the page form the 'Circulated Schedule' a procedure agreed by Council in July 2020. Under the arrangement certain reports are circulated on a weekly basis. The reports assess the application, considers representations which have been received, and make a recommendation regarding the proposal.

Having considered the reports, those applications that Councillors feel should be referred to the relevant Planning Committee must be notified to the Strategic Planning section by email within five working days of the publication of the schedule (by 5pm) in line with the procedure set out below. If there has been no valid Member request for referral within the time period, the decision notices will be issued in line with the recommendation in this schedule.

Before referring an item to the Committee, it is recommended that Members speak to an officer about the issue, to explore whether any problems can perhaps be resolved without the need for referral to a Committee. You may also wish to refer to the guidance given in the Members' Planning Code of Good Practice in the Council's constitution, which sets out the criteria the Chair of the Committee, in consultation with the Spokes will use to consider any referral requests.

PLEASE NOTE: The circulated schedule process is only open to elected Members of South Gloucestershire Council.

NOTES FOR COUNCILLORS

– formal arrangements for referral to committee

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate planning committee then a referral should:

- a) Be made in writing using the attached form by emailing MemberReferral@southglos.gov.uk identifying the application reference and site location
- b) Within 5 working days of the date of this schedule e.g. if the schedule is published on a Friday, comments have to be received by end of the following Thursday (see cover page for the date)
- c) The referral should include the reasons for the referral why it would not be appropriate to permit the proposal to be determined under the delegated arrangements; the issue the proposal raises in relation to the relevant policy context and the balanced consideration that has been given to the extra costs and delay to the referral You may wish to consider the guidance given in the Members' Planning Code of Good Practice in the Council's constitution, which sets out the criteria the Chair of the Committee, in consultation with the Spokes will use to consider any referral requests.

If would be helpful if you could indicate if you:-

- Have discussed the application(s) with the Case Officer and/or Development Manager
- Have discussed the application(s) with ward Member(s) if the site is outside of your ward
- Consider the site would benefit from a visit by the committee, setting out the reasons

Valid referral requests will be considered by the Committee Chair, in consultation with the Spokes, against the criteria given in the Members' Planning Code of Good Practice in the Council's constitution and you will be notified of the Chair's decision. Applications which are not referral, or where the referral request is not agreed by the Chair, will be determined by officers under delegated powers

The Circulated Schedule will always contain the following applications unless the application is required to be determined by Committee:

- 1) Any application submitted by, or jointly, or on behalf of the Council.
- 2) Any application submitted by or any matter directly affecting or involving any

Member of the Council and any application(s), submitted by an Officer of the Council working in the Strategic Planning area (specifically the Policy and Specialist Advice, Development Management, Strategic Major Sites and Planning Enforcement, Validation & Registration and Planning Technical Support teams) or any Member or Officer of the Council acting as a planning agent.

- 3) Any application requiring a new planning agreement.
- 4) Any applications requiring a modification of an existing planning agreement where in the opinion of the Director, there would be a detriment to the public benefits secured.

5) Any application where the proposed decision of the Director would, in his opinion, be contrary to the policies of the Council as expressed in the Development Plan and/or any emerging plan and require referral to the Secretary of State following approval in principle by the Council for the purposes of development control decision making.

6) Any applications, except those listed below a-f where three or more representations contrary to the Officers recommendation are received within the notification period other than from officers of the Council acting in their professional capacity.

7) Any applications, except those listed below a-f where a representation is received within the notification period which is contrary to the officers recommendation from the Parish or Town Council within whose boundary the proposal lies wholly or in part.

8) Any applications, except those listed below a-f where a representation is received within the notification period which is contrary to the officer's recommendation from any Member of South Gloucestershire Council.

Applications that will not appear of the Circulated Schedule procedure as a result of representations received:

a. All applications, where approval is deemed to be granted upon the expiry of a defined period

b. All applications to be determined the lawfulness of a proposed or existing use of a site

c. All applications for non-material amendments

d. All applications to discharge planning conditions

e. All applications solely required because of the removal of Permitted Development Rights or Article 4 direction

f. Any footpath stopping up or diversion required to implement an approved scheme

Additional guidance for Members

Always make your referral request by email to MemberReferral@southglos.gov.uk (not individual email addresses), where referrals can be picked up quickly by the Technical Support Team.

Please note a copy of your referral e mail will appear on the website.

Before referring an application always contact the case officer or Development Manager first to see if your concerns can be addressed without the application being referred.

If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward Member(s) to see what their views are, before referring the application.

Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. Please do not leave it to the last minute.

A template for referral is set out below:

Referral from Circulated Schedule to Development Management Committee

1. Application reference number:

2. Site Location:

3. Reasons for referral:

The referral should include the reasons for the referral indicating why it would not be appropriate to permit the proposal to be determined under the delegated arrangements; the issues the proposal raises in relation to the relevant policy context and the balanced consideration that has been given to the extra costs and delay of the referral

4. If the site is outside your ward have you contacted the ward Member(s) to inform them of the referral?

5. Have you discussed the referral with the case officer or Development Manager?

6. Do you feel a site visit is required or can issues be addressed by other means e.g. further information in the report, additional presentation material, video etc.

Do you consider this is an application of strategic importance such that you would request the Director to consider using his discretion to refer the matter to the Strategic Sites Delivery Committee? If so please set out your reasons:

Date:

To be emailed to MemberReferral@southglos.gov.uk

CIRCULATED SCHEDULE - 20 January 2023

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	P19/15308/F	Approved Subject to Section 106	Hollybush Farm Acton Turville Badminton South Gloucestershire GL9 1HJ	Chipping Sodbury And Cotswold Edge	Acton Turville Parish Council
2	P21/07554/RVC	Approve with Conditions	Wick Quarry London Road Wick South Gloucestershire BS30 5SJ	Boyd Valley	Wick And Abson Parish Council
3	P22/01746/F	Approve with Conditions	Land At 29A And 29B St James Place Mangotsfield South Gloucestershire BS16 9JB	Staple Hill And Mangotsfield	Emersons Green Town Council
4	P22/05891/F	Approve with Conditions	Oakhill Farm 8 Oakhill Lane Hallen South Gloucestershire BS10 7RW	Pilning And Severn Beach	Almondsbury Parish Council
5	P22/06236/F	Refusal	25 And 27 High Street Kingswood South Gloucestershire BS15 4AA	Kingswood	
6	P22/06440/F	Approve with Conditions	2 Coniston Road Patchway South Gloucestershire BS34 5PA	Patchway Coniston	Patchway Town Council
7	P22/07173/RVC	Approve with Conditions	Land At Wotton Road Rangeworthy Bristol South Gloucestershire BS37 7NA	Frampton Cotterell	Rangeworthy Parish Council

CIRCULATED SCHEDULE NO. 03/23 - 20th January 2023

App No.: P19/15308/F

Applicant: The Badminton Estate

Site: Hollybush Farm Acton Turville Badminton
South Gloucestershire GL9 1HJ

Date Reg: 3rd December 2019

Proposal: Relevant demolition of 1 no. modern barn, 2 no. silos and 1 no. outbuilding. Erection of single storey rear extension to 1 no. barn (Short Barn) to facilitate conversion of 4 no. barns to 9 no. dwellings. Erection of 8 no. dwellings, creation of access, with garages, landscaping and associated works.

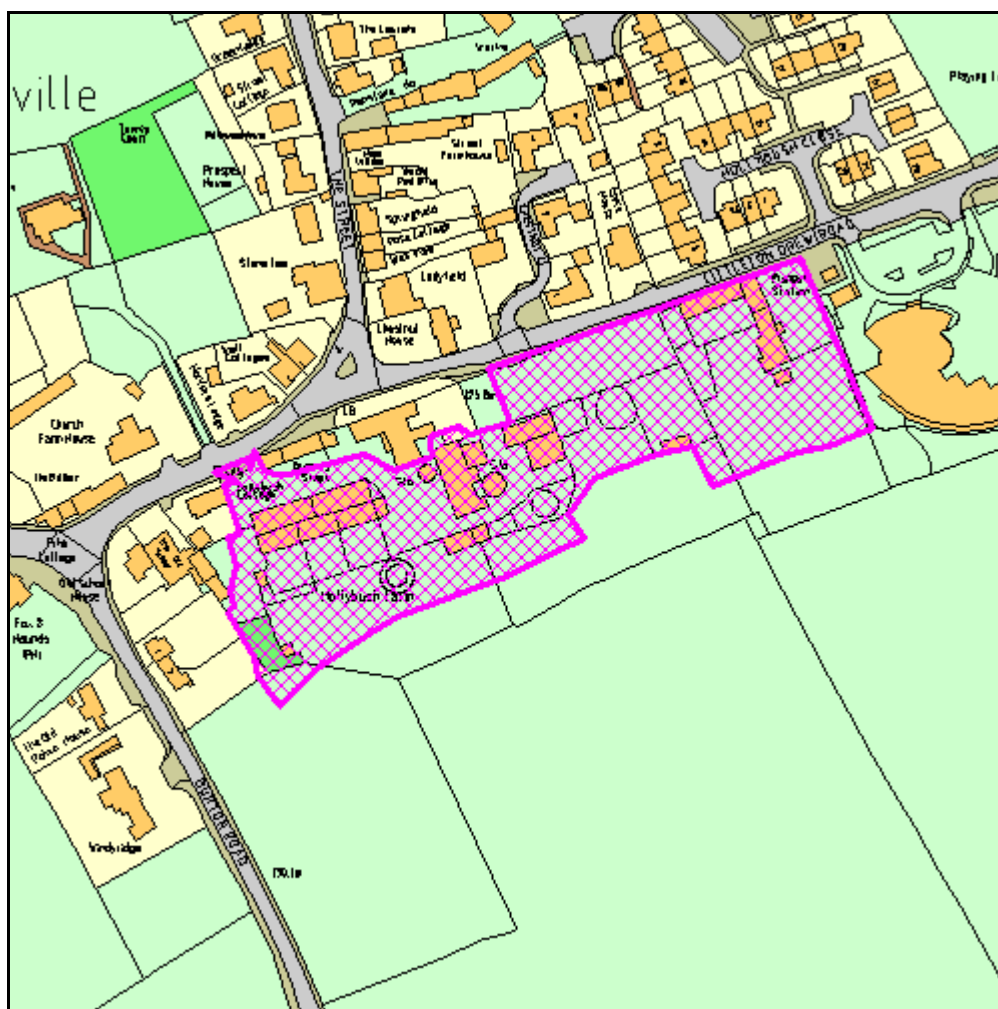
Parish: Acton Turville Parish Council

Map Ref: 381012 180775

Ward: Chipping Sodbury
And Cotswold Edge

Application Category: Major

Target Date: 2nd March 2020



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N.T.S.

P19/15308/F

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

Under the current scheme of delegation, this application is required to be taken forward under the Circulated Schedule procedure. The reasons for this are as follows: a representation has been made by the parish council, which is contrary to the findings of this report; the application has been subject to representations from local residents which are contrary to the findings of this report, with three or more representations made; the application is subject to a legal agreement under Section 106 of the Town & Country Planning Act 1990.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the creation of 17no. residential units at Hollybush Farm, Acton Turville. The development comprises the erection of 8no. new build dwellings, the provision of landscaping, and other associated works. The proposals also include demolition works to 1 no. modern barn, 2no. silos and 1no. outbuilding, and the erection of a single storey extension to 1no. barn to facilitate the conversion of 4 no. barns to 9no. dwellings.
- 1.2 The application site is located in the village of Acton Turville, and in its current form comprises a number of redundant traditional and more modern barns within a farmyard setting. The site is situated to the south of Littleton Drew Road and to the south-east of the B4039 (Burton Road). The majority of the site sits within the defined settlement boundary of Acton Turville, with a small portion to the south of the site extending beyond the boundary.
- 1.3 The immediate surrounding area comprises Trinity Primary School to the east, open fields to the south, a number of dwellings fronting onto Burton Road to the west, and dwellings of varying ages to the north on the opposite side of Littleton Drew Road.
- 1.4 The application site is located within the Cotswolds Area of Outstanding Natural Beauty and within the Acton Turville Conservation Area. There are a number of listed buildings within and adjoining the site. The entirety of the site is located in EA Flood Zone 1.
- 1.5 The application seeks to convert 4no. existing barns into 9no. dwellings, and construct 8no. new build dwellings. For clarity, the development comprises the following elements (as labelled on the proposed site plan ref. 255-SP01p):
 - **Block A** (units 1 – 5) – converted long barn
 - **Block B** (unit 6) – converted listed barn
 - **Block C** (unit 7) – converted short barn with small extension
 - **Block D** (units 16 & 17) – converted L-shaped barn
 - **Block E** (units 8 - 10) – new build terrace of 3 cottages
 - **Block F** (unit 11) - new build detached cottage

- **Block G** (units 12 & 13) – new build semi-detached cottages
- **Blocks H & I** (units 14 & 15) new build detached dwellings

1.6 Over the course of the application, various amendments to the scheme have been secured and revised plans submitted by the applicant. As a result, following original consultation in December 2019, a further full round of consultation was undertaken in November 2020. Additional, more focused consultations have also been carried out with relevant officers subsequently in the application process. Summaries of the responses received during consultations are set out in section 4 of this report, with full copies of comments are available to view on the Council website. A summary of the revisions agreed over the course of the application is provided below:

- Changes to site layout, with orchard area introduced and layout/form of proposed new-build units revised.
- Changes to site access, with originally proposed access off Burton Road to west removed. Existing access off Littleton Drew to north instead used to serve development.
- Re-positioning of extension to existing barn 'C'.
- Number of proposed garage ports reduced to three and re-located. Levels of domestic paraphernalia across site reduced.

2. **POLICY CONTEXT**

2.1 National Guidance

National Planning Policy Framework
National Planning Policy Guidance (2014)

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS2	Green Infrastructure
CS3	Renewable and Low Carbon Energy Generation
CS4a	Presumption in favour of Sustainable Development
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS23	Community Infrastructure and Cultural Activity
CS24	Green Infrastructure, Sport and Recreation Standards
CS34	Rural Areas

South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland

PSP6	On-site Renewable and Low Carbon Energy
PSP8	Residential Amenity
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Managing the Environment and Heritage
PSP19	Wider Biodiversity
PSP20	Flood Risk
PSP21	Environmental Pollution and Impacts
PSP28	Rural Economy
PSP29	Agricultural Development
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards
PSP44	Open Space, Sport and Recreation

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) 2007

Residential Parking Standards SPD (Adopted) 2013

Waste Collection: Guidance for new developments SPD (Adopted) January 2015.

Revised Landscape Character Assessment SPD (Adopted 2014)

Renewables SPD (Adopted 2014)

CIL Charging Schedule and the CIL and S106 SPD (Adopted 2015)

Barn Conversion Design Guidance SPD (Adopted 2021)

Green Infrastructure SPD (Adopted 2021)

Sustainable Drainage Systems (SUDS) SPD (Adopted 2021)

Trees and Development Sites SPD (Adopted 2021)

Acton Turville Conservation Area SPD appraisal leaflet

3. **RELEVANT PLANNING HISTORY**

3.1 **P19/15336/LB** *(Associated listed building consent application)*

Demolition of small outbuilding. Internal and external alterations to include the erection of single storey rear extension to 'short barn', installation of new windows and doors facilitate conversion of 3 no. barns to 7 no. dwellings.

Status: Under consideration

3.2 **PK03/2528/LB**

Conversion of barn to 1 no. dwelling (amendment to previously approved scheme PK02/3227/LB) (Retrospective).

Approved: 19.09.2003

3.3 **PK02/3227/LB**

Conversion of barn to 1 no. dwelling. Demolition of existing garage and erection of replacement garage, internal and external alterations.

Approved: 06.05.2003

3.4 **PK07/1054/R3F (Land to east)**

Erection of replacement Primary school with new vehicular access, car parking, landscaping and associated works.

Approved: 20.06.2007

4. **CONSULTATION RESPONSES**

4.1 Acton Turville Parish Council

First Consultation

Following initial discussions with the Badminton Estate regarding proposed development in the area, the Parish Council undertook a survey of parishioners to gather views on the proposals. 299 forms were issued; 73.58% of which were returned. In total, 103 respondents supported the application (46.82%), and 114 opposed the application (51.82%). The remaining 1.36% of papers were spoiled. Many comments were made by parishioners, and following this the Parish Council wish to make the following points:

- Parish Council recognises residents have firmly held views both for and against, and expect comments to be submitted as part of planning process.
- Recognise that many residents see positives for village, but have concerns over application in current form.
- Major concern relates to development in Cotswolds AONB. Aware that Cotswolds AONB Board will be submitting own observations.
- Major concerns regarding submitted traffic report. Does not account for many of the busier times of year. Many vehicles exceed speed limit, and this is highlighted in report. Application should give opportunity to introduce traffic calming measures – although none shown. This should be considered by Local Planning Authority. Also, poor public transport connections in village, and consideration must therefore be given on how additional residents and private vehicle usage will impact upon traffic.
- Concerns regarding traffic on Littleton Drew Road, particularly in mornings and afternoons when Trinity School parents are dropping off or collecting children. Has previously been offer of 'drop-off' area by Estate but this appears to have been lost. Development of properties may lead to increased parking issues along road. Parish Council however opposes introduction of double yellow lines as this would detract from character of village.
- Concerns relating to potential flooding issues. Historic issues of flooding in local area, with some drains not clearly recorded. Request that full review of surface water drainage be carried out.
- Some concerns with deliveries potentially coming to front of properties along Littleton Drew Road, rather than utilising main access to rear.
- Consider it paramount that sustainability is factored into proposals; most notably in relation to electric vehicle charging and heating systems. Provision for bin and recycling stores also requires careful consideration.

- Note that application form states that there is no contamination at the site. Seek assurances that this is the case.
- Concerns regarding potential impacts of headlights on residents of existing property directly opposite proposed access point from Burton Road.
- Seek clarity on assurances that new access road into development site will be adopted by Local Authority.
- Note informal shared public green space mentioned in application. Concerns regarding future management of this space and whether it will fall as an additional burden on Parish Council.
- Visual aspect shown in some supporting photographs has changed as a large diseased sycamore tree has now been removed from garden of Church Farm House. Now gives more open view to and from church which needs to be considered.
- Parish Council has not undertaken Housing Needs Analysis and notes HNA submitted by applicant. Parish Council aware of at least seven people with family connections to village interested in finding affordable property within village. Therefore, Parish Council accept there is a need for affordable properties within village, however urge Local Planning Authority to ensure that minimum criteria is met and not negotiated downwards on viability grounds. Also appear to be lack of 2-bed homes.
- Concerns that additional homes may place greater pressure on Fast Broadband internet connection within village.

Second Consultation – November 2020

- Concerns regarding proposed new access onto Littleton Drew Road. Access close to Trinity Primary School in area which is already busy at school drop-off and collection times. Could lead to risk of collision or cars using road to turn. Unclear why congestion around school not considered in more depth in Transport Statement. Despite 20mph speed limits actual speeds are higher and would ask Council to consider traffic calming measures.
- Concerns that stone churn stand may be removed which is part of village heritage and worthy of preservation.
- Concern that once farmyard developed, no longer parking available for those attending weddings/funerals at village church, as parking historically provided within farmyard.
- Query maintenance of proposed orchard area. Parish Council does not have funds to undertake maintenance work.
- Comments are in addition to earlier letter.

4.2 Archaeology Officer

No objection subject to condition – standard condition to be applied to any consent requiring a programme of archaeological investigation and recording (evaluation and watching brief) for the site to be submitted to and approved by the Local Planning Authority prior to works commencing, and the approved programme thereafter being implemented in all respects.

4.3 Contaminated Land Officer

No objection subject to standard conditions relating to ground investigations.

4.4 Conservation Officer

As originally submitted, various issues raised regarding demonstrable lack of regard to the existing characteristics and features of the site. Therefore, concluded that the proposals as originally submitted would collectively and by each individual component fail to preserve, and in fact materially detract from the Grade II listed farmhouse, Grade II listed barn, the historic farmstead and the Acton Turville Conservation Area. Refusal therefore recommended on basis that the 'less than substantial' harm to assets would not be outweighed by public benefits, in accordance with Paragraph 202 of the NPPF.

Further comments following submission of revised plans

The submitted revisions represent a significant change in the proposed layout, character and subsequent impact of the proposed development. The amendments that have been made to the scheme can be considered to have largely addressed the main concerns. Only minor outstanding points remain – the details of the parking barn for Block B and pitched roofed canopies for Barn D.

Subject to the points above being addressed and following extensive negotiations with the applicant and amendments made to the scheme, it is concluded that character and appearance of the conservation area would be preserved.

In terms of listed buildings, revisions made to scheme have reduced significantly the previously identified impact and harm to the setting, and in turn significance, of these designated heritage assets resulting from new build elements. It remains however the case that the views of the farmhouse to the east would still be lost and this loss of prominence or view from the east would result in a degree of harm to the setting and in turn significance of the listed buildings.

In identifying the degree of harm that the development proposals would cause, while the impact would be negative, do not consider it to be significant. In accordance with the Framework, consider that the proposals would result in "less than substantial harm" towards the lower end of the spectrum to the significance of the Grade II listed Hollybush Farmhouse and barn.

This assessment also includes or balances the considered benefits of retention of the curtilage listed and listed structures. I would therefore advise that in light of the finding of harm, albeit limited, the application is to be determined within the context of paragraph 202 of the NPPF. In the event of approval, would recommend a number of conditions to be applied to any consent.

4.5 Ecology Officer

No objection subject to conditions requiring: development to be carried out in accordance with the submitted Ecological Assessment, a lighting strategy being submitted prior to commencement of works, a copy of the EPS Natural England License being submitted prior to commencement of works, and a habitat enhancement scheme being submitted prior to commencement of works.

4.6 Education Team

No comment

4.7 Environmental Policy and Climate Change Team

Consider the application site to be an unsustainable location, and therefore object to proposals on these grounds. Further details relating to heating and hot water, EV charging and overheating should also be provided within Energy Statement.

No comments received in response to November 2020 consultation.

4.8 Environmental Protection

Initial concerns regarding proximity of application site to M4 motorway, and potential noise impact which could be detrimental to amenity of future residents. However following submission of acoustic report, have no objections to this development provided all mitigation measures recommended in the report are implemented and a condition to this effect be included as part of the decision notice.

4.9 Highway Structures

No objection

4.10 Housing Enabling

Upon original submission, concluded that Affordable Housing should be sought in line with National Planning Policy Guidance: Planning Obligations and other requirements under Policy CS18 of the Council's adopted Core Strategy Development Plan Document. The application generates an Affordable Housing requirement of 6 units to be provided on site at nil public subsidy.

Further comments following submission of revised plans

However, following submission of Viability Report by applicant (which has been appraised by external consultant), accept the conclusions of the Report. As such, no objection to proposals subject to a planning obligation requiring 12% affordable housing, equating to 2 x shared ownership units, to be provided as part of the development.

4.11 Landscape Officer

Following various amendments made, no objection on landscape grounds. However recommend conditions requiring submission of updated detailed planting plan, comprehensive landscape and ecological management plan (LEMP) and updated landscape surface and boundary treatment plan.

4.12 Lead Local Flood Authority

No objection subject to conditions - After reviewing additional updated information submitted by applicant in response to first consultation, accept the proposal for foul sewage disposal subject to Wessex Water agreement. Also accept the surface water disposal proposal for the site which is a combination of both infiltration and discharging to the on-site ditch. As per previous agreement the discharge rate for will be restricted to 2 l/s.

4.13 Public Art Officer

No objection

4.14 Public Open Space

Upon original submission, concerns raised regarding lack of clarification on proposed on-site POS provisions or off-site contributions.

However, following discussions with applicant and submission of revised plans, no objection subject to planning obligations securing contribution towards off-site outdoor sports facilities and maintenance contribution, contribution towards provision for children and young people, and also delivery and ongoing management of on-site public open space.

4.15 Public Rights of Way

Concerns raised regarding originally submitted plans, and the apparent intention to divert an existing footpath 9 metres to the west running through planted area and into car parking area. Do not consider that proposed footpath is of equal quality to existing and therefore not in accordance with policy. In any case diversion order required to divert the path.

No comments received in response to November 2020 re-consultation.

4.16 Sustainable Transport

Significant concerns raised regarding original access arrangements off Burton Road. However revised access arrangements included within November 2020 submission represent improvement, with new access proposed off Littleton Drew Road. Minor detailed issues remain relating to storage and collection of waste and recycling.

Following submission of further revised details in January 2021, consider that changes made have addressed highway issues raised previously apart distance between some units and bin collection points. This would not sustain a reason for objection. The access points are safe and suitable with adequate visibility being provided. The number of on-site car parking spaces is consistent with the Council's adopted standard.

In respect of location and overall sustainability, Acton Turville has a relatively limited number of key services and facilities within a reasonable walking distance, including village shop with post office, primary school and public house. Bus services from the village provide access to employment, health, supermarkets and higher level retail facilities primarily at Malmesbury and also less frequent services to Yate and Chipping Sodbury. Frequency of service is consistent with the minimum appropriate level set out in SGC Policy PSP11. Given the relatively small number of dwellings proposed there would be no in-principal objection on grounds of accessibility of the site by sustainable means.

Overall, no objection subject conditions requiring a Construction Environmental Management Plan (CEMP) to be agreed, EV charging and cycle parking being agreed, and off-site highway works relating to the footway from The Street to Littleton Drew Road outside of Chestnut House including dropped kerb

pedestrian crossing points at the end of the footway and on Littleton Drew Lane opposite, being undertaken.

Updated Comments – January 2023

Previous comments still stand.

4.17 Tree Officer

No objection

4.18 Urban Design Officer

Initial concerns raised regarding originally proposed access and potential impacts on visual amenity of open areas to south, as well as detailed design of housing blocks E and F.

However following submission of revised plans which include altered access of Littleton Drew Road, as well as changes to the design, layout and appearance of residential units, no objection.

4.19 Cotswold Conservation Board

Objection to originally submitted plans - whilst the Board acknowledges that there are some beneficial aspects to the proposed development, we object to the proposed development for the following key reasons:

- Housing need – the applicant has not demonstrated robust evidence of housing need, particularly with regard to affordable housing need arising within the parish of Acton Turville.
- Scale – increasing the number of dwellings in a Conservation Area by 40% is disproportionate and not appropriate within such a designation.
- Historic environment – the proposed development (particularly the new dwellings) would fundamentally and adversely change the setting of the affected listed buildings from that of a farm complex to that of a residential development; this, in turn would have an adverse effect on the Conservation Area and on the purpose of AONB designation.

The Board considers that the impacts relating to scale and historic environment, in the context of a Conservation Area setting in the Cotswolds Area of Outstanding Natural Beauty (AONB), are sufficient to merit major development status. As such, there should be a presumption against the development taking place. The Board considers that exceptional circumstances and public interest do not apply in this instance, not least because of the lack of robust evidence of housing need.

No comments received in response to November 2020 consultation.

4.20 Crime Prevention Design Advisor

No objection

4.21 Historic England

No comment – defer to views of specialist conservation and archaeological advisors within LPA.

Other Representations

4.22 Local Residents

First Consultation

A total of 82 representations were received during the first round of consultation. These comprised 68 letters raising objections to the development, 13 letters in support of the development, and 1 letter which was neutral. Full copies of comments are available on the Council website.

Objections

The main concerns raised within objection comments are summarised below:

- Negative impacts of new builds on Acton Turville Conservation Area.
- Proposals will negatively affect setting and significance of various listed and locally listed buildings, including Hollybush Farmhouse.
- Hollybush Farm is key element of existing village.
- Proposals will significantly increase size of village (by approx. 11%) and will alter historic character. Will also result in unprecedented increase in properties within conservation area.
- New builds will degrade views of village from south and block views from existing properties.
- Development will have harmful impacts on Cotswold AONB and Cotswold Plateau.
- Proposed new builds would interrupt historic fields patterns.
- Proposed new road to south will extend settlement boundary and will have severe negative impact on AONB.
- Too many units proposed at inappropriate density. Will have suburbanising effect.
- Conversion of barns would be appropriate but new builds are excessive.
- Support incremental and organic growth of village but 17 units is major development which should be refused.
- Proposed new access onto Burton Road would be extremely unsafe. Already very dangerous road with speeding/accidents.
- Proposals would lead to increased traffic and pollution in village.
- Proposals would lead to increased parking/traffic on Littleton Drew Road. Issue exacerbated by adjacent school.
- Parking within development likely to be insufficient.
- Potential issues with deliveries along Littleton Drew Road.
- Development would obstruct Public Right of Way running through site.
- Acton Turville not sustainable location with limited facilities, services, employment opportunities and public transport connections. New residents will rely on private cars which will result in emissions.
- Now housing should be located in more urban, connected areas.
- Acton Turville will become dormitory village with new residents commuting to work.
- Development will result in overlooking onto existing properties.
- Concerns regarding light pollution.
- Development will negatively impact on habitats and wildlife.
- Submitted ecology report contains inaccuracies.

- Hollybush Farm and surrounding area prone to flooding. Development will increase flood risk.
- Concerns regarding gas supply to village.
- Housing Needs Assessment submitted by applicant is inaccurate.
- Acton Turville not identified as area for growth.
- Village not in need of further residents – local school already very popular.
- Development should only be permitted following formal and impartial Housing Needs Survey.
- Affordable Housing not needed in village and will not result in long-term tenancies.
- Concerns that applicant will use viability argument to reduce Affordable Housing provision.
- No housing provision for first-time buyers or elderly.
- Development would put strain on local infrastructure. This would also be affected by other growth in nearby villages.
- Consultation carried out by Estate was unsatisfactory.
- Proposed new road to south designed to serve another phase of development planned by Estate.
- Inaccuracies within submitted Planning Statement.
- Survey carried out by Parish Council resulted in objection to proposals.
- Parish Council previously objected to application for 3 houses in village.
- Concerns that development will not be implemented in accordance with plans.

Support

The main points raised within support comments are summarised below:

- Sensitive re-design of site/listed buildings would be legacy for village.
- Farm buildings have fallen into decay.
- Current site an eyesore, development will breathe new life into site and village.
- Design of new build units in keeping with rest of village.
- Architects and planners involved in scheme are of high calibre.
- Increased footfall will help to make local services/facilities more sustainable.
- Development will result in economic benefits.
- New road to south will reduce traffic on The Street.
- Support application but recommend traffic calming measures on Littleton Drew Road and Burton Road.
- To reduce through-traffic feel Council should enforce road closures in village.
- Acton Turville has good road connections to nearby towns and motorway.
- Proposals will help future generations.
- Properties will be available for young people in the area.
- Concerns about scale of development but village has gradually evolved over time.
- Note concerns regarding future development, but application must be considered on its own merits.
- More housing needed nationally and village not exempt.
- Conversion of existing buildings to high standards likely to only be commercially viable with new build element.

- Feel Estate kept community informed prior to application.
- Some objectors not local to Acton Turville.
- Parish objection to 3-unit scheme based on other factors, not just principle of new housing in village.
- Supportive of scheme provided utilities do not negatively impact existing properties.
- Covenant should be placed on properties preventing extension in future.

Neutral

The points raised within neutral comments are summarised below:

- Traffic issue on Little Drew Road mainly caused by lack of proper parking facilities for school.
- Burton Road itself not dangerous – road users cause the issue.
- Walk fields near site and never see others walking this area.

Second Consultation – November 2020

A total of 5 representations were received during the second round of consultation. These comprised 2 letters raising objections to the development, 2 letters in support of the development, and 1 letter which was neutral. Full copies of comments are available on the Council website.

Objection

The main concerns raised within objection comments are summarised below:

- Despite changes proposals will still lead to loss of outlook.
- Building I will block views to/from site to south. Should be re-orientated.
- Removal of Burton Road link will exacerbate traffic issues on Littleton Drew Road.
- Further measures needed to control emergence of vehicles from access points onto highway.
- Parking in visibility splays of access points will threaten highway safety. Without appropriate measures likely to be serious incident.
- Query how measures/recommendations set out in ecology documents can be secured by LPA.
- Note conservation officer/transport officer comments made public within a week of closing date of consultation.
- Query how observations recommended within both sets of comments can be secured.

Support

The main points raised within support comments are summarised below:

- Previously objected to proposals but feel revised scheme is great improvement, with removal of Burton Road link and new builds being closer to old agricultural buildings.
- Generally in favour of proposals but concerned about new access onto Littleton Drew Road due to congestion caused by adjacent school.
- Believe that proposals are maximum number of dwellings that can be accommodated – would oppose any further development.

Neutral

The main points raised within neutral comments are summarised below:

- If no other access points possible, suggest all appropriate traffic measures put in place on Littleton Drew Road due to busy nature of road.
- Littleton Drew Road highly dangerous with many motorists exceeding 20mph speed limit.
- Estate assured no access into site would be provided from Littleton Drew Road.
- Disappointed with diversion of public footpath, however welcome proposal to retain this.

ANALYSIS OF PROPOSAL

The application seeks full planning permission for the creation of 17no. residential dwellings through the conversion of 4no. existing agricultural buildings to create 9no. dwellings, and the erection of 8no. new build dwellings at Hollybush Farm, Acton Turville.

5. Principle of Development

- 5.1 In establishing the principle of development, the starting point in primary legislation is Section 38 (6) of the Planning and Compulsory Purchase Act 2004. This requires that planning applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.2 The South Gloucestershire Development Plan comprises the following.
- South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 ('CS'); and
 - South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017 ('PSP').
- 5.3 The majority of the application site is located within the defined settlement boundary of Acton Turville. The boundary runs along the southern boundary of the existing farmyard, with all existing buildings at the site situated within the settlement boundary.
- 5.4 The application site boundary was amended as part of the November 2020 resubmission. As part of the original submission, the following elements of the scheme were either entirely, or in part, situated outside of the settlement boundary:
- Southern access road off Burton Road to west.
 - Landscaped area to north of Burton Road link.
 - Extension projecting from south elevation of short barn (Block C).
 - Domestic curtilage to south of Block C building.
- 5.5 Following amendments made as part of the November 2020 resubmission, the following elements of the scheme would be either entirely or partially situated outside of the settlement boundary:

- Landscaped area to south of long barn (Block A).
 - Domestic curtilage to south of short barn (Block C).
 - New build Blocks H & I (units 14 & 15).
- 5.6 Policy CS5 of the CS sets out the Council's locational strategy for development, with a hierarchy of preferred locations. It states that most new development will take place within the Communities of the North and East Fringes of Bristol, as well as in large towns such as Yate, Chipping Sodbury and Thornbury. CS5 moves on to state that small scale development may be permitted within the settlement boundaries of villages defined on the Policies Map.
- 5.7 The Policy also states that in the open countryside, new development will be strictly controlled. Policy CS34 of the CS seeks to protect, conserve and enhance the character of rural areas for reasons relating to beauty, wildlife, landscape, biodiversity and heritage. In considering the planning merits of this application officers have taken into consideration that the application site is located in the AONB. Accordingly, while the outcome of the recent appeal decision APP/P0119/W/22/3303905 has indicated that adopted Core strategy policies relating to settlement boundaries are out of date, unlike and in contrast to that recent appeal decision, officers also need to apply the first limb of NPPF para 11d (criteria di), as this is relevant to this application, given any potential harm that may arise to the AONB needs to be considered as a potential clear reason for refusing the development proposed.
- 5.8 Policy PSP40 of the PSP is also of some relevance to this scheme. This policy specifically relates to residential development in the countryside, with one category of development permissible through the policy being the conversion and re-use of existing buildings for residential purposes. This proposal seeks to create 9no. residential units through the conversion of existing buildings. Proposals are only considered permissible under this category where: the existing buildings are of a permanent and substantial construction; it would not adversely affect the operation of a rural business/farm; any extension as part of the conversion is not disproportionate to the original building; if the building redundant or disused, the proposal would need to lead to an enhancement of its immediate setting; and, the development would not have a harmful impact on the character of the countryside or the amenities of the surrounding area.
- 5.9 It is acknowledged that PSP40 is not entirely applicable to this scheme, as the policy relates to buildings within the 'open countryside'. In this instance, the buildings to be converted fall within the defined settlement boundary. However, the policy indicates the Council's general support of proposals to convert existing buildings into residential units, provided the relevant criteria are met.
- 5.10 In terms of the acceptability of the scheme in principle in the context of the above policies, 14no. of the 17no. units proposed would be situated entirely within the defined settlement boundary. The dwelling proposed at Block C would be located within the settlement boundary, albeit areas of domestic curtilage would be situated beyond the boundary. Following amendments to the scheme, new-build blocks H & I were relocated away from the main farm complex on heritage and landscape grounds. As a result, whilst still forming

part of the wider scheme, these units would be situated beyond the southern extremity of the settlement boundary.

- 5.11 In terms of the units situated within the settlement boundary, CS5 permits small scale development within villages. Whether a development can be considered small scale or not is a matter of planning judgement.
- 5.12 In this instance, when considering the development as a whole, the creation of 17no. new residential units would represent an approximate 11% increase in the number of residential units within Acton Turville. Notwithstanding, more than half of the units would be created through the conversion of existing buildings; thus, lessening the physical impact of the development. Furthermore, the remainder of units would continue to follow the broad building pattern along Littleton Drew Road, with the new build element infilling a gap between the existing farm complex/other residential units to the west, and the Block D buildings/adjacent primary school to the east. On the basis of these factors, it is considered that the proposed development can reasonably be considered as small scale conversion/infill development largely within an existing settlement boundary.
- 5.13 However, four elements of the scheme fall outside of the boundary. The landscaped area to the south of Block A, the southern curtilage of unit 7 (Block C), and residential units 14 & 15 (Blocks H & I).
- 5.14 In the case of the landscaped area, this would not be used for residential purposes, and as such there is no policy conflict. In the case of the domestic curtilage of unit 7, there is an argument that the conversion of unit (despite the building being within the settlement boundary) would be permissible under PSP40, subject to relevant criteria. However, in the case of units 14 & 15, there would be some conflict between these elements of the scheme and Policies CS5 and CS34 of the CS.
- 5.15 On the basis of the above, whilst the majority of the development is considered acceptable in principle, there are some areas of conflict with the Council's locational strategy. The level of harm arising from this is considered and factored into the planning balance section of this report, whereby the cumulative harm arising from the development is balanced against the benefits.

6. Heritage Impacts

- 6.1 Policy PSP17 of the PSP and policy CS9 of the CS relate to conservation, and seek to protect the character and appearance of conservation areas and the significance and setting of heritage assets such as listed buildings.
- 6.2 Hollybush Farmhouse is Grade II listed and the threshing barn directly to the south-east of the farmhouse is also Grade II listed. By way of their date and their historic functional and associative connection with the Grade II Hollybush Farmhouse, the barn to the west (Block A) and the 'short barn' (Block C) are considered to be curtilage listed and thus the law provides that they are to be treated as part of the listed building during the consideration of the development

proposals. The site can also be considered to form part of the wider setting of a number of neighbouring designated heritage assets. The site also lies within the Acton Turville Conservation Area.

- 6.3 It is acknowledged that local concerns were raised during both rounds of consultation in respect of the potential impacts of the development on designated heritage assets. The concerns raised have been considered and factored into the heritage assessment set out below.
- 6.4 Original Proposals
As originally submitted, the proposals sought to convert 4no. existing barns to create 9no. residential units. The conversion also included an extension projecting to the south of Block C; roughly doubling its size. A terrace of 6no. new-build cottages was also proposed on land immediately to the west of the main Hollybush Farmhouse, with 2no. detached properties to be positioned on land immediately to the south. In terms of built form, various garage buildings were also proposed across the site. The proposals also included a new access road cutting through open fields to the south and connecting to Burton Road to the west.
- 6.5 Following review and as part of the original consultation on the application, the conservation officer raised significant and wide-ranging concerns regarding the proposals.
- 6.6 In terms of the proposed new build elements, it was concluded that the proposals to erect the terrace row, with units also positioned immediately behind, would sever the farm complex, and would degrade the aesthetic and historic value of the farmstead. Of particular concern was the introduction of new domestic influences between the western and eastern portions of the farmstead with little relief/buffer; thus leaving Block D to the east entirely isolated. It was concluded that this degradation in setting would adversely affect the overall significance of the listed buildings. Furthermore, by reason of their siting and layout, the 2no. new build detached were considered to poorly relate to Block D.
- 6.7 Significant concerns were also raised regarding the more detailed design of the proposed new build elements. In particular, the proportions of the houses originally proposed within the 6-unit terrace appeared at odds with their surroundings; appearing too wide with no influence appearing to be taken from prevailing street pattern. The overall massing of the terrace was also considered to be incongruent with immediate surroundings. The proposed detached units, through their isolated position to the rear of the terrace, were also considered visually intrusive elements.
- 6.8 In terms of the conversion element of the scheme, no objections in principle were raised to the originally submitted proposals. However, issues regarding the detailed design of all conversion blocks were raised. These matters are covered in greater detail within the associated application for listed building consent. Notwithstanding, the overall approach to the scheme of conversion was considered to lack the careful thought and sensitive design required for a

scheme of this nature. In addition, the proposals to introduce boundary treatments between Block A and the listed barn was considered to be particularly visually intrusive and harmful to the existing character; by degrading the historic functionality and informality of the farmstead through the subdivision of the site into domestic curtilages.

- 6.9 The proposed access road to the south was also identified as a highly unnecessary and visually intrusive element which would significantly detract from significance and setting of the listed buildings; particularly given the presence of two existing access point off Littleton Drew Road to the north.
- 6.10 In terms of the impact on the conservation area, despite some dilapidation of buildings on-site over time, the conservation officer identified that the application site in its current form can be considered to make a positive contribution to the Acton Turville Conservation Area. Whilst the overall impacts resulting from the conversion element were considered modest, due to their poorly conceived and overly engineered designs, the proposed new build elements and access road were considered to result in significant negative visual impacts on the conservation area. The key test for development in a conservation area is whether it preserves or enhances its character or appearance, and as originally submitted, it was concluded that the proposals would instead cause harm; therefore, failing the test.
- 6.11 On the basis of the above, the conservation officer raised an objection to the originally submitted proposals; recommending that the proposals be refused on heritage grounds. It was concluded that, in the context of Paragraph 202 of the NPPF, the development would result in less than substantial harm in the middle of the spectrum to the Grade II listed farmhouse and barn. It was concluded that the development would result in substantial harm somewhere between the lower and middle of the spectrum to the significance of the designated conservation area.
- 6.12 Revised Proposals – November 2020
Following extensive discussions between officers and the applicant, revised proposals were formally submitted in November 2020 (a summary of key changes is set out in paragraph 1.6).
- 6.13 In terms of the new build elements, the overall massing, layout and design of the previously proposed 6-unit terrace was altered significantly as part of the resubmission. In terms of siting, the units have been pushed further to the east away from Hollybush Farmhouse. The terrace has also been broken up into a terrace of 3 and a semi-detached pair; separated by a single detached unit.
- 6.14 Having reviewed the amended scheme, the conservation officer is satisfied that the breaking up of the terrace has significantly helped to reduce massing. The insertion of the central gable-fronted unit with decorative verge boards is considered to be a significant and positive improvement on the previous proposals, with the rationale being that it picks up on the design of a similar Estate cottages. Overall, the revised design of the new build units fronting onto

Littleton Drew Road is considered to result in dwellings that are far more representative of a typology that could be expected in Acton Turville.

- 6.15 The siting of proposed detached Blocks H and I was also altered as part of the revised proposals, with the units shifted eastwards. As a result, this has allowed for an open space to be retained to the rear of the new builds fronting Littleton Drew Road, with the area to be dedicated as public open space in the form of an orchard.
- 6.16 It is considered that the movement of the residential units eastwards would ensure that an important buffer remains between the farmstead and any development beyond the road frontage. As such, the conservation officer has concluded that what is now proposed would leave the integrity of the scale and layout of the historic building group intact. Furthermore, whilst the setting of Barn D will be significantly altered, what is proposed through the resubmission would now appear as a coherent group of buildings; whereas the original proposals with units to the rear appeared intrusive and poorly related to their surroundings.
- 6.17 In respect of any other new build structures proposed, amendments to the design of proposed garage buildings were also made through the resubmission. A garage previously identified as being overly prominent has been removed, and rather than standard suburban garages, open parking barns are proposed which are considered to be far more acceptable.
- 6.18 In terms of the conversion element, various alterations were made to the more detailed aspects of the design through the resubmission. Furthermore, the proposed extension to Block C was reduced in scale and re-positioned to the eastern elevation of the building. Boundary treatments were also removed between Block A and Block B, thus retaining a more open aspect within the farmyard.
- 6.19 Following review of the amended scheme, the conservation officer is satisfied that amendments made have addressed the more detailed design issues previously raised regarding the scheme of conversion. The reduced extension to Block C is also considered to be far more in keeping and proportionate to the host. The more open approach to the design of the farmyard area would also allow for the informality of the existing setting to be preserved.
- 6.20 As noted previously, the resubmission also included the removal of the access link from Burton Road, which would have run to the south of the farm complex before turning into the site to provide access to units to the east. The removal of the road is considered to have addressed the issues previously raised by the conservation officer regarding this element of the development, with the visual impact of the newly proposed access arrangement off Littleton Drew Road considered to be far more contained.
- 6.21 The only outstanding recommendations raised by the conservation officer following a review of the November 2020 resubmission were the submission of further details relating to the parking barn for Block B, and the removal of dual-

pitched roof canopies from Block D. These amendments were subsequently made by the applicant through the submission of further revised plans.

6.22 Heritage Conclusion

In relation to the overall impact of the development on the listed Hollybush farmhouse and barn, the amendments made to the scheme; in particular the reduction in massing and increased separation between the new build and the historic farmhouse and barn, has reduced significantly the previously identified impact and harm to the setting and in turn significance of the designated heritage assets.

6.23 It does however remain the case that the views of the farmhouse to the east would still be lost as a result of the proposed new build. Despite the significant improvements, the conservation officer remains of the view that the loss of prominence or view from the east would result in a degree of harm to the setting and in turn significance of the listed buildings.

6.24 Paragraph 202 of the National Planning Policy Framework (NPPF) outlines that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

6.25 In identifying the degree of harm that the development proposals would cause, the conservation officer has concluded that while the impact would be negative, it would not be significant. In accordance with the NPPF, it is considered that the revised proposals would result in “less than substantial harm” towards the lower end of the spectrum to the significance of the Grade II listed Hollybush Farmhouse and barn.

6.26 Therefore, it is necessary to consider in the planning balance, the “less than substantial” harm identified against the public benefits of the scheme, in accordance with para. 202 of the NPPF, and taking account of the considerable importance and weight attached to the protection of heritage assets.

6.27 In terms of the impact on the Acton Turville Conservation Area, the conservation officer has advised that in their view, following the removal of the access road and the upgrade in the quality of the design of the buildings fronting onto Littleton Drew Road (subject to the suggested conditions), the development will be of sufficient quality to ensure that any loss of existing views will be mitigated and the character and appearance of the locality will be preserved.

6.28 Furthermore, whilst the increase in built form will be perceptible from views to the south-west, the new buildings would be read in conjunction with the existing backdrop of the properties to Littleton Drew Road and the modern school/existing barn to the east. Therefore, rather than be seen as encroaching development into the rural area, what is proposed should appear more like the consolidation of the existing site.

- 6.29 In summary, the conservation officer has also concluded that the revised proposals can be considered to represent a sensitive scheme of the conversion of a historic farmstead, which would potentially result in a number of enhancements and mitigating measures such as retention and reuse of existing buildings. As such, subject to conditions, it is considered that the revised proposals would ensure that the character and appearance of the Acton Turville Conservation Area would be preserved.
- 6.30 Overall, officers are in agreement with the conclusions of the conservation officer; in that the proposals would impact upon the setting and significance of listed buildings, albeit the harm would be less than substantial, towards the lower end of the spectrum to the significance of the listed buildings. Officers are also in agreement that through the significant amendments and improvements made to the scheme, the character and appearance of the conservation area would be preserved.
- 6.31 A number of conditions have been recommended by the conservation officer. These mainly require the submission of further details, and in the event of approval conditions to this effect will be recommended for any decision. A condition removing permitted development rights has also been suggested. Given the highly sensitive nature of the site in heritage terms, a condition to this affect is considered to be justified in this case, and will be recommended for any decision.

7. Design and Visual Amenity

- 7.1 Policy CS1 of the Core Strategy is the Council's principal design policy. This policy requires development to meet the 'highest possible' standards of site planning and design. Development proposals are required to demonstrate that they respect and enhance the character, distinctiveness, and amenity of the site and its context and that the density and overall layout is well integrated into the existing adjacent developments.
- 7.2 Policy PSP1 of the Policies, Sites and Places Plan requires development proposals to demonstrate an understanding of the character of an area. Development proposals should make a positive contribution to the distinctiveness of a locality and innovative architectural responses to design issues are encouraged.
- 7.3 Given the context of the site, the main considerations in terms of the visual impact of the development are considered to focus primarily on heritage and landscape impacts. However, in relation to the originally submitted proposals, some more general design issues were raised by the urban design officer.
- 7.4 The key concern in general design terms related to the proposed southern access road off Burton Road to the west. This was considered a highly inefficient arrangement, with the road extending to approximately 170m in order to provide access to the nearest parking area (Block C), and approximately 260m to access the furthest parking area (Block D).

- 7.5 This arrangement was identified as being unnecessary given the presence of two existing access points off Littleton Drew Road. It was highlighted that the utilisation of these access points would allow for the eastern and western parts of the development to be accessed separately; thus negating the need for an overly engineered and intrusive access road running along the southern border of the site, and also reducing the distance between the adopted highway and proposed parking spaces.
- 7.6 The second key issue identified by the urban design officer related to the two new build detached dwellings as originally proposed. The very uniformed and mirrored arrangement was not considered reflective of the more organic and distinctive local built environment. The positioning of a proposed garage building adjacent to the L-shaped barn was also considered a missed opportunity to create an open, defined-edge courtyard.
- 7.7 The removal of the access road to the south as part of the November 2020 resubmission has addressed the main design issue associated with the development. Furthermore, the re-positioning of the two detached units to the east has resulted in a far more coherent relationship with existing built form, with a defined-edge courtyard arrangement now achieved at this part of the site.
- 7.8 In terms of the density, the developable site is considered to be sufficiently sized as to allow for the units to fit comfortably within their plots. The overall density and pattern of development is considered to be sufficiently reflective of the prevailing layout and density of existing built form within Acton Turville. Units would each be provided with sufficiently sized rear gardens, which exceed the Council's minimum standards. The retention of a large area of open space for use as an orchard would also allow for a significant sense of openness to be retained at the site.
- 7.9 The overall design and appearance of the proposed new build elements is also considered to be of high quality, and is considered to take account of local vernacular and immediate surroundings.
- 7.10 On the basis of the above, officers consider that no significant harm in terms of general design and visual amenity would arise from the redevelopment of the site to provide 17no. units, and the original concerns raised by the urban design officer have been addressed through amendments. Furthermore, it is concluded that an overall high quality of design has been achieved in terms of both the conversion and new build elements, and the proposals therefore comply with policies CS1 and PSP1.

8. Landscape and Trees

- 8.1 The application site, together with the entirety of Acton Turville and immediate surrounding areas, are located within the Cotswolds Area of Outstanding Natural Beauty (AONB).

- 8.2 Policy PSP2 of the PSP outlines that development proposals should seek to conserve and where appropriate enhance the quality, amenity, distinctiveness and special character of the landscape. The policy also outlines that within the AONB, great weight will be given to the conservation and enhancement of the natural and scenic beauty of the landscape, and that where development is proposed which would affect the setting of the AONB, it must be demonstrated that it would not adversely impact upon the natural beauty of the AONB.
- 8.3 In terms of national policy, para. 177 of the NPPF states that “when considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.” Footnote 60 of para. 177 moves on to state that “whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.”
- 8.4 It is acknowledged that local concerns were raised during both rounds of consultation in respect of the potential impacts of the development on the surrounding landscape and AONB. The concerns raised have been considered and factored into the landscape assessment set out below.
- 8.5 Original Proposals
As originally submitted, a number of concerns were raised by landscape officers regarding the proposals. Firstly, it was considered that the proposed detached dwellings to the south would have a significant adverse impact on the setting of the farmyard when viewed from areas to the south and nearby public rights of way. It was suggested that any new buildings at this location would need to be individually and carefully designed and positioned to integrate with the existing style and pattern of farm buildings.
- 8.6 It was also concluded that the proposed access road off Burton Road would have a significant impact on the setting of the Badminton Plateau landscape character area to the south, as well as the setting of adjacent listed buildings and the cluster of other farm buildings. In addition it was concluded that the overall impact would be compounded by the potential requirement for streetlighting along the road.
- 8.7 More minor concerns relating to the introduction of domestic paraphernalia as well as potential impacts on stone walling and agricultural landscape features were also raised as part of the original consultation response.
- 8.8 Revised Proposals
A number of amendments were subsequently made as part of the November 2020 resubmission, with an addendum to the originally submitted Landscape and Visual Impact Assessment (LVIA) provided by the applicant. Upon review, landscape officers concluded that a number of the concerns previously raised had been addressed through the removal of the southern road and modifications to detailed design features. It was however recommended that a

revised full LVIA be submitted as opposed to an addendum, as to allow for the visual effects during construction, operation and residual time periods for each of the originally selected viewpoints to be fully considered.

- 8.9 A full revised LVIA was subsequently submitted in January 2021. Following review, landscape officers have concluded that in views from Burton Road (from the south-east) the modification of existing site buildings and the new residential units would be visible. However, it is acknowledged that many of the new units would be seen in front of the existing buildings, and would infill the open gaps between their built form. The new buildings would also not breach the wooded/tree planted skyline behind the site. Overall, in respect of this viewpoint, it is considered that some adverse visual effect would remain. However, this would be significantly less than that associated with the original scheme with its southern entrance road.
- 8.10 In terms of the viewpoint from the public footpath to the south of the site, it is considered that the new residential units would be prominent in views. However it is also acknowledged by landscape officers that the wooded skyline behind the site will not be breached, and the new orchard would create an attractive green destination further north where the footpath is diverted into it. Furthermore, the overall design approach of the two detached units, in seeking to construct dwellings which would appear as barn conversions, would also result in a more harmonious appearance and lessen the overall impact on the setting of the site, as viewed from the south.
- 8.11 Following review of the revised LVIA, it has also been highlighted by landscape officers that whilst the main difference to the appearance of the site would be in views overlooking the southern site margin, maturing boundary planting will, over time, further soften the appearance of the development.
- 8.12 In terms of views of the site from public areas to the north, landscape officers have concluded that when compared to the original scheme, the changes to the appearance of new houses fronting onto Little Drew Road as well as to internal site layout would both reduce the visual impact on views to the north, and allow for narrow views into the site to be retained.
- 8.13 In respect of more detailed landscape design issues, the overall soft and hard landscaping proposals are considered broadly acceptable. The landscape officer has however requested that final details of planting by way of an updated detailed planting plan, and a final more detailed hard landscaping plan be submitted, and that a comprehensive landscape and ecological management plan (LEMP) covering the enabling works operations/period and a subsequent 10 year management period, be submitted and agreed. The submission of these detailed elements will be secured by way of suitably worded planning conditions, in the event of approval.
- 8.14 Landscape Conclusion
Following various amendments made to the proposals over the course of the application, landscape officers no longer raise an objection subject to conditions; with the main issues identified as part of the original consultation

having been addressed. Whilst it is acknowledged that the proposed development would have some adverse impact on views of the site to the south and therefore its overall setting, following the positive amendments made to the scheme, the impacts are considered to be minor. As such, there is not considered to be sufficient harm arising from the proposals as to sustain an objection on landscape grounds.

- 8.15 In terms of whether the proposals would constitute major development in the AONB, as set out within the NPPF, this is a matter of judgement, based on the overall impact of the development on the relevant designation. It is acknowledged that in response to the first consultation on the original proposals, the Cotswold Conservation Board (CCB) raised an objection to the scheme, and felt that the proposals would amount to major development within the AONB. It should be noted that no comments were made by the CCB in response to the November 2020 consultation.
- 8.16 Given the significant landscape related issues identified during the first consultation; most notably in relation to the southern access road and proposed detached new build units, it could be argued that the original proposals would amount to major development, given the predicted significant adverse impact on the setting of the application site within the context of the AONB.
- 8.17 However the amendments made to the scheme over the course of the application have addressed the key issues raised. In assessing whether the development would amount to 'major' development within the AONB, officers are also mindful of the following salient points:
- 9 of the 17 units proposed would be created through the conversion of existing redundant buildings, with only one minor extension to buildings proposed.
 - Through negotiations with the applicant, a sensitive scheme of conversion has been achieved.
 - of the 8 new build units proposed, 6 would be situated towards the northern perimeter of the site in close proximity to existing buildings to the north, and would infill a gap between existing built form from east to west. The proposed orchard would also screen views of the units from southern viewpoints.
 - The proposed detached units have been relocated eastwards to create a more coherent relationship with existing buildings.
 - The new built form proposed would not extend significantly beyond the line of southernmost existing building at the site (Block C), and would also not extend southwards beyond the adjacent built form to the west (Trinity Primary School).
- 8.18 On the basis of the above, and through the mitigation arising through various amendments to the scheme, it is not considered that this development would amount to 'major' development within the AONB. As such, there is no presumption against the grant of permission as per para. 177 of the NPPF. The minor residual harm as identified by landscape officers will be factored into the overall planning balance.

8.19 Impacts on Trees

Policy PSP3 of the PSP outlines that development proposals should seek to minimise the loss of existing vegetation on a site that is of importance in terms of ecological, recreational, historical or landscape value.

- 8.20 A number of queries regarding submitted arboricultural information were raised by tree officers in response to the first consultation on the application. In response to the November 2020 consultation, additional information in relation to a tree protection plan, tree constraints plan, an arboricultural impact assessment and arboricultural method statement were requested. These documents were subsequently submitted and agreed by tree officers. As such, subject to conditions ensuring compliance with the agreed documents, the development is considered acceptable in respect of impacts upon trees.

9. Transport and Sustainability

- 9.1 It is acknowledged that local concerns regarding access, additional traffic, parking and the location of development were raised during both rounds of consultation. The concerns raised have been considered and factored into the transport assessment set out below.

9.2 Original Proposals

In terms of the original submission, significant concerns were raised by highway officers regarding the proposed access arrangement off Burton Road (B4039).

- 9.3 Firstly, insufficient information relating to visibility splays was submitted by the applicant, as to demonstrate that safe access and egress between the proposed new road and Burton road could be achieved. Furthermore, it was not demonstrated that waste collection vehicles would be able to successfully access the site. It was also highlighted that the road would need to be lit, which was not shown on original plans.

- 9.4 In terms of parking, the quantum of parking spaces originally proposed was considered acceptable and in accordance with the Council's minimum standards set out in Policy PSP16 of the PSP. However, conflicts between parking spaces and pedestrian footpaths were identified. Furthermore, insufficient detail relating to electric vehicle charging points was submitted.

9.5 Revised Proposals

Following the amendments made to access arrangements with the removal of the southern access road, highway officers have raised no objections to the alternative access arrangements proposed off Littleton Drew Road. Highway officers have reviewed the proposed access points, which make use of existing accesses into the site, and consider them safe and suitable with adequate visibility provided.

- 9.6 In terms of increased traffic resulting from the development and concerns raised during consultation regarding the busy nature of Littleton Drew Road due to factors such as the proximity to the primary school, highway officers have

considered the surrounding context of the development and have not raised significant concerns in this regard. Whilst there would be some increase in vehicular movements arising from the development, highways officers have not identified any unacceptable adverse impact arising from the proposals in highway safety terms.

- 9.7 In terms of vehicular parking, the proposed quantum would exceed the Council's standards. As such, whilst concerns regarding potential increased parking on Littleton Drew Road are noted, the development would be served by sufficient off-street parking; and as such an objection cannot be sustained on this basis. The conflicts previously identified relating to pedestrian footways have been resolved through amendments.
- 9.8 The only minor outstanding point relating to highways is the distance that occupants of units 6, 7, 14, 15 and 17 will be required to travel to take waste bins to bin collection points. Whilst this matter would have an impact on the amenity enjoyed by occupants of the property and would represent a minor inconvenience, it is not considered that it would amount to any significant harm.
- 9.9 Travel Sustainability
The sustainability of the site in terms of access to key services and facilities has been assessed by highway officers. It is accepted that Acton Turville has only a relatively limited number of key services and facilities within a reasonable walking distance. These include a village shop with post office, a primary school and a public house all within 250 – 270m of the site.
- 9.10 Bus services from the village do however provide access via public transport links to employment, health, supermarkets and higher level retail facilities, primarily at Malmesbury which is served by 8 buses a day with the first bus departing from The Street at 07:00 and the last bus returning at 18:30. Bus services also provide a public transport connection to Yate and Chipping Sodbury on a less frequent basis. The frequency of the bus services is considered consistent with requirements of Policy PSP11 of the PSP, when accounting for the number of residential units proposed. Furthermore, it is of relevance that the majority of the proposed units would be situated within the village's defined settlement boundary, where small-scale infill development is supported as a matter of principle.
- 9.11 Highway officers have however recommended that, in order to assist pedestrian access to the bus stops on the Street and small employment areas to the north, a footway extension be provided from The Street to Littleton Drew Road. This has been accepted by the applicant and will be secured by way of a suitably worded planning condition in the event of approval.
- 9.12 Transport Conclusion
The amendments made to the scheme over the course of the application have resulted in various improvements in terms of overall highway safety. It is not considered that the development as presented in revised plans would result in any unacceptable impacts in terms of site access, parking or travel patterns. Conditions requiring the submission of a Construction Environmental

Management Plan, further details of electric vehicle parking facilities and details of cycle parking facilities are recommended for any decision. A condition requiring compliance with approved access and parking arrangements is also recommended. Subject to these conditions, the proposals are considered acceptable from a transportation perspective.

9.13 Public Rights of Way

As part of the original consultation, concerns were raised by public rights of way officers regarding the potential diversion of an existing PROW, which would be required as part of the development. As part of the resubmission, whilst it is still intended for the PROW to be diverted, the route has been realigned to run along the eastern boundary of the proposed orchard; thus remaining vehicle free. Overall, it is considered that the diverted route would be of equal quality to the existing route, and no objections were raised by PROW officers in response to the second consultation. The applicant is also aware that they would be required to secure a separate permission for the diversion of the right of way.

10. Residential Amenity

10.1 Policy PSP8 of the PSP outlines that development proposals will be acceptable provided that they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of the occupiers of the development or of nearby properties. Unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.

10.2 Future Occupants

In terms of the amenity of future occupants, the internal floor area of all units meets the Nationally Described Standards. The properties are all of sufficient size that a comfortable living environment would be provided for future occupants, with cramped living conditions avoided.

10.3 In terms of external amenity space, all properties would be afforded good sized rear, front and side gardens, which in terms of their size comply with the minimum recommended standards set out within policy PSP43. The layout of garden areas would also make the external spaces sufficiently usable, and also highly accessible from the respective dwellinghouses. The provision of public open space in the form of the proposed orchard would also provide additional public amenity space for future occupants of the development, as well as other surrounding residents.

10.4 The overall scale, layout and orientation of residential units are such that future occupiers would enjoy acceptable levels of residential amenity in terms of privacy and natural light. The scheme has been carefully designed, as to minimise overbearing and overshadowing impacts, or any significant instances of overlooking. Overall, it is considered that the proposed residential units would have an acceptable relationship with one another.

- 10.5 It is noted that the rear gardens of units 15, 16 and 17 (Blocks D and I), would abut the adjacent Trinity Primary School to the east. However, the main external play areas at the school are situated on the eastern side of the school building. As such, the residential units would be separated from the external play areas by the school building itself. The screening effects of the school building would help to reduce noise levels, as experienced within the adjacent dwellings and associated rear gardens. The positioning of the school building would also reduce levels of inter-visibility between the proposed residential units and external play areas. Overall, the relationship between the proposed development and adjacent school site is considered acceptable in this regard.
- 10.6 Surrounding Occupiers
In terms of the conversion element of the scheme, it is noted that existing residential properties are situated in close proximity to the several of the farm buildings to be converted.
- 10.7 Several properties are situated immediately to the west of the site, with the nearest existing property (Hollybush Cottage) set approximately 10m from the north-western corner of Block A. Given that the proposed conversion would not result in any significant increase in the scale of Block A, it is not considered that the development would affect the amenity of adjacent residents through additional overbearing or overshadowing impacts. In terms of potential overlooking, whilst first floor windows would be introduced into Block A, these would not provide a direct line of sight onto adjacent properties or gardens. As such, it is considered that the privacy of adjacent occupants to the west would be preserved.
- 10.8 Moving eastwards across the site, two properties are situated immediately to the north of Blocks A and B. The property situated immediately to the north of Block A comprises Granary Steps; a former building associated with Hollybush Farm which was converted to a residential unit following the grant of permission in 2003. The property immediately to the north of Block B is the main Hollybush Farmhouse.
- 10.9 In terms of Hollybush Farmhouse, given that the proposal to convert Block B into a residential unit would not involve a significant increase in scale and massing, with windows arranged to avoid overlooking, it is not considered that the conversion of Block B would negatively affect amenity. The conversion of Block A and introduction of first floor windows would result in some overlooking onto an external area serving Hollybush Farmhouse. However, this comprises a parking/driveway area, and as such the impact on amenity would be limited.
- 10.10 In terms of Granary Steps, the conversion of Block A and introduction of first floor windows would result in a degree of overlooking onto the external areas to the south of building. However, given that these areas already have an open aspect, and on the basis that the building is situated within (in terms of its lawful use), a working farm, it is not considered that these external areas would offer high levels of privacy at present; and therefore do not offer high amenity value. As such, whilst the conversion of Block A into residential units would have some impact, given the current arrangement, the potential level of harm would

- be reduced. Nevertheless, this harm will be factored into the overall planning balance.
- 10.11 In terms of the conversion of Blocks C and D, it is not considered that the conversion of these buildings would have any significant impact on the amenity of the occupiers of nearby properties.
- 10.12 With regards to the new build elements of the scheme, given their positioning to the south of the site away from existing properties, it is not considered that the construction of Blocks H and I would have any impact on the amenity of existing residents.
- 10.13 Due to their positioning to the north of the site adjacent to Littleton Drew Road, Blocks E, F and G would be constructed in closer proximity to existing properties to the north. However, the proposed row of cottages would be situated a minimum 16m from the nearest properties to the north. Furthermore, the properties would front on to one another, with the public areas offered along Littleton Drew Road situated in between.
- 10.14 This arrangement is considered to be typical of various residential streets; as well as other parts of Acton Turville. As such, it is not considered that the construction of the proposed cottages would result in any undue overbearing or overshadowing impacts on properties to the north.
- 10.15 In terms of overlooking, there would be an element of intervisibility between the row of cottages and adjacent properties to the north. However, the front-facing first floor windows serving the proposed cottages would be set into the eaves line, and as such would be positioned at a modest height of approximately 3.5m above ground level. Additionally, the properties would be separated by the public highway, and adjacent external space would be screened to a degree by boundary vegetation. On the basis of the above factors, whilst the introduction of the new build cottages has the potential to result in some additional overlooking when compared to the current situation, the overall arrangement of units is typical of the area; with the reduced window height, separation by the public highway and screening effects of vegetation considered to mitigate the impact. As such, it is not considered that the effects of the development in this regard would amount to an unacceptable impact on amenity.
- 10.16 The consultation responses received highlighting the potential impact of the development in terms of loss of views to the south have been considered. However the potential impact of development on views from a private property is not an amenity consideration. Furthermore, given the modest scale and sensitive design of the proposed cottages, views onto the open countryside to the south of the site would still be preserved following the development.
- 10.17 The potential impacts arising from the occupation of the site for residential purposes have been considered, and it is acknowledged that the introduction of 17no. residential units would result in increased activity. However, it is not considered that the overall impact in terms of amenity would be any greater

than if the land were to be utilised for its lawful use as a working farm. Furthermore the density of the development is considered to be appropriate, and as such the development is considered acceptable in this regard.

10.18 It is acknowledged that the development would result in a degree of disturbance and disruption during the construction period. It is recommended that a Construction Environmental Management Plan condition is imposed in event of approval, to reduce the construction impacts of the development on occupiers to an acceptable level. For the avoidance of doubt, a condition will also be recommended restricting the permitted hours of operation during the construction period.

10.19 The development would provide satisfactory living conditions for future occupiers and would not significantly adversely affect existing residents. It is acknowledged that there would be a moderate impact on the amenity of one neighbouring property, and this matter will be factored into the overall planning balance. However, with the exception of this issue, the development is considered to comply with Policies PSP8 and PSP43.

11. Affordable Housing

11.1 Under Policy CS18 of the CS, the proposed development of 17no. dwellings generates a 35% of Affordable Homes to be provided without public subsidy. This equates to 6 Affordable Homes. As part of the original submission, whilst referring to Affordable Housing within submitted documents, the applicant did not clearly set out a proposed provision. Housing enabling officers highlighted within their original consultation response that the applicant's proposed provision should be clarified, and should be provided in accordance with policy requirements. The comments were not addressed through the applicant's November 2020 resubmission.

11.2 The applicant subsequently in September 2021 submitted a viability report in response to the housing enabling officer's original comments. The report sought to demonstrate that due to the specifics of the application site and development proposed, the delivery of 6 Affordable Homes as part of the development would be unviable. The applicant's report concluded that even providing 2 Affordable Homes would result in a residual land value of negative **£21,179**, but that the applicants would be prepared to offer 2 homes as affordable. A copy of the full viability report is available to view on the Council website.

11.3 The viability report was independently reviewed by DVS Property Specialists on behalf of the Valuation Office Agency. As part of the independent review, three appraisals were undertaken by DVS to test the viability of the scheme with different Affordable Housing provisions. The three appraisals are as follows:

- Appraisal 1 – Proposed scheme with 2 first homes Affordable units
- Appraisal 2 – Proposed scheme with 6 social rented units (policy compliant position)
- Appraisal 3 – Proposed scheme with 2 shared ownership units

- 11.4 In conclusion, the independent review agreed with the applicant's report that the Benchmark Site Value (BLV) is **£486,500**. The review concluded that the proposed scheme with 2 first home Affordable units produces a land value of **£412,898** (Appraisal 1). A deficit of **£73,602** therefore exists. The review concluded that the proposed scheme with 6 social rented Affordable units produces a residual land value of negative **£58,958** (Appraisal 2 – policy compliant position). A deficit of **£545,458** therefore exists. The review concluded that the proposed scheme with 2 shared ownership units produces a residual land value of **£458,089** (Appraisal 3). A deficit of **£28,411** therefore exists.
- 11.5 The review therefore concluded that Appraisal 1 is not viable; although a small increase in values would make it viable. Appraisal 2 (the policy compliant position), is not viable against the BLV. Appraisal 3 is much closer to being viable with only a relatively small deficit against the BLV.
- 11.6 The conclusions of the independent review carried out by DVS have been reviewed by the Council's housing enabling officers. The conclusions have been accepted, and therefore in view of the comments made by the DVS, housing enabling officers have requested that the 2 units of Affordable Housing are secured as shared ownership units and have suggested that the 2 x 3 bed semi-detached units at Block G (units 12 & 13) as the most suitable units. This provision has been accepted by the applicant, and will be secured by way of S106 legal agreement in the event of approval. The obligations are set out in detail within section 24 of this report.
- 11.7 Whilst the concerns raised through consultations regarding potential viability issues have been considered, the independent assessment undertaken provides clear and impartial evidence that the development would be entirely unviable with a policy compliant Affordable Housing provision.

12. Public Open Space

- 12.1 Policy CS2 of the CS sets out a number of objectives relating to green infrastructure; one of which is the delivery of high quality multi-functional and connected open spaces. Policy CS24 covers public open space (POS) in more detail, and stipulates that new developments must comply with all the appropriate local standards of provision in terms of quantity, quality and accessibility; provision must be delivered on-site, unless it is demonstrated that partial or full off-site provision or enhancement creates a more acceptable proposal; and, the functionality and usability of spaces and facilities must be suitable for their intended purposes. The Council's local standards are set out in Appendix 5 of the CS.
- 12.2 Upon original submission, it was considered by officers that a lack of clarification was provided by the applicant in respect of how the development would comply with local standards, in terms of either on-site POS provision, or off-site contributions. It was therefore requested that the applicant clarify the

matter, and clearly set out how the development would meet local requirements.

- 12.3 As part of the November 2020 resubmission, the applicant set out a number of suggested improvements to existing outdoor facilities in close proximity to the site. The newly introduced orchard at the site, which would be managed and maintained by a management company, was also highlighted by the applicant as proposed on-site provision.
- 12.4 Following further clarification regarding the extent of publicly accessible open space, the future management of open spaces and the applicant's intentions regarding off-site POS enhancements, the original concerns raised by public open space officers have been addressed. As such, the proposals are considered acceptable in terms of public open space and in accordance with policy, subject to a number of obligations to be contained within a S106 legal agreement in the event of approval. The obligations are set out in detail within section 24 of this report.

13. Ecology

- 13.1 Policy CS9 of the CS as well as Policies PSP18 and PSP19 of the PSP set out clear requirements for the protection of habitats and local biodiversity as part of proposals for development.
- 13.2 Whilst the development would not affect any Designated Sites for Nature Conservation, a number local species could be affected by the development. The ecology officer has reviewed the proposals and identified potential impacts on bats (European Protected Species), great crested newts (European Protected Species), birds, reptiles, badgers, hedgehogs and invertebrates.
- 13.3 The original proposals were supported by an Ecological Assessment. An updated Assessment was subsequently submitted as part of the November 2020 resubmission, with a Bat Mitigation Briefing Note submitted in March 2021 following discussions between ecology officers and the applicant.
- 13.4 In terms of bats, the submitted Ecological Assessment concluded that no trees on site were identified as having developed features to support roosting bat. 10 buildings on the site were however found to support a transitory/occasional day roost for common pipistrelle and whiskered bat. These buildings will require a Natural England EPS licence to carry out any works.
- 13.5 However, with regards to this planning application, following extensive discussions with the applicant, a Briefing Note was submitted and agreed in March 2021, which set out various mitigation and enhancement measures that will benefit local bat populations.
- 13.6 Whilst a license is still required, subject to conditions requiring works to be carried out in accordance with the Ecological Assessments and Briefing Note, a lighting strategy being submitted and agreed, and a copy of the granted EPS Natural England License being submitted to the LPA prior to the

commencement of works, the development in respect of impacts upon bats is considered acceptable. Conditions to this effect will be recommended for any decision notice.

- 13.7 In terms of impacts on other species, ecology officers have reviewed the submitted documents, and have concluded that the development would have either no impact on identified species, or that any impact can be sufficiently mitigated through the measures set out within the Ecological Assessment.
- 13.8 Subject to the conditions set out above, as well as a further condition requiring a habitat enhancement scheme (HES) to be submitted to the LPA and agreed prior to the commencement of works, the application is considered to accord with Policies CS9, PSP18 and PSP19, and is acceptable from an ecological perspective.

14. Archaeology

- 14.1 In terms of archaeology, the proposed development is in an area of archaeological significance at the core of Acton Turville village. The application has been reviewed by the archaeology officer, and it has been identified that the recent uses of certain parts of the site (such as the location of the proposed units adjacent to Littleton Drew Road), are unlikely to have disturbed any earlier archaeological deposits on the site.
- 14.2 It has also been identified that the application is not supported by an archaeological desk-based assessment, only a built heritage statement. Therefore, the value and nature of potential archaeological deposits on site has not been thoroughly considered by the applicant.
- 14.3 On this basis, the archaeology officer has requested that, given the historic nature of the site and the potential for archaeological deposits, all groundworks associated with the conversion be monitored via watching brief. As such, a condition will be recommended for any decision, requiring a programme of archaeological investigation and recording to be agreed with the Local Planning Authority prior to the commencement of works, and for works to then be implemented in full accordance with the agreed programme. Subject to this condition, the application is considered acceptable in archaeological terms.

15. Flood Risk and Drainage

- 15.1 The application site is not located in an area of high flood risk. However upon original submission, a number of queries were raised by drainage officers regarding the submitted Flood Risk and Drainage Assessment. Most notably the proposed Surface Water Drainage Strategy was considered to be unclear on a number of elements.
- 15.2 As part of the November 2020 resubmission, a revised Flood Risk Assessment was submitted. This has been reviewed by drainage officers, and the proposals set out within the assessment are considered acceptable. Therefore, the development is acceptable from a drainage and flood risk perspective, subject

to a condition requiring full details of the surface water drainage details including SUDS being submitted and agreed with the LPA.

16. Environmental Health

- 16.1 Policy PSP21 of the PSP relates to environmental pollution. The policy outlines that development should be sited and designed to prevent unacceptable risks and avoid unacceptable levels of pollution adversely impacting, by way of; fumes, dust, noise, vibration, odour, light or other forms of air, land, water pollution, exposure to contaminated land or land instability, directly or cumulatively on: environmental amenity; and the health, safety and amenity of users of the site or surrounding area.
- 16.2 As part of the first consultation on the application, concerns were raised by environmental health officers regarding potential impacts of noise pollution from the M4 on the development. It was considered that due to the motorway being situated around 500m from the site across open fields, the noise impact could potentially be detrimental to the amenity of future residents. It was therefore requested that an acoustic report be submitted to address the concerns.
- 16.3 An acoustic report was subsequently submitted as part of the November 2020 resubmission. The report concluded that without mitigation, the noise levels inside the proposed dwellings would exceed those in standards BS8233 during both the daytime and night-time period. The report then recommended appropriate mitigation in the form of enhanced acoustic glazing and acoustic trickle ventilation systems, which would reduce the noise levels in line with the required standard.
- 16.4 The results of the report have been reviewed by environmental health officers, and the findings and recommendations of the report have been accepted. As such, subject to a condition requiring the mitigation measures recommended within the report to be implemented, the concerns raised have been addressed. A condition to this effect will be recommended for any decision. A standard condition relating to the operation of construction sites will also be recommended.
- 16.5 On the basis of the above, officers are satisfied that an acceptable living environment would be provided for prospective residents of the development, and their general amenity would not be significantly degraded through noise or air pollution. In terms of the potential environmental impacts of the development in respect of the amenity of existing residents, this matter is covered in an earlier section of this report. Therefore, subject to the conditions set out above, the development complies with policy PSP21 and is considered acceptable in this regard.

17. Contamination

- 17.1 Policy CS9 sets out that the re-use of contaminated land should be promoted subject to appropriate mitigation. Policy PSP21 also states that proposals for development on land, which may be affected by contamination, will be

acceptable where adequate remedial measures are taken, to ensure that the site is suitable for the proposed use and will remain so.

- 17.2 A Phase 1 Geo-environmental Appraisal was submitted by the applicant in February 2020. The appraisal was reviewed by the contaminated land officer, but was found to be significantly lacking in terms of detailed investigation. As such, on the basis of the information submitted to date, it is not possible to fully assess the impacts of potential sources of contamination on the development. Accordingly, to ensure the site is suitable for the proposed use, a condition is recommended in the event of approval in relation to the submission of a desk study, a remediation strategy (in the event contamination is found), and a verification strategy (in the case that contamination is found) as well as relating to any unexpected contamination that is discovered during construction. Subject to these recommended conditions, the development is considered to comply with Policies CS9 and PSP21.

18. Environmental Policy

- 18.1 Concerns were raised by environmental policy officers during the first round of consultation regarding the sustainability of the development in terms of its location. This matter is covered in section 9 of this report. No comments were made in response to the November 2020 consultation.
- 18.2 In terms of the more detailed sustainability credentials of the development, limited details of how the applicant intends to comply with local policy and seek to reduce carbon emissions, or how energy will be generated at proposed dwellings, have been provided as part of either the original submission or resubmission. A relatively rudimentary Energy Statement was provided within the originally submitted Planning Statement. However, this was identified by officers as lacking in detail.
- 18.3 Notwithstanding the above, given the scale of the development, it is considered that the more detailed elements of the scheme in relation to energy efficiency can be agreed by condition. As such, a condition is recommended for any decision requiring the submission and agreement of a detailed Energy Statement.

19. Other Matters

- 19.1 Certain matters raised through consultation responses have not been addressed within the main body of this report. These matters are considered below.
- 19.2 On the matter of insufficient broadband connection in the local area and the potential impacts of the development, this issue has been considered. However there is no evidence to confirm that the creation of residential units and their occupation would detrimentally affect connection at other properties in the area; and there is limited scope to deal with this issue through the planning application process. As such there would be no grounds to sustain an objection to the proposals on this basis.

- 19.3 On the matter of headlights potentially affecting adjacent properties at the proposed access point, it is noted that these comments were made in relation to the originally proposed Burton Road access. This access has since been removed. On the matter of the retention of the historic stone churn along Littleton Drew Road, the applicant has confirmed that this will not be removed as part of the development.
- 19.4 On the matter of informal parking within the farmyard taking place during weddings/funerals at the local church, the farmyard is within private ownership and there is no requirement for parking to be provided. As such, this is not a matter that can be factored into any planning assessment. On the concerns regarding the lack of gas supply to the village and the future arrangements regarding the delivery/storage of oil, as a requirement of any consent, the applicant will be required to demonstrate how properties will be served in respect of energy requirements, through the submission of a detailed Energy Statement.
- 19.5 The concerns raised regarding the consultation undertaken by the Estate prior to the application, the potential for this development to act as a precursor to future development, and previous parish council objections to new housing in the village, have been considered. However, the application and submitted plans are to be determined on their own merits against local and national policy.
- 19.6 The concerns raised regarding inaccuracies within the planning statement have been taken into consideration. Officers are satisfied that sufficient details have been provided through submitted plans and supporting documents as to allow for a detailed analysis of the application to be undertaken. In relation to queries on how recommendations/observations made by specialist officers will be secured, this will be by way of appropriately worded planning conditions in the event of approval. In terms of the timing of the publication of conservation/transport comments, these comments were published immediately following review, and during the relevant consultation period.

20. Equalities

- 20.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.
- 20.2 With regards to the above this planning application is considered to have a neutral impact on equality.

21. Planning Obligations and CIL

21.1 Background

Under previous CIL regulations the Council was required to maintain an infrastructure list to which its CIL receipts would be applied, known as the Regulation 123 list. These regulations prevented S106 obligations from making provision for any financial contributions towards infrastructure on the Regulation 123 list. There was also a limit of 5 S106 obligations making contribution towards infrastructure which was not on the Councils list.

21.2 In September 2019 these restrictions were removed through the Community Infrastructure Levy (Amendment) Regulations 2019 ('CIL Regulations'). There is no longer any limit on the number of S106 obligations that can be used for any particular infrastructure, provided the Regulation 122 tests are met. The Council subsequently adopted a CIL and S106 SPD in March 2021. The SPD sets out that the Council will seek site-specific obligations on various measures including towards education, health, and community facilities.

21.3 Regulation 122

Regulation 122 of the CIL Regulations provides three statutory tests to be applied to all planning obligations. It sets out that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:

- “(a)necessary to make the development acceptable in planning terms;*
- (b)directly related to the development; and*
- (c)fairly and reasonably related in scale and kind to the development”*

21.4 In the case of this application, the planning obligations are summarised as follows.

- Affordable Housing
- Public Open Space

21.5 It is considered that these planning obligations form appropriate mitigation, are necessary to make the development acceptable in planning terms, are directly related to the development, and are in scale and kind to the development. As such, the planning obligations are considered to pass the CIL Regulations, Regulation 122 tests.

21.6 CIL

The South Gloucestershire Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD was adopted March 2015, alongside a CIL Charging Schedule. The SPD was subsequently be amended in March 2021 but the CIL Charging Schedule remains Adopted. This development, if approved, would be liable to CIL charging. The CIL Regulations require any funds from CIL to be spent on provision, improvement, replacement, operation, or maintenance of 'infrastructure'. Infrastructure is defined at Section 216 (2) of

the Planning Act 2008, as including (but not exclusively), roads and other transport facilities, flood defences, schools and other educational facilities, medical facilities, sporting and recreational facilities, open spaces.

22. Overall Planning Balance

22.1 Identified Harm

Through the assessment set out above, the impacts of the scheme have been considered in detail. Whilst the amendments made to the scheme over the course of the application have addressed various issues and resulted in a markedly improved scheme when compared to the original submission, some outstanding issues which would result in a degree of harm. These issues are summarised as follows:

- Location of 2no. dwellings and an area of curtilage outside of defined settlement boundary.
- Less than substantial impact on setting and significance of listed buildings.
- Minor adverse impact on setting of site within context of AONB.
- Negative impact on amenity of adjacent occupier through potential overlooking.

22.2 Starting with the positioning of 2no. dwellings and a garden area beyond the defined settlement boundary, it is acknowledged that this results in some conflict with Policies CS5 and CS34 of the CS. As originally submitted however, the two detached new build dwellings (Blocks H & I), were to be situated to the west; within the defined settlement boundary.

22.3 However, following the identification of significant issues in terms of heritage and landscape impacts, the units were relocated westwards; in order to achieve a more appropriate relationship with existing buildings to the west, and create a buffer to the main farmstead to the east.

22.4 Whilst technically falling outside of the settlement boundary, the positioning of the units to the west is not considered to result in any greater actual harm than if they were retained in their original position within the settlement boundary; with the re-positioning undertaken to reduce impacts on setting.

22.5 The units also clearly form part of the wider redevelopment of the farm complex; as opposed to comprising an isolated speculative development for two residential units outside of the settlement boundary. Whilst an alternative option to remove the two units in their entirety exists, the viability work undertaken by the applicant and independently reviewed indicates that this would render the development as a whole, unviable.

22.6 In terms of the domestic curtilage associated with Block C, this would also extend beyond the line of the settlement boundary. However the unit would also clearly read as part of the wider redevelopment, with no new built form proposed beyond the settlement boundary. On the basis of the above factors, the level of actual harm arising from the siting of some residential

units/curtilages outside of the settlement boundary is considered to be moderate.

- 22.7 In terms heritage and landscape impacts, all suggestions made by specialist officers have been accounted for by the applicant; with the final scheme considered to be the least intrusive development possible (of the quantum of units proposed). Whilst a scheme of conversion may have been possible without any significant impact on heritage assets or landscape setting/AONB, the introduction of new build elements would invariably result in some adverse impact. Given the overall sensitive design however, the weight attached to any harm is considered to be moderate in terms of heritage assets, and moderate to minor in respect of landscape impacts.
- 22.8 The final identified harm relates to the impacts on the amenity of an adjacent occupant. However for the reasons set out previously, due to the specific design of the adjacent property where privacy is already compromised, the overall impact above and beyond the current situation is considered minor.
- 22.9 When considering the cumulative harm resulting from the development, whereas the originally submitted scheme would have resulted in a significantly greater level of harm, through amendments, the extent of harm is considered to have been reduced to a moderate level.
- 22.10 Public Benefits
The NPPG identifies that Public Benefits can be anything that deliver economic, social or environmental progress and be of a nature or scale to benefit the public at large.
- 22.11 Whilst Acton Turville may not have been identified as a growth area within the Local Plan, a main objective of the NPPF is to significantly boost the supply of homes, and it carries a presumption in favour of sustainable development. The proposals would result in the creation of 17no. high quality homes, two of which would comprise Affordable Housing. Furthermore, the majority of the development would be contained within the existing settlement boundary, with appropriate access to facilities, services and public transport links. The benefits of the scheme in this respect are considered to carry significant weight.
- 22.12 As highlighted by the conservation officer, the proposals to convert existing redundant buildings at the site to provide a high quality and sensitively designed scheme would result in some enhancement to the setting of the site and Acton Turville Conservation Area. The benefits of the scheme in this regard are considered to carry moderate weight.
- 22.13 In terms of the planning obligations sought, there would be a high-quality area of public open space provided as part of the development. Furthermore, public open space contributions would result in notable improvements to off-site facilities. Given that the obligations are sought to off-set the impact of the development, the wider public benefit is considered to be minor.

- 22.14 Other minor public benefits would also arise from the proposed pedestrian footway improvements from the site to The Street; economic benefits through the direct formation of construction jobs, albeit temporary in nature, as well as increased footfall at local facilities; and, also the generation of financial contributions through CIL payments.
- 22.15 When considered together, these benefits are considered to hold significant weight in favour of the proposal.
- 22.16 Paragraph 202 of the NPPF
Paragraph 202 of the NPPF is a further material consideration which indicates that any identified harm to heritage assets should be weighed against the public benefits of the scheme.
- 22.17 The conservation officer identifies less than substantial harm to the Grade II listed Hollybush Farmhouse and threshing barn. This harm is considered to be at the very lowest end of the spectrum of less than substantial harm. Nevertheless, the harm to this asset should be given significant weight.
- 22.18 When weighing up the harm to the designated heritage asset against the benefits of the proposal, having regard to para. 202 of the NPPF, it is considered by officers that the heritage harm does not outweigh the public benefits (as identified above).
- 22.19 Overall Balance
Having carefully considered the weight attached to public benefits, it is officers judgement that in this particular case, the benefits of the scheme would outweigh the identified harm in relation to conflict with the locational strategy, impacts on heritage assets, impacts on landscape setting and effects on adjacent amenity.
- 22.20 Overall, the public benefits of the additional market and affordable housing, the conversion of a number of redundant buildings, the highway improvements proposed, the planning obligations agreed and wider economic benefits would justify the granting of permission.

23. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

24. RECOMMENDATION

24.1 That authority be delegated to the Executive Director – Place to **grant** planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) to secure the following:

24.2 Affordable Housing

- The provision of 12% affordable housing, equating to 2 x shared ownership units.
- Both affordable units will be 3 bedroom 5 person with a minimum size of 93 m² each.
- The Shared Ownership Units shall not be disposed of on their initial sale other than by way of Shared Ownership Lease unless otherwise agreed in writing by the Council.

24.3 Public Open Space – Off-site Contributions

- Outdoor sports facilities requested contribution of £35,753.92 towards off-site provision and/or enhancement and requested maintenance contribution of £10,821.53.
- Provision for children and young people, requested contribution of £18,719.26 towards off-site provision and/or enhancement and requested maintenance contribution of £19,683.45.
- Contributions to be index-linked using GM87, from date of committee/circulated schedule.

24.4 Public Open Space – On-site Provision

- Delivery of the orchard which will then be managed by a management company employed by the Badminton Estate and will be maintained for the lifespan of the approved development.
- Inspection fee of £52.00 per 100sq.m.plus £500 core service fee. Index-linked using GM87 from date of circulated schedule/committee.

25.5 It is recommended that the Head of Legal and Democratic Services be authorised to check and agree the wording of the Agreement.

25.6 It is recommended that should the Agreement not be completed within 6 months of the date of any consent being granted; that delegated authority be given to the Executive Director - Place to refuse the application.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

2. Plans

The development shall be implemented in accordance with the approved plans and documents, as set out within the following drawing list:

Drawing Schedule - Hollybush Farm, Acton Turville (Drawing Ref. 255 dated 19th January 2023).

Reason

For the avoidance of doubt and to ensure that the scheme is implemented in full accordance with the plans submitted and assessed.

3. Remove PD Rights

Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, F, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

To maintain and enhance the character and setting of the listed buildings along with the Acton Turville Conservation Area, and to accord with Sections 16(2), 66(1) & 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; the National Guidance set out within the National Planning Policy Framework; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013); and Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan (Adopted November 2017).

4. Heritage - Detailed Design

Prior to the commencement of any works to the barns to be converted (Blocks A, B, C or D) or the construction of any new build dwellings above damp proof course level, the detailed design of the following items shall be submitted and approved in writing by the Local Planning Authority.

- a. All new windows and fixed glazing (including cill, head, reveal and glass details)
- b. Rooflights
- c. All new doors (including frames and furniture)
- d. All new vents and flues
- e. Eaves (including rainwater goods), verges and ridges
- f. New roof to rear of lean-to extension to Block A

The details shall be submitted via elevation and section drawings at a scale of 1:10, and the development shall be completed strictly in accordance with the agreed details.

Reason

To maintain and enhance the character and setting of the listed buildings along with the Acton Turville Conservation Area, and to accord with Sections 16(2), 66(1) & 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; the National Guidance set out within the National Planning Policy Framework; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013); and Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan (Adopted November 2017).

5. Heritage - Details of Conversion Works

Prior to commencement of any works to the barns to be converted (Blocks A, B and D), full details of the proposed floors, wall and ceiling finishes and insulation shall be submitted and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out strictly in accordance with the agreed details. For the avoidance of doubt, as historic masonry structures, they need to remain functionally breathable in regard to their fabric and possess an appropriate aesthetic finish. Consequently, on the inside of external walls, breathable lime plasters are advised.

Reason

To maintain and enhance the character and setting of the listed buildings along with the Acton Turville Conservation Area, and to accord with Sections 16(2), 66(1) & 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; the National Guidance set out within the National Planning Policy Framework; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013); and Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan (Adopted November 2017).

6. Heritage - Sample Panel (Natural Stone)

Prior to the commencement of any works to the barns to be converted (Blocks A, B, C or D) or the construction of any new build dwellings above damp proof course level, a representative sample panel of natural facing stone for both dwellings and boundary treatments, of at least one metre square, showing the stone colour and size, coursing, mortar colour, texture and pointing and coping detail (for both high and low boundary walls), shall be erected on site and approved in writing by the Local Planning Authority. The development shall be completed strictly in accordance with the approved panel(s), which shall be retained on site until completion of development, for consistency.

Reason

To maintain and enhance the character and setting of the listed buildings along with the Acton Turville Conservation Area, and to accord with Sections 16(2), 66(1) & 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; the National Guidance set out within the National Planning Policy Framework; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013); and Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan (Adopted November 2017).

7. Heritage - Materials (Samples)

Prior to the commencement of any works to the barns to be converted (Blocks A, B, C or D), the construction of any new build dwellings above damp proof course level, or works to any of the proposed reinforced driveways, representative samples of the following materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed strictly in accordance with the agreed samples:

- a. timber cladding/ boarding
- b. all tiles and roof coverings
- c. block pavements to be used in the reinforced driveways

Reason

To maintain and enhance the character and setting of the listed buildings along with the Acton Turville Conservation Area, and to accord with Sections 16(2), 66(1) & 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; the National Guidance set out within the National Planning Policy Framework; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013); and Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan (Adopted November 2017).

8. Heritage - Listed Barns (Specification of Works)

Prior to the commencement of works to the listed barn (Block B) and the curtilage listed barn (Block A), a detailed specification for any repairs, including any stonework repairs, any proposed structural works (in respect of which approval is expressly reserved), shall be submitted to and approved in writing by the Local Planning Authority. The specification shall include details of the extent of proposed replacement of historic fabric, and all new materials to be used. Development shall take place in accordance with the details agreed in writing.

Reason

To maintain and enhance the character and setting of the listed buildings along with the Acton Turville Conservation Area, and to accord with Sections 16(2), 66(1) & 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; the National Guidance set out within the National Planning Policy Framework; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013); and Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan (Adopted November 2017).

9. Landscape - Detailed Planting Plan

Notwithstanding the details shown in approved landscaping plans, prior to the commencement of any new build works above damp proof course level or any conversion works, a detailed planting plan specifying the location, species, stock size, planting centres and quantities of all proposed tree and structure planting shall be submitted to and approved in writing by the Local Planning Authority. Planting shall then be carried out in accordance with the approved plan in the first season following construction works.

Any trees or plants (retained or planted) which die, are removed or become seriously damaged or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of the same size and species unless an alternative is agreed in writing by the Local Planning Authority (this does not relate to areas of Public Open Space, which are covered through the associated S106 legal agreement).

Reason

In the interests of the visual amenity of the scheme, the conservation of the natural and scenic beauty of the surrounding landscape and setting of the Cotswolds AONB, and site-wide biodiversity, in accordance with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policies PSP2 and PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017), and the requirements of the National Planning Policy Framework.

10. Landscape - Hard Landscaping Plan

Notwithstanding the details shown in approved landscaping plans, prior to the commencement of any new build works above damp proof course level or any conversion works, an updated hard landscape surface and boundary treatment plan, including details of transitions/interfaces between different surface materials, proposed levels and any soil retention/retaining walls that may be required, together with supporting schedule of proposed manufacturer hard landscape materials/products (with samples supplied for approval), shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the agreed details.

Reason

In the interests of the visual amenity of the scheme, the conservation of the natural and scenic beauty of the surrounding landscape and setting of the Cotswolds AONB, and site-wide biodiversity, in accordance with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policies PSP2 and PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017), and the requirements of the National Planning Policy Framework.

11. Landscape - LEMP

Prior to the commencement of any new build works above damp proof course level or any conversion works, comprehensive Landscape and Ecological Management Plan (LEMP), covering the enabling works operations/period and a subsequent 10 year management period, identifying existing and proposed landscape and ecology, related site assets, associated management objectives, schedules of annual maintenance works together with longer term management operations shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall thereafter be adhered to both in terms of the construction of the development, as well as the future management and maintenance of the site.

Reason

In the interests of the visual amenity of the scheme, the conservation of the natural and scenic beauty of the surrounding landscape and setting of the Cotswolds AONB, and site-wide biodiversity, in accordance with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policies PSP2 and PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017), and the requirements of the National Planning Policy Framework.

12. Tree Report - Compliance

The development shall be carried out in strict compliance with all recommendations set out within the approved Arboricultural Impact Assessment and Method Statement (undertaken by Tim Pursey Arboricultural Consultants, dated 4th February 2021).

Reason

In the interests of the long-term health and overall protection of trees, to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policies PSP2 and PS3 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

13. Highways - Littleton Drew Footpath

Prior to the occupation of any dwellings hereby approved, the following off-site highway works shall be completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority:

- The extension of the footway from The Street to Littleton Drew Road outside of Chestnut House, including dropped kerb pedestrian crossing and on Littleton Drew Road opposite.

Reason

In the interests of highway safety and to provide a safe route to the bus stops on The Street and the employment area to the north of the village, to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP11 the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

14. Highways - CEMP

Prior to the commencement of development, a site-specific Construction Environmental Management Plan (CEMP), shall be submitted to and agreed in writing by the Local Planning Authority. The CEMP as approved shall be fully complied with at all times. The CEMP shall address the following matters:

- 1) Measures to control the tracking of mud off-site from vehicles.
- 2) Measures to control dust from the demolition and construction works approved.
- 3) Adequate provision of fuel oil storage, landing, delivery and use, and how any spillage can be dealt with and contained.
- 4) Adequate provision for the delivery and storage of materials, including the use of a banksman for all reversing movements on the public highway.

- 5) Adequate provision for contractor parking.
- 6) A lorry routing schedule.
- 7) No deliveries received on site between 08:30 to 09:15 and 14:45 to 15:30 unless the school is closed.
- 8) Measures for keeping local residents, businesses and the school informed of deliveries and construction activities.
- 9) Measures to deal with complaints.
- 10) Contact details for the site manager.

Development shall take place in accordance with the details agreed in writing.

Reason

In the interests of highway safety and the amenities of the area, to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policies PSP11 and PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

This is required to be agreed prior to the commencement of the development, as it relates to the very earliest stages of construction.

15. Highways - EV Charging

Prior to the commencement of any new build works above damp proof course level or any conversion works, an electric vehicle charging strategy for the provision of 7Kw 32 Amp charging points for all dwellings with on plot car parking, and 20% of the other allocated spaces plus ducting for the remaining spaces, shall be submitted to and agreed in writing by the Local Planning Authority. The EV charging facilities as shown in the approved strategy shall then be provided in accordance with the agreed strategy prior to occupation of the respective dwellings.

Reason

To promote sustainable travel patterns, to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

16. Highways - Cycle Parking

Prior to the occupation of any dwellings hereby approved, two covered and secure cycle parking spaces shall be provided for each dwelling in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason

To promote sustainable travel patterns, to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

17. Highways - Parking & Access

Prior to the occupation of any dwellings hereby approved, the vehicular access points into the site and the off-street parking facilities for all vehicles shall be provided in accordance with the approved Proposed Site Plan (ref. 255 - SPO1p). Once provided, the access points and parking spaces shall be retained in perpetuity.

Reason

In the interests of highway safety and the amenities of the area, to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

18. Working Hours

The hours of working on site during the period of construction shall be restricted to 0730 - 1800 on Mondays to Fridays and 0800 - 1300 on Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery, deliveries to the site and the movement of vehicles within the application site.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

19. Affordable Housing - M4(2)

As per approved plans, both Affordable Dwellings (Shared Ownership) on plots 12 & 13 shall be constructed to meet Part M of the Building Regulations accessibility standard M4(2).

Reason

To ensure that any affordable units are constructed to the required standard, to accord with Policy CS18 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

20. Affordable Housing - M4(3)(2)(a)

As per approved plans, both Affordable Dwellings (Shared Ownership) on plots 12 & 13 shall be constructed to meet Part M of the Building Regulations accessibility standard M4(3)(2)(a).

Reason

To ensure that any affordable units are constructed to the required standard, to accord with Policy CS18 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

21. Ecology - Ecological Assessment

The development shall proceed in strict accordance with the Mitigation Measures provided in the Ecological Assessment (Ecology Solutions, October 2019), an updated Ecological Assessment (Ecology Solutions, September 2020) and Bat Mitigation Briefing Note (Ecology Solutions, March 2021).

Reason

To protect local wildlife and the ecological interests of the site, and to accord with Policy CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted December 2013) and Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

22. Ecology - Lighting Strategy

Prior to commencement of development, a "lighting design strategy for biodiversity" for the boundary features and any native planting shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason

To protect local wildlife and the ecological interests of the site, and to accord with Policy CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted December 2013) and Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

These details are required to be agreed prior to the commencement of the development, as the earliest stages of construction work have the potential to impact upon local biodiversity.

23. Ecology - License

Prior to commencement of development, a copy of the granted EPS Natural England License shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To protect local wildlife and the ecological interests of the site, and to accord with Policy CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted December 2013) and Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

These details are required to be agreed prior to the commencement of the development, as the earliest stages of construction work have the potential to impact upon local biodiversity.

24. Ecology - Habitat Enhancement Scheme

Prior to commencement of development, a habitat enhancement scheme (HES) shall be submitted to and approved in writing by the Local Planning Authority. This is to expand on the enhancements detailed within the Ecological Assessment (Ecology Solutions, October 2019), an updated Ecological Assessment (Ecology Solutions, September 2020) and is to include a plan showing the ecological enhancements and specifications. These are additional to the bat roost mitigation and enhancements which have already been detailed within Bat Mitigation Briefing Note (Ecology Solutions, March 2021).

Reason

To protect local wildlife and the ecological interests of the site, and to accord with Policy CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted December 2013) and Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

These details are required to be agreed prior to the commencement of the development, as the earliest stages of construction work have the potential to impact upon local biodiversity.

25. Archaeological Watching Brief

Prior to the commencement of development, a programme of archaeological investigation and recording (evaluation and watching brief) for the site shall be submitted to and approved by the Local Planning Authority. Thereafter, the approved programme shall be implemented in all respects.

Reason

To ensure the protection of potential archaeological deposits on the site, to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

This is required to be agreed prior to the commencement of the development, as the very earliest stages of construction have the potential to affect archaeological deposits present at the site.

26. Drainage - SUDS

Prior to the commencement of development, surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are

satisfactory), for flood prevention; pollution control and environmental protection shall be submitted to and approved by the Local Planning Authority. This shall include a detailed development layout showing the location of surface water proposals, together with results of percolation tests and infiltration calculations to demonstrate that the proposal is suitable for this site (No public surface water sewer is available).

For the avoidance of doubt, in order to discharge the condition, all details as listed in the Lead Local Flood Authority's comments dated 26th November 2020 shall be provided.

Reason

To ensure that the overall drainage strategy for the site is acceptable, to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted December 2013) and Policy PSP20 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

These details are required to be agreed prior to the commencement of the development, as they relate to the very earliest stages of construction.

27. Environmental Health - Acoustic Report

The development shall proceed in strict accordance with all mitigation measures included within the submitted Acoustic Report, titled 'Duke of Beaufort, Hollybush Farm, Acton Turville', prepared by WYG and dated September 2020.

Reason

To mitigate the impacts of environmental pollution and protect the amenity of future occupants, to accord with Policies PSP8 and PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

28. Contamination - Intrusive Investigation/Remediation Strategy

With the exception of necessary demolition works, prior to the commencement of development, a comprehensive site investigation shall be carried out. The investigation shall include surveys/sampling and/or monitoring, to identify the extent, scale and nature of any contamination. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175 Investigation of potentially contaminated sites and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced). A report shall be submitted to and approved in writing by the Local Planning Authority, and shall include a conceptual model of the potential risks to human health; property/buildings and service pipes; adjoining land; ground waters and surface waters; and ecological systems.

Where unacceptable risks are identified, the report submitted shall include an appraisal of available remediation options; the proposed remediation objectives or criteria and identification of the preferred remediation option(s). The programme of the works to be undertaken shall be described in detail, together with the methodology that will be applied to verify that the works have been satisfactorily completed.

The approved remediation scheme shall be carried out before the development (or relevant phase of development) is occupied.

Reason

To ensure that any risks posed to the development through historic contamination are identified and mitigated, to accord with Policy CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted December 2013) and Policy PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

29. Contamination - Verification Strategy

Prior to the first occupation of dwellings hereby approved, where works have been required to mitigate contaminants (under condition 28) a report providing details of the verification demonstrating that all necessary remediation works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

Reason

To ensure that any risks posed to the development through historic contamination are identified and mitigated, to accord with Policy CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted December 2013) and Policy PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

30. Contamination - Unexpected Contamination

Any contamination found during the course of construction of the development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found, additional remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

Reason

To ensure that any risks posed to the development through historic contamination are identified and mitigated, to accord with Policy CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted December 2013) and Policy PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

31. Sustainability - Energy Statement

Prior to the commencement of any new build works above damp proof course level or any conversion works, a Sustainable Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall include all of the details set out within the Environmental Policy Officer comments dated 14th January 2020. The development shall thereafter be carried out in accordance with the contents of the agreed Energy Statement.

Reason

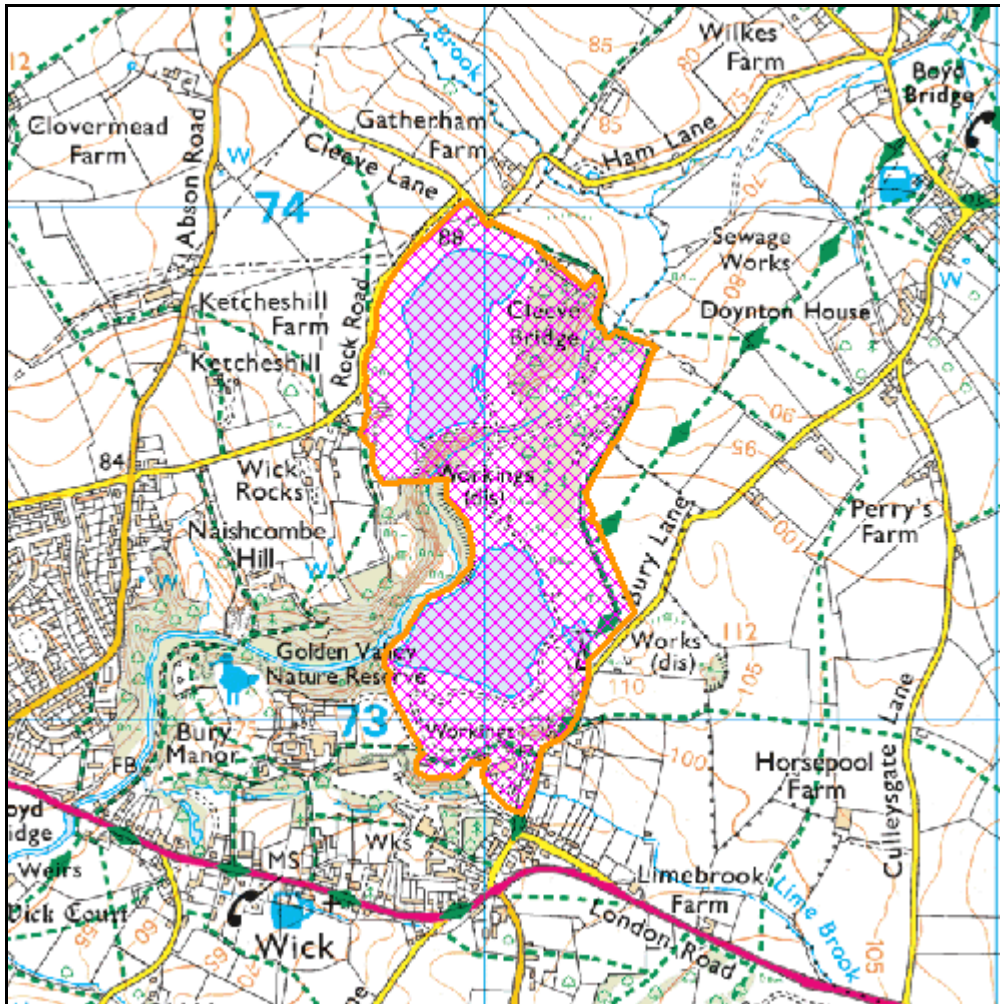
To ensure that the development incorporates measures which will minimise CO2 emissions, and can adapt to a changing climate, in accordance with Policy CS1 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013 and Policy PSP6 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

Case Officer: Patrick Jackson

Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 03/23 - 20th January 2023

App No.:	P21/07554/RVC	Applicant:	Wick Quarry Ltd
Site:	Wick Quarry London Road Wick South Gloucestershire BS30 5SJ	Date Reg:	25th November 2021
Proposal:	Variation of condition 13 attached to PK18/0222/F to read 'The development hereby permitted shall be implemented in the phases as set out in Table - Timescale and Phasing, of the supporting statement dated 15/11/2021 and drawing No. W22/RDH/11 Rev C', and variation of Conditions 3 and 4 to reflect the amended geotechnical requirements. (PK18/0222/F Restoration of quarry to a nature reserve and outline permission of a warden's lodge (dwelling), greenhouse, poly tunnel, barns, machinery shed, workshop and office with welfare facilities, education centre and business and office units (resubmission- PK15/199/F)	Parish:	Wick And Abson Parish Council
Map Ref:	370894 172717	Ward:	Boyd Valley
Application Category:	Major	Target Date:	23rd February 2022



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N.T.S.

P21/07554/RVC

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

INTRODUCTION

This application appears on the Circulated Schedule, as a result of responses received, contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 The application seeks consent for the variation of conditions 3, 4 and 13 attached to PK18/0222/F. That application was for the 'Restoration of quarry to a nature reserve and outline permission of a wardens lodge (dwelling), greenhouse, poly tunnel, barns, machinery shed, workshop and office with welfare facilities, education centre and business and office units (resubmission- PK15/199/F)' .The main component is the proposed requirement to vary the phasing of the site previously approved, secured by condition 13, following geotechnical assessment of the site.

Condition 13 of that permission stated:

'The development hereby permitted shall be implemented in the phases as set out in Section Timescale and Phasing, Page 8 of the Supporting Statement Updated Addendum Drawing No. W22/RDH/11 Rev A.'

Reason:

To ensure a timely and satisfactory restoration of the site in accordance with the approved plans and in accordance with Policy CS1, CS5 and CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

- 1.2 The applicants now want to vary this condition to read 'The development hereby permitted shall be implemented in the phases as set out in Table - Timescale and Phasing, of the supporting statement dated 15/11/2021 and drawing No. W22/RDH/11 Rev C'. The original phasing plan was based on working from north to south however following more detailed review and assessment, it is recommended that a south to north approach be adopted, in terms of the main quarry voids themselves. All other restoration, phasing and triggers for phasing would remain as existing.
- 1.3 The applicants state that a key component of the restoration of the quarry is the dewatering of the 2 quarry voids- 'Truebody's' to the north and 'Main Quarry' to the south. This activity and backfilling requires environmental permits issued by the Environment Agency. A specialist geoenvironmental and civil engineering consultancy has been working with Wick Quarry to secure the necessary Environmental Permit and consents for backfilling of the voids. Works to better understand the site and secure the permit have been undertaken. The nature of the proposed restoration works are such that there will be a number of inherent design requirements to facilitate safe and effective construction. Following more detailed review of operational aspects as part of the detailed design it is considered that backfilling the main quarry first would be beneficial for a number of environmental, safety and logistical reasons. These considerations are referred to more in the relevant sections of the report, below.

- 1.4 To support this requirement the applicants have provided details of a geotechnical assessment. It has been noted that this variation would also require the amendment of the wording to conditions 3 and 4, which relate to the provision of any remaining extraction necessitated by the restoration requirements, to reflect the updated geotechnical requirements, and the plans referenced.
- 1.5 The site itself is a limestone quarry which has been operational for decades. The quarry complex as a whole covers a total of approximately 42 hectares and consists of two main voids areas, steep benches from previous historic working of the site, haul roads, plant areas and hardstanding towards the frontage of the site where much of the quarry infrastructure, processing plant and ancillary development occurred.
- 1.6 The quarry entrance is located off London Road on the south of the site. The closest residential properties are located opposite the frontage of the site boundary. The site is located within the designated Green Belt and is outside of the identified Wick settlement boundary.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS5 Location of Development
CS9 Managing the Environment and Heritage
CS10 Minerals
CS34 Rural Areas

South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017

PSP1 Local Distinctiveness
PSP2 Landscape
PSP3 Trees and Woodland
PSP7 Development in the Green Belt
PSP8 Residential Amenity
PSP11 Transport Impact Management
PSP19 Wider Biodiversity
PSP21 Environmental Pollution and Impacts
PSP23 Mineral Working and Restoration
PSP28 Rural Economy
PSP40 Residential Development in the Countryside

West of England Joint Waste Core Strategy Adopted March 2011

Policy 8 Landfill, landraise, engineering or other operations - Principles
Policy 9 Landfill, landraise, engineering or other operations – Details
Policy 11 Planning Designations

Policy 12 General Considerations

Supplementary Planning Guidance South Gloucestershire Green Belt SPD

3. RELEVANT PLANNING HISTORY

There are many consents for individual aspects of quarry plant, workshops office blocks and other development ancillary to the use of the site as a quarry, the permissions below reflect the main consents allowing quarrying, and as such ancillary activities across the site as a whole:

- 3.1 SG233 – Use of land for surface working of minerals. Permitted 1st November 1948
- 3.2 SG1520 – Extension of quarry workings. Permitted 29th April 1950
- 3.3 SG9862 – Extension to limestone quarry. Permitted 19th November 1969.
- 3.4 N467 – Quarrying on partly excavated land. Permitted 18th December 1974.
- 3.5 NA/IDO/011 – Working of existing quarry and adjoining land. Registered. 11th December 1992.
- 3.6 NA/IDO/012 – Surface working of minerals. Registered 11th December 1992.
- 3.7 NA/IDO/013 – Surface working of minerals. Registered 11th December 1992.
- 3.8 NA/IDO/014 – Continued and extended surface working of minerals. Registered 11th December 1992.
- 3.9 NA/IDO/011A – Scheme of conditions for Wick Quarry North. Approved 2nd April 1997.
- 3.10 NA/IDO/012A – Scheme of conditions for Wick Quarry North. Approved 2nd April 1997.
- 3.11 NA/IDO/14A – Scheme of conditions for Wick Main Quarry. Approved 2nd April 1997.
- 3.12 P97/4685/MR – Scheme of Conditions for Wick Main Quarry. Approved 2nd April 1997.
- 3.13 P98/4131 – Extension of existing Wick Quarry complex in a north-westerly direction into land at Gatherham Farm. Approved 20th November 2000.
- 3.14 PK15/1959/F - Restoration of quarry to a nature reserve and outline permission of a wardens lodge (dwelling), greenhouse, poly tunnel, barns, machinery shed, workshop and office with welfare facilities, education centre and business and office units. Approved 10.11.2015.
- 3.15 PK16/4909/MW – Prior Notification for erection of security boundary fence 2.4m in height Part 17 (Class C) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Approved 10.11.2016

- 3.16 PK16/5530/F - Change of use from office to Residential (Class C3) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended). Approved 24.11.2016.
- 3.17 PK18/0222/F - Restoration of quarry to a nature reserve and outline permission of a wardens lodge (dwelling), greenhouse, poly tunnel, barns, machinery shed, workshop and office with welfare facilities, education centre and business and office units (resubmission- PK15/199/F). Approved 08.11.2018
- 3.18 PK18/5037/RM - Approval of 'appearance' in relation to the erection of wardens lodge (dwelling), greenhouse, poly tunnel, barns, machinery shed, workshop and office with welfare facilities, education centre and business and office units, boat facilities and associated infrastructure (Approval of Reserved Matters to be read in conjunction with hybrid Outline Planning Permission PK15/1959/F). Approved 15.03.2019.

4. CONSULTATION RESPONSES

4.1 Wick Parish Council
No objection

4.2 Other Consultees

Landscape Officer
No objections

Ecology Officer
No objection

Sustainable Transportation

The revised phasing relates to the order of the internal restoration phases. The overall timeframe remains unchanged. No Transport objections are raised subject to the previous Transport conditions (except condition 2 which has already been discharged) being attached to the new consent.

Lead Local Flood Authority
No objection

Conservation Officer
No comments

Archaeology
No comments

Arts and Development
No comment

Avon and Somerset Police - Police Neighbourhood Manager
No objection

4.3 Local Residents

9 letters of objection have been received, raising the following points:

- tipping will impact upon the amenity of the area
- proposals will have an impact upon the visual amenity of the quarry
- increase in HGV movements
- existing road network struggles under pressure of vehicles
- concerns over time scale
- original application no longer being adhered
- creating a new tip
- the most recent quarried area should be worked first as it would be restored quicker and enable progressive restoration
- the proposals would mean little or no ecological gain for a considerable time

5. MAIN ISSUES FOR CONSIDERATION

5.1 Principle of Development

Planning permission for the site clearly demonstrates a history of quarrying and associated ancillary activities and the site is recognised as an active quarry. The site had permission for quarrying until 2042 or until reserves were exhausted. Upon cessation of quarrying activities there is a requirement to restore the quarry. In essence, the approved restoration application cuts short quarrying activities in terms of both timescale as well as the amount of permitted reserves that are taken out in order to provide an earlier restoration of the site, leaving material that could otherwise be quarried, in order to provide scope for an improved restoration profile. In addition to this it was considered that the restoration potential for the site was vastly improved under the approved restoration scheme and as such the site would demonstrate significant improvements in landscape, ecology and biodiversity terms. As part of the consent and considered integral in the functioning and viability of the overall scheme was the provision of business units and offices, education centre, a wardens house, which will act as a dwelling for the applicant, and barns, machinery shed, greenhouse, poly tunnel and workshop with welfare facilities. Following phased restoration these elements would follow.

5.2 Of significant note are planning permission refs. PK15/1959/F and PK18/0222/F – for restoration of the quarry to a nature reserve and outline permission of a wardens lodge (dwelling), greenhouse, poly tunnel, barns, machinery shed, workshop and office with welfare facilities, education centre and business and office units. The implementation of those permissions has commenced with works ongoing and is therefore extant. The reserved matter to the outline application were approved under PK18/5037/RM, as referred to in the planning history section above. The principle of the proposals for the restoration of the site are therefore established in this regard. The restoration and subsequent development was to be implemented in approved phases.

5.3 Planning permission was granted to permit the restoration of Wick Quarry to a nature reserve. The permitted works included the backfilling of the quarry voids and other development within the quarry. Planning Permission Condition 13 requires that the development be implemented in the phases as set out in a submitted supporting statement to the application and the approved restoration plan. In essence the condition allows the restoration of the quarry to be implemented in 4 phases over a period of some 25 years working from the north to the south. A key component of the

restoration of the quarry is the dewatering of the 2 quarry voids- 'Truebody's' to the north and 'Main Quarry' to the south. This activity and backfilling requires environmental permits issued by the Environment Agency. In order to better understand the sites characteristics and to secure the required permits Wick Quarry engaged consultant engineers to carry extensive studies of the geological and hydrological regime of the site. This work has found that it would be beneficial, for a number environmental, safety and logistical reasons, if the Main Quarry was backfilled first. The rational for the proposed change in phasing is set out in the submitted supporting technical report.

- 5.4 Stability risk assessment work is ongoing to support the Environmental Permit application and indicates potentially greater stability risks associated with the Truebodies void. These include a number of large and potentially unstable blocks perched on the edge of benches and unstable benches due to unfavourable discontinuity orientation. The assessment to date indicates that dewatering the Truebodies void at a slower rate would be prudent, thereby reducing the potential for imbalance of water pressures between the voids and groundwater in the surrounding rock mass. This imbalance has the potential to destabilise slopes that would otherwise be stable if drained. By working Main Quarry first, dewatering of Truebodies can take place over a number of years, with associated risk assessment and monitoring to mitigate stability risks. In addition, the size and scale of these potentially unstable blocks means works to mitigate risks (e.g. top anchors, drape netting, locally secured netting with cables and anchors along with selective rock removal) can be undertaken in a carefully managed, sensible sequence whilst restoration of Main Quarry continues.
- 5.5 All other elements of the previously approved development remain. It is not considered that the variation would prejudice the delivery of the approved scheme as a whole. The main consideration for this application therefore will be whether there would be any material impacts associated with the proposed variation of conditions of the revised phasing of the approved restoration scheme.
- 5.6 It is considered that this provides justification for the variation proposed. Any additional issues and policy considerations this gives rise to are discussed in more detail in the relevant sections below. Whilst the comments and concerns raised above are noted, it must also be noted that permission exists for the site for the restoration of quarry to a nature reserve and outline permission of a wardens lodge (dwelling), greenhouse, poly tunnel, barns, machinery shed, workshop and office with welfare facilities, education centre and business and office units. This application seeks to vary the phasing details contained in condition 13, and as such amend the phasing of the restoration and, due to the geotechnical assessments, the wording of conditions 3 and 4 to reflect the requirements necessitated by the assessment. It is therefore any implications associated with this variation only, over and above the existing permission, that is under consideration under this application.
- 5.7 No increase in timescale is proposed or any increase in input or HGV movements. Timescales are controlled under the existing consent under other conditions. Existing conditions would be reiterated on any variation application except where sought to be changed by this application, where they have are no longer necessary or have been previously discharged. Details and approved plans of the reserved matters applications and other conditions will also be brought forward.

5.8 Green Belt

The site is located within the designated Green Belt. As a quarry site, there is a requirement to restore all of it in time. The restoration of the quarry is therefore required by consent and would also be considered to accord with Green Belt principles. Restoration of the site, as a nature reserve, is also considered compliant with Green Belt criteria. The principle of the application inclusive of the restoration and the associated other developments including the provision of business units/offices, the wardens house/dwelling and the other associated buildings has previously been considered against in its Green Belt context and approved and established. In this instance the benefits to biodiversity, landscape, education, security of the site and the beneficial ongoing use of a large area of land which would otherwise be indefinitely underutilised were considered to be significant and remain so. There are no changes upon the existing established consent except the variations proposed under this application. It is not considered that the variations to the scheme through an amendment to the phasing and updated geotechnical requirements, within the quarry, would have any additional impact upon the Green Belt and the restoration would remain an acceptable and appropriate development, as previously approved, within the timeframes already approved and established.

5.9 Ecological/Biodiversity Enhancement

The quarry provides a unique opportunity to create a mosaic of semi natural habitats comprising native mixed-species deciduous woodland, limestone grassland, scrub and water bodies which will make a significant and sizeable contribution towards conserving and enhancing the biodiversity of the area. The principle of restoration of the site to the approved scheme is established and will remain. The proposals will not alter final restoration of the site, and the benefits this has been considered to be associated with it. There are no objections to the proposals from the Council's Ecological Officer. It is not considered that the variation to the phasing proposed driven by the geotechnical assessment will materially effect the wider ecological consideration and benefits to the site which will remain, and the site will still be restored in a phased manner across its extent.

5.10 A LEMP and Planting Plan and details providing landscape, planting and ecological management details have been previously approved for the site and will remain.

5.11 Landscape/Visual Amenity Enhancement

The principle of restoration of the site to the approved scheme is established and will remain. The proposals will not alter final restoration of the site, and the benefits this has been considered to be associated with it. Phased restoration would still occur. There are no objections from the Council's Landscape Officer.

5.12 A LEMP and Planting Plan and details providing landscape, planting and ecological management details have been previously approved for the site and will remain in place.

5.13 Local Amenity

The principle of the restoration scheme and the associated elements of development are established. The main difference, and issue for consideration will be any additional amenity impact arising from the variation to the phasing of the existing scheme and any safety requirements associated with the geotechnical assessment. The final landform, amenity, safety and ecological benefits upon the local area will remain.

- 5.14 The site has been an active quarry for a significant period and had permission as such until 2042. The restoration development curtails that. Any ongoing activity/stone extraction/processing permitted or required at the site are controlled by existing blasting controls and hours of operation which will remain in place. The proposals will however continue to curtail the quarrying activities to a much shorter timescale along with its associated impacts. The built development element of the proposals has been assessed and approved. The main change for this application is the revised phasing proposals, it is not considered that these activities would lead to a significant additional impact from within the site over and above that existing or approved. It is not proposed to extend the timescale for development.
- 5.15 Any mineral extraction works are subject to the Environmental Protection (EP) Permitting Regulations with conditions to control dust and particulate emissions from the mobile crushing of rock and minerals. The proposed imported infill material screening and recycling operation will also be subject to an environmental permit regulated by the Environment Agency. Statutory Nuisance controls will apply and Dust Management Plan measures control off site local vehicular dust.
- 5.16 The principle of the site has already been established and relevant controls, conditions and approved documents will remain in place in this respect. The variation of condition will not impact upon existing amenity and pollution criteria.
- 5.17 Transportation
The revised phasing relates to the order of the internal restoration phases. The overall timeframe remains unchanged as do the associated vehicle movements. No transport objections are raised. The previous transportation/highways conditions, except those already discharged, should be attached to any new consent, and previously approved plans, details pursuant and other details in terms of highways, remain extant.
- 5.18 Public Rights Of Way
Public Rights of Way exist in and around the site. The proposals are for a variation of phasing and associated works within the site. Public rights of way would not therefore be affected and previous considerations on public rights of way, any improvement, conditions and plans will remain in place.
- 5.19 Drainage/Flood Risk
There remain to be no objections from the Council, as Lead Local Flood Authority. It is however recommended that a SUDS drainage condition is included to address new built development. Conditions and plans will remain as approved except as amended by this variation. EA licensing would be required for abstraction. Informatives will also remain relating to controls over any development in close proximity to the River Boyd.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That variation of condition application is approved, subject to the conditions recommended.

CONDITIONS

1. Importation of materials for the purposes of restoration shall cease by the 8th November 2043 or when the approved restoration contours are achieved, whichever is the sooner.

Reason:

To ensure a timely and satisfactory restoration of the site, as cliff faces above and below water are strictly required to be buttressed with imported material, and in accordance with the approved plans and in accordance with Policy 8 of the West of England Joint Waste Core Strategy Adopted March 2011, and Policy CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

2. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:

Planning Supporting Statement and Supporting Statement Updated Addendum, Design and Access Statement & Design and Access Statement Updated Addendum, Site Location Plan - (W22/RDH/12), Application Area - (W22/RDH/08 Rev B), Topographical Survey, Existing Rock Faces - (W22/RDH/09, Restoration Scheme Plan - (WICK11 Rev B),, Indicative Masterplan - Drawing No. W22/ RDH/04 Rev J, received by the Council on the 16th January 2018, Hydrogeological Risk Assessment for Planning, received by the Council on the 25th June 2018, Traffic Management Plan (T435-090-02), received by the Council on the 9th October 2018 and Landscape and Ecological Management Plan, received by the Council on the 7th November 2018.

and:

- Supporting Statement dated 15 November 2021 and Drawing No W22RDH11 Rev C Phasing Areas, received by the Council on the 24th November 2021,

- Technical Memo - Wick Quarry -, received by the Council on the 19th November 2021 and Restoration Cross Sections and drawings, DW0001-634-01 & DW0001-634-02, received by the Council on the 25th October 2022.

and Drawing No D0001-02 Geotechnical Information Plan, received by the Council on the 25th October 2022

and: Site Location Plan, Site Plans and Proposed Quarry Masterplan 000 Series - Master Planning

001 Site Location Plan

002 Proposed Building Master Plan

050 Site Plan - Plan A

051 Site Plan - Plan B

100 Series - Starter Business Units:
 101 Proposed Units 1-12 Ground Floor Plan
 102 Proposed Unit 1-12 Mezzanine Floor Plan
 103 Proposed Unit 1-12 Elevations
 104 Proposed Units 13-21 Ground Floor Plan
 105 Proposed Unit 13-21 Elevations
 106 Proposed Compound Unit 1 - Ground Floor Plan
 107 Proposed Compound Unit 1 - Mezzanine Floor Plan
 108 Proposed Compound Unit 1 - Elevations
 109 Proposed Compound Unit 2 - Ground Floor Plan
 110 Proposed Compound Unit 2 - Mezzanine Floor Plan
 111 Proposed Compound Unit 2 - Elevations
 200 Series - Office Units:
 201 Proposed Ground Floor Plan
 202 Proposed First Floor Plan
 203 Proposed Elevations
 300 Series - Education Centre:
 301 Proposed Ground Floor Plan
 302 Proposed First Floor Plan
 303 Proposed Elevations
 400 Series - Greenhouse, Poly Tunnel & Planting:
 400 Proposed Site Plan
 401 Proposed Greenhouse - Floor Plan
 402 Proposed Greenhouse - Elevations
 403 Proposed Polytunnel - Floor plans and Elevations
 500 Series - Wardens Lodge:
 502 Proposed Basement Floor Plan
 503 Proposed Ground Floor Plan
 504 Proposed First Floor Plan
 510 Proposed East & South Elevation
 511 Proposed West & North Elevation
 600 Series - Agricultural Buildings
 600 Proposed Site Plan
 601 Proposed Hay and Straw Barn - Floor Plan
 603 Proposed Hay and Straw Barn - SE and NE Elevations
 604 Proposed Hay and Straw Barn - NW and SW Elevations
 610 Proposed Livestock Barn - Floor Plan
 612 Proposed Livestock Barn - NE and SE Elevations
 613 Proposed Livestock Barn - NW and SW Elevations
 620 Proposed Machinery Shed - Ground Floor Plan
 622 Proposed Machinery Shed - NE and SE Elevations
 623 Proposed Machinery Shed - SW and NW Elevations
 630 Proposed Workshop and Office - Ground Floor Plan
 632 Proposed Workshop and Office - NW and SW Elevations
 633 Proposed Workshop and Office - NE and SE Elevations
 700 Series - Boathouses:
 701 Proposed Southern Boathouse - Plan
 702 Proposed Southern Boathouse - Elevations
 704 Proposed Northern Boathouse - Plan
 705 Proposed Northern Boathouse - Elevations
 800 Series - Footbridge:
 801 Proposed Plan and Elevations,

received by the Council on the 6th November 2018 (pursuant to PK18/5037/RM).

Reason

To define the terms and extent of the permission.

3. The extent of further continued quarrying shall be limited to Drawing No D0001-02 Geotechnical Information Plan (and such further areas as are outlined in the required Geotechnical Assessments which are a requirement to complete the development)

Reason:

To ensure a timely and satisfactory restoration of the site in accordance with the approved plans and in accordance with Policy CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

4. Quarrying operations and the extraction of virgin stone from the site shall cease within 6 months from the date of this permission, except for those areas referenced in Drawing No D0001-02 Geotechnical Information Plan (and such further areas as are outlined in the required Geotechnical Assessments which are a requirement to complete the development). Processing of previously extracted material shall cease by 8th November 2024.

Reason:

To ensure a timely and satisfactory restoration of the site in accordance with the approved plans and in accordance with Policy CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

5. No blasting shall take place except between the hours of 9.00am and 10.30am, 1.00pm and 2.00pm, and 4.00pm to 5.00pm Mon-Fri, and 9.00am to 10.30am on Saturdays. No blasting shall take place on Sundays, Bank Holidays or National Holidays.

Reason:

To protect the amenities of the locality and in accordance with Policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

6. All blasting at the site shall adhere to the following limits (a) compliance with a peak particle velocity of 6mm/second in 95% of all blasts, measured over a period of 6 months, (b) no individual blast over a peak particle velocity of 10mm/second as measured at or adjacent to the nearest residential property, (c) air overpressure caused by blasting to a maximum limit of 120dB at the nearest residential property.

Blast monitoring and management, to include recording times and frequency of blasting operations and blast readings, shall be undertaken. Details of all blasting shall be made available to the Local Planning Authority upon written request.

Reason:

To protect the amenities of the locality and in accordance with Policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

7. Notwithstanding the blasting restrictions, above, all other operations associated with quarrying and restoration operations shall be restricted to between 07.00 - 18.00, Mondays to Fridays and 08.00 - 13.00 on Saturdays.

Reason:

To protect the amenities of the locality and in accordance with Policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

8. The total output of all quarry products from the site shall not exceed 450,000 tonnes per annum.

Reason:

In the interests of highway safety and to protect the amenities of the locality and in accordance with Policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

9. During the period of quarrying and restoration, no heavy goods vehicle shall leave the quarry to join the public highway without first passing through the wheelwash in order to prevent mud, dust or other debris being carried onto the public highway. The roads leading to the A420 shall regularly be swept to minimise dirt and dust.

Reason:

In the interests of highway safety and to protect the amenities of the locality and in accordance with Policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

10. The Reserved Matters (approved by Application PK18/5037/RM) shall be begun before 2 years from completion of the relevant phase as set out in Condition 12 below.

Reason:

To ensure a timely and satisfactory restoration of the site in accordance with the approved plans and in accordance with Policy CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

11. A) Previous historic uses(s) of the site may have given rise to contamination. Prior to commencement of any building works, an investigation of potential contamination of those areas where buildings are to be erected (commensurate with the nature and scale of the proposed development) shall be carried out by a suitably qualified person into the previous uses and contaminants likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.
- B) Where potential contaminants are identified, prior to the commencement of development, an investigation shall be carried out by a suitably qualified person to ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks. Thereafter the development shall proceed in accordance with any agreed mitigation measures.

C) Prior to occupation, where works have been required to mitigate contaminants (under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

D) If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing to the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Reason:

To protect the amenities and future use of the site and the locality and in accordance with Policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

12. The development hereby permitted shall be implemented in the phases as set out in the document titled Supporting Statement dated 15 November 2021 and Drawing No W22RDH11 Rev C 'Phasing Areas'.

Reason:

To ensure a timely and satisfactory restoration of the site in accordance with the approved plans and in accordance with Policy CS1, CS5 and CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

13. In terms of the of the business and office units:
- a) No deliveries shall take place to the site before 07.00 hrs or after 20.00 hrs on any day.
 - b) There shall be no external loading or unloading of materials or stock on the site before 07.00 hrs or after 20.00 hrs on any day.
 - c) All roller shutter doors within the units hereby approved, shall be kept closed between the hours of 20.00hrs and 07.00hrs Mon - Sun inclusive.

Reason:

To protect the amenities of the locality and in accordance with Policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

14. No built development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details.

Reason:

To protect the local water environment and the local amenities of the area and in accordance with Policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

15. Prior to the commencement of any building works, an air quality assessment should be undertaken to assess the risk of construction dust impacts. The assessment should be carried out in accordance with current guidance produced by the Institute of Air Quality Management (IAQM); "Guidance on the assessment of dust from demolition and construction" (Feb 2014). An appropriate scheme of mitigation should be identified to minimise the risk of dust impacts on nearby receptors which should be incorporated into a Dust Management Plan (DMP) and/or a Construction Environmental Management Plan (CEMP). The assessment and DMP and/or CEMP should be submitted in writing to the planning authority for approval prior to commencement of the first phase of the scheme.

Reason:

In the interests of air quality and to protect the amenities of the locality and in accordance with Policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

16. No new building/business unit shall be brought into use until the off-site highways improvements works have been completed in accordance with drawing no. T435-090-02.

Reason:

In the interests of highway safety and to protect the amenities of the locality and in accordance with Policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

17. The occupation of the dwelling shall be limited to a person responsible for the husbandry of the nature reserve or a widow or widower of such a person, and to any resident dependants.

Reason:

The permission has been granted solely having regard to the special circumstances of the case and use not in accordance with the requirements of the condition would require the further consideration of the Local Planning Authority in the light of the Development Plan, and any other material considerations.

18. No building shall be occupied until a 'Travel Plan' comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and been approved in writing by the Local Planning Authority. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed 'travel Plan' Targets to the satisfaction of the council.

Reason:

In the interests of sustainable transportation, highway safety and to protect the amenities of the locality and in accordance with Policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

19. Prior to the commencement of the building development, a Construction Traffic Management Plan shall be submitted to and approved in writing. The development shall be carried out in accordance with the approved details. For the avoidance of doubt, the construction traffic management plan shall (include but not be limited to)

Contractor parking arrangements, location and details of wheel washing facilities, times of delivery, hours of working, vehicle routing, storage of materials and full details of any construction compound.

Reason:

In the interests of highway safety and the amenity of the area during construction, and to accord with Policy T12 of the SGLP January 2006, this is required prior to commencement as it relates directly to the manner of construction. This is a pre-commencement condition to ensure that any impacts relating to construction traffic are addressed at an early stage.

20. Within one year of the date of this permission a survey of the geological features and exposures of Wick Quarry, to be obscured by reg-grading materials should be carried and a report provided to the Council.

Reason:

In the interests of any geological interest at the site and in accordance with Policy CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

21. The material intake must be inert only in accordance with the approach and principle set out in the Hydrogeological Risk Assessment (June 2018).

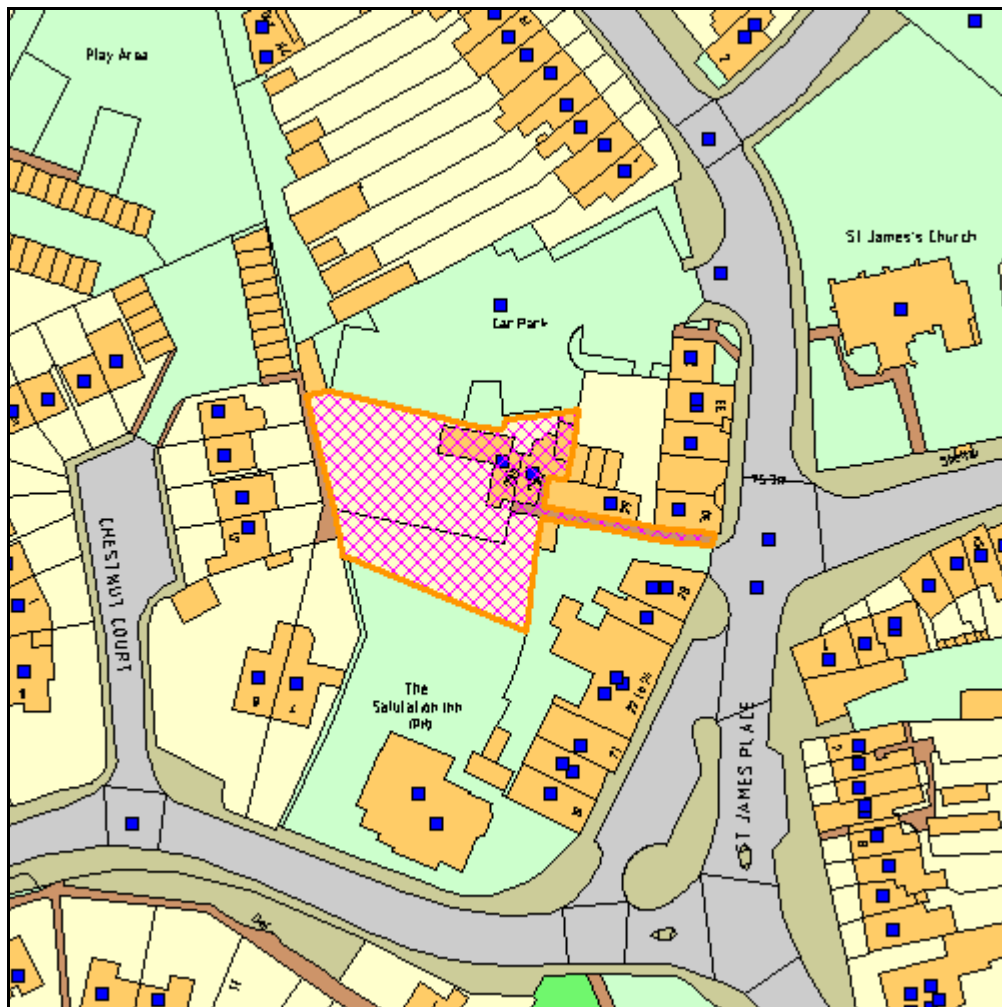
Reason:

To prevent pollution of the water environment and in accordance with Policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017.

Case Officer: Simon Ford
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 03/23 - 20th January 2023

App No.:	P22/01746/F	Applicant:	Acton Homes Ltd
Site:	Land At 29A And 29B St James Place Mangotsfield South Gloucestershire BS16 9JB	Date Reg:	12th April 2022
Proposal:	Demolition of existing semi-detached dwellings and garages. Erection of 6 no. attached dwellinghouses with associated parking, alteration to access, landscaping and associated works.	Parish:	Emersons Green Town Council
Map Ref:	366388 176149	Ward:	Staple Hill And Mangotsfield
Application Category:	Minor	Target Date:	6th June 2022



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 100023410, 2008. N.T.S. P22/01746/F

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

INTRODUCTION

This application appears on the Circulated Schedule due to consultation responses received, contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the demolition of existing semi-detached dwellings and garages and the erection of 6 no. attached dwellinghouses with associated parking, alteration to access, landscaping and associated works.
- 1.2 The site is located within the settlement area of Mangotsfield.
- 1.3 During the course of the consideration of the application revised plans have been received seeking to address matters of access, residential amenity and private amenity space.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design
CS4a Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity

South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017

PSP1 Local Distinctiveness
PSP2 Landscape
PSP8 Residential Amenity
PSP11 Transport Impact Management
PSP16 Parking Standards
PSP20 Flood Risk, Surface Water and Watercourse Management
PSP37 Internal Space and Accessibility Standards for dwellings
PSP38 Development within Existing Residential Curtilages
PSP43 Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013
Waste Collection: Guidance for New Development SPD (Adopted) January 2015

3. **RELEVANT PLANNING HISTORY**

None relevant

4. **CONSULTATION RESPONSES**

- 4.1 Emersons Green Town Council
No comment

- 4.2 Other Consultees

Sustainable Transportation Officer

Initially it was considered that the additional access areas needed to be shown on the plans and a swept path analysis provided. Additional plans were subsequently provided. No objections subject to conditions.

Lead Local Flood Authority

Surface water disposal will be to a sustainable drainage system. Additional details of this will be required. Informative recommended.

Other Representations

- 4.3 Local Residents

3 letters of objection and 2 letters of support have been received. The objections raise the following issues:

- Number of floors is 3, not 2 as stated, with dormers in the loft, which will have a greater impact upon privacy of surrounding/nearby properties.
- Current properties to the west and south of the property have unobstructed views from their gardens and windows. The building of six properties on this site will impact this and present an overbearing impact on existing gardens and views.
- It appears that plot 1 that the rear of Plot 1 will be less than 20m from the rear of the property to the south of the site
- The proposed units are too close to existing properties
- Insufficient space and provision for bin collections, and potential to block paths and access
- Concerns over visitor parking and use of adjacent car parks, these car parks are already heavily used by the local community and this may lead to further congestion and will increase the difficulty for people visiting local facilities. This will make it difficult for visitors to the property to find suitable parking, without impacting on those wishing to visit the shops and amenities.
- Concerns over parking and access to the dwellings, As access to the site will be through a car park, which is in constant use and often full, it could

contribute to further congestion in this area and unacceptable effect on highway and road safety. Furthermore, access to the properties via the east entrance to the south of the property will lead to potential pedestrian road safety issues, due to the use of the adjacent access road for daily large vehicle deliveries to the row of shops. This will also lead to increased congestion on the surrounding area at such times as school opening and closing and the constant use and access to the local shops and amenities. As such it is not deemed to be convenient, safe or accessible due to access being via a public car park.

- Private amenity space will be insufficient for the dwellings proposed
- Concerns over management of communal space
- The proposed design of the buildings will be out of keeping with the area
- The proposals do not appear to make provision for electric vehicle charging
- The proposed development is definitely not suitable or safe for this location. Increased traffic will cause problems on an already busy junction/area

In addition, 2 letters of support have been received, as follows:

- The removal of the existing buildings would improve the visual appearance of the area as the buildings are in significant disrepair.
- No issue with parking looking at the plans, it will not interfere with traffic at the Tesco side as there is a designated entrance and exit.
- The waste collections will not be near the shop side so that would be better than now as no bins will be on the pavement.
- The overall appearance of the new dwellings look to be in line with the new houses already up and lived in on the old Mangotsfield School. In addition, the proposed dwellings would overlook an area of public car park space which would increase natural surveillance of the area and would deter anti-social behaviour.
- it will be a good addition to the area.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy CS5 sets out the locational strategy for development in the district. New development is directed towards existing urban areas and defined settlements. As the site is located within the settlement boundary, development is supported in this location. As such, based solely on the location of the site, the principle of the development is acceptable.

- 5.2 Whilst the principle of the proposed development is acceptable under the provisions of policy CS5, the impacts of the development require further assessment to identify any potential harm. The further main areas of assessment are design and visual amenity, residential amenity and transportation.

5.3 Design and Visual Amenity

The proposals involve the demolition of two existing dwellings and the erection of 6 dwellings on the site. The comments above are noted. There are a variety of development and uses within the immediate vicinity and a variety of designs and materials. There is a variety of housing within the vicinity, the majority of which are constructed over two storeys with a mixture of finishing materials.

The proposed buildings will be finished in brick with tiled roofs. uPVC will be used for the windows and doors. The applicants compare this approach as similar to the finish of some of the dwellings constructed recently in Mangotsfield at the former education centre at the junction of St James Street with Richmond Road (planning ref. PK17/2864/F), which is a short distance to the north of the application.

- 5.4 There is no overriding design aesthetic or a streetscene to the immediate area to which these proposals significantly impact or disrupt and the design is acceptable in its own right at this location.
- 5.5 In terms of layout and density development should promote an effective use of land in meeting the need for homes in accordance with the provisions of the NPPF. The dwellings can be acceptably accommodated in this plot of land within this built up area and do represent a more effective use of this land in which to provide new dwellings.
- 5.6 Residential Amenity
Policies PSP8 and PSP38 of the adopted PSP Plan sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; overlooking; poor amenity space; loss of light; and loss of privacy of neighbouring occupiers.
- 5.7 The comments above are noted. Being in a built up area, the site is flanked by other residential properties and uses with varying relationships, layout and orientations to the site and each other. The density of the proposed site, with 6 additional detached dwellings, is not out of keeping with the surrounding area in this built up area.
- 5.8 As regards overlooking and loss of privacy; some level of overlooking of neighbouring properties from upper floor windows is commonplace in a built up environment where houses are built in close proximity to each other, especially if efficient use of land in the urban area is to be achieved, as is required by government and Local Plan policy.
- 5.9 Towards the south and west of the site are the rear ends of curtilages of the nearest properties. To the south, the rear main wall of the nearest properties are just over 20 metres away from the proposed dwellings. The rear dormer windows in the roofs all serve bathrooms and as such significant visibility/overlooking would be avoided from here. To the west the rear main wall of the nearest properties nearest properties are approximately 16 metres away at the nearest point. Given the angle and relationship of the relative properties the side wall of the application site does not directly face the rear of the properties to the west. Further to this, no side windows are proposed in this elevation.
- 5.10 The properties on the west of the proposed row, i.e. those nearest existing properties to the south and west have been provided with angled windows, in revised plans. This will reduce further the potential for direct intervisibility issues and overlooking with properties to the south.

- 5.11 Taking the above into account and given therefore the relative distances, the area involved, and relationship with the rear facing windows there is considered sufficient buffer and mitigation to avoid material amenity impacts.
- 5.12 Private amenity space considerations:
The proposed private amenity space for each property is accessible directly from the living areas of the property, they are south facing, square in shape and flat making them adaptable and fully usable for future occupants. It is suggested by the applicants that the private amenity spaces are also of a similar size to the gardens of the dwellings immediately to the west of the site and are appropriate for a central urban environment, thereby being suitable for the context of the site. Viewing the local area, it is not clear what gardens are being directly referred, nevertheless it appears that there are a variety of shapes and sizes of garden space. Each application must be judged on its own individual merits and prevalent policies.
- 5.13 Plots 1 and 6 are both 4 bedroom properties. The remainder of the dwellings would be 3 bed dwellings. The curtilage areas for the 4 bed plots are approximately 43 and 53 m² respectively. The curtilage areas for the 3 bed dwellings range from approximately 23 to 26m², this therefore falls some way short of the guidance for amenity space provisions of the PSP (43).
- 5.14 PSP43 states that the form of private amenity space will be dependent upon the type of accommodation and could include a number of types of provision, including for example balconies. The supporting text to PSP43 states that in certain locations and circumstances, the space standards may need to be relaxed. Higher density developments, for example where efficient use of land in the urban area is to be achieved, as is required by government and Local Plan policy, including more urban areas may be appropriate in certain locations and circumstances and may therefore lead to a relaxation of the specific standards. In such circumstances development will be expected to demonstrate good design standards in terms of access to fresh air and daylight, for example through good practice and solutions such as provision of balconies, high ceilings, As such, the form of private amenity space will be dependent upon the type of dwelling and could include private garden, roof garden, balcony, ground level patio or communal areas. In terms of usability of space, the size of the external amenity space should, as a minimum, accommodate a table and chairs suitable for the size of the dwelling, and where relevant provide space for a garden shed for storage, space for bins, circulation space/ a space that can be played in. The space standards are a guide and can include the totality of balconies, front and back gardens and communal areas.
- 5.15 It is noted that each property would also contain a balcony, which would provide an additional and alternative amenity space area in addition to the gardens. To further supplement the private amenity space provision, a communal garden area is proposed in the north-west area of the site in place of the extant detached garage.
- 5.16 In addition to this and in this instance, the development does demonstrate acceptable design standards in terms of living space, access to fresh air and daylight through provision of sufficient windows and openings for light and helps

provide for a diversity of housing availability in an urbanised and sustainable area, with transport links in the vicinity and easy access to the local shops and services, approximately 35 metres directly to the east. The proximity of public green open space to the site is also a material consideration when assessing private amenity space provision in more urban locations. The site is in a sustainable location and in close proximity to a number of publically accessible open space areas that provide alternative amenity options, including the play area and playing field approximately 40 metres directly to the north of the site and the large area of Siston Common, approximately 300metres to the south. The garden amenity spaces in this instance are therefore adequately compensated by the factors highlighted. In assessing private amenity space provision and variety, inclusive of balconies and communal areas, in context with the design and proximity of local outdoor space and amenities the proposals are acceptable in this instance.

- 5.17 The principle of the proposals for residential development is acceptable at this location. There is sufficient space within the plot to satisfactorily accommodate the dwellings without being cramped or to be at odds with the level of development surrounding. The existing nature and density of the surrounding properties means dwellings are relatively near together and gardens and amenity space already close knit. It is not considered that these proposals in terms of their layout would exacerbate this issue to a material degree and there is satisfactory space within the plot to provide for the dwellings and their adequate siting and orientation within the plot compared to and in respect of surrounding properties. Therefore, given the location of the development within the urban area, relative distances, relationship and orientation to the nearest properties and the design and scale of the development it is considered that the proposals are acceptable. It is not considered therefore that these proposals give rise to material or significant amenity impacts such as to sustain objection and warrant refusal planning permission on amenity grounds.

5.18 Highways/Public Rights of Way

The site is located in a sustainable location, within the defined settlement area. The principle of housing at this location is acceptable. Vehicle access to this site is proposed to be through the adjacent public car park. The car park access and circulatory route through it will be able to accommodate the car traffic associated with the proposal. Pedestrian access would be either through the car park or path leading directly to St James Place. The number of car parking spaces proposed is consistent with the Council's minimum standard of 2 spaces for each 3 or 4 bed house plus 1 visitor space. Each dwelling should have a 7Kw 32 Amp Electric Vehicle Charging Point. Cycle storage should also be provided for each dwelling. The revised bin store and collection proposals are considered acceptable.

5.19 Drainage

There are no objections in principle to the proposals on drainage grounds. Some further clarification on the details and capacity of the sustainable drainage provision is required and a condition is recommended in this respect.

5.20 Consideration of likely impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

With regards to the above this planning application it is considered to have a neutral impact on equality.

6. CONCLUSION

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That planning permission is granted, subject to the conditions recommended.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

2. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:
Existing Site Plan 1516_V1.0 - A101, received 16th March 2022
Existing Elevations and Floor Plans 1516_V1.0 - A001, received 16th March 2022
Proposed Elevations and Floor Plans 1516_V1.1 - A102 Rev B received 21st September 2022
Location Plan 1516_V1.1 - A100 Rev B received 9th December 2022
Proposed Site Plan 1516_V3.2 - A103 Rev B (including bin and bike storage) received 9th December 2022, and
Proposed Bin and Bike Store Layouts 1516_V3.2 - A104 Rev C (including bin and bike storage) received 9th December 2022

Reason:

To define the terms and extent of the permission.

3. Prior to the occupation of the dwellings hereby approved the parking provision and access details, illustrated on the approved plans, shall be implemented and thereafter retained.

Reason:

In the interests of highway safety and to accord with policies PSP11 and 16 of the South Gloucester Local Plan: Policies, Sites and Places Plan..

4. Prior to the occupation of the dwellings hereby approved details of the provision of one electric vehicle charging point per dwelling shall be submitted to the Council for written approval. The details shall thereafter be implemented prior to the occupation of the dwellings and thereafter retained.

Reason:

To promote sustainable transport and to accord with policy CS8 of the South Gloucestershire Core Strategy.

5. The dwellings shall not be occupied until two covered and secure cycle parking spaces have been provided for each dwelling in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The spaces shall thereafter be retained.

Reason:

To promote sustainable transport and to accord with policy PSP16 of the South Gloucestershire Local Plan: Policies Sites and Places Plan.

6. A site specific Construction Environmental Management Plan (CEMP), shall be agreed in writing with the Local Planning Authority prior to commencement of work. The CEMP as approved by the Council shall be fully complied with at all times.

The CEMP shall include but not necessarily be limited to:

- (i) Measures to control the tracking of mud off-site from vehicles.
- (ii) Measures to control dust from the demolition and construction works approved.
- (iii) Adequate provision for the delivery and storage of materials.
- (iv) Adequate provision for contractor parking.
- (v) A lorry routing schedule avoiding Rodway Hill Road. Measures to coordinate the arrival and departure of construction and delivery vehicles to avoid conflict at the public car park and site access.
- (vi) A highway (covering the site access) and car park condition surveys including photographs carried prior to commencement of the development and after completion. The condition surveys are to be carried out jointly with representatives from the Local Highway Authority Streetworks Team and the Council's Car Parks Management Team. Any damage to the highway caused as a result of the construction works will need to be repaired to the satisfaction of the LHA representative.

- (vii) Temporary access arrangements for construction traffic to be agreed with the Council's Car Parks Management Team to include the use of Banksmen for all reversing manoeuvres.
- (viii) Details of Main Contractor including membership of Considerate Constructors scheme or similar.
- (ix) Site Manager contact details.
- (x) Processes for keeping the Council Car Park Management Team, local residents and businesses informed of works being carried out and dealing with complaints.

Reason:

In the interests highway safety and to accord with Policies PSP11 of the adopted South Gloucestershire Policies, Sites and Places Plan.

This is a pre-commencement condition to ensure that measures are incorporated into the development operations at an early stage.

7. Prior to the commencement of development drainage detailed proposals incorporating Sustainable Drainage Systems (SUDS) within the development shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

In the interests of controlling surface water drainage and to accord with CS1 of the South Gloucestershire Local Plan Core Strategy

This is a pre-commencement condition to ensure that drainage is adequately addressed and incorporated with in the development at an early stage.

Case Officer: Simon Ford
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 03/23 - 20th January 2023

App No.:	P22/05891/F	Applicant:	Mrs Gillian James
Site:	Oakhill Farm 8 Oakhill Lane Hallen South Gloucestershire BS10 7RW	Date Reg:	21st October 2022
Proposal:	Conversion of outbuilding to form 1no. dwelling and associated works (including raising of ridgeline and installation of 4no. traditional dormers).	Parish:	Almondsbury Parish Council
Map Ref:	355367 179833	Ward:	Pilning And Severn Beach
Application Category:	Minor	Target Date:	10th February 2023



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South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application appears on the Circulated Schedule due to the receipt of a letter of objection from the Parish Council.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the conversion of an outbuilding to form 1no. dwelling and associated works at Oakhill Farm, 8 Oakhill Lane, Hallen.
- 1.2 The application site comprises a detached single storey outbuilding. The application site is located outside any defined settlement boundary, within the Open Countryside and Bristol and Bath Green Belt. Planning permission was granted in 2011 for a similar proposal (ref. PT11/2749/F).
- 1.3 The proposed development would include raising the eaves and ridgeline of the existing outbuilding and the installation of 4no. traditional front dormer windows.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2021
National Planning Practice Guidance

2.2 Development Plan

South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS34	Rural Areas

South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP19	Wider Biodiversity

PSP20	Flood Risk, Surface Water and Watercourse Management
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
 Development in the Green Belt SPD (Adopted) June 2007
 Design Checklist SPD (Adopted) August 2007
 Residential Parking Standard SPD (Adopted) December 2013
 Assessing Residential Amenity TAN (Endorsed) 2016

3. RELEVANT PLANNING HISTORY

- 3.1 PT11/2749/F
 Conversion of existing outbuilding to form 1no. dwelling with associated works.
 (Amendment to previously approved scheme PT08/2239/F).
 Approve with Conditions (26/09/2011)
- 3.2 PT08/2239/F
 Conversion of existing outbuilding to form 1no. dwelling with associated works.
 Refusal (26/09/2008)
- Appeal Allowed (21/04/2009)

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
 Objection - Oakhill Lane is a narrow lane with access issues. Concerns regarding parking provision.
- 4.2 Archaeology Officer
 No comment.
- 4.3 Ecology Officer
 No objections subject to the inclusion of conditions.
- 4.4 Environmental Protection
 No objections subject to the inclusion of an informative.
- 4.5 Flood and Water Management Team
 No objection in principle. The submission of a drainage layout plan is requested.
- 4.6 Landscape Officer
 No objection subject to the inclusion of conditions.
- 4.7 Sustainable Transport Team
 No objections subject to the inclusion of conditions.
- 4.8 Local Residents
 1no. support comment from local residents has been received making the following points:

- Housing is much needed and this application would prevent the existing building falling into deterioration. The application is very similar to what was previously approved in 2011.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning permission is sought for the conversion and extension of an outbuilding to form 1no. dwelling at a site outside of any defined settlement boundary within the Open Countryside. Policy CS5 of the Core Strategy outlines the locations at which development is considered appropriate. CS5 dictates that most new development in South Gloucestershire will take place within the communities of the north and east fringes of the Bristol urban area, and within defined settlement boundaries. CS5 states that in the Open Countryside new development will be strictly limited. Furthermore, Policy CS34 of the Core Strategy seeks to protect the character of the rural areas, with residential development outside of a defined settlement resisted.

- 5.2 Policy PSP40 of the Policy, Sites and Places Plan sets out when development proposals for residential development in the Open Countryside, outside the settlement boundaries as defined on the Policies Map, will be acceptable. One of these acceptable forms of development is:

“the conversion and re-use of existing buildings for residential purposes where:

- i. the building is of permanent and substantial construction; and*
- ii. it would not adversely affect the operation of a the rural business(es) or working farm(s); and*
- iii. any extension as part of the conversion or subsequently is not disproportionate to the original building; and*
- iv. if the building is redundant or disused; the proposal would also need to lead to an enhancement of its immediate setting.”*

- 5.3 PSP40 goes on to state *“In all of the above circumstances, development proposals including any alterations, extensions or creation of a residential unit, will be acceptable where they do not have a harmful effect on the character of the countryside, or the amenities of the surrounding area”.*

- 5.4 The proposed conversion and extension of the existing outbuilding to form 1no. dwelling would constitute an acceptable form of development in the Open Countryside and its conversion would not harm the character of the countryside or the amenities of the surrounding area.

- 5.5 The development is acceptable in principle under the provisions of Policy PSP40, and it is acknowledged that the provision of a new dwelling towards housing supply would have a modest socio-economic benefit. However the impacts of the development proposal must be further assessed against relevant policy in order to identify any potential harm.

5.6 Green Belt

The application site is located in part of the Bristol and Bath Green Belt, where development is restricted. Paragraph 149 of the NPPF sets out that Local

Planning Authorities should regard the construction of new buildings as inappropriate development in the Green Belt. There are a number of exceptions to this, which are set out within paragraphs 149 and 150 of the NPPF. The most relevant exception for this application are considered to be; ‘the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building’ and ‘the re-use of buildings provided that the buildings are of permanent and substantial construction’.

- 5.7 Policy PSP7 of the Policies, Sites and Places Plan sets out that as a general guide, an addition resulting in a volume increase up to 30% of the original building would likely be proportionate, additions that exceed 30% volume increase will need to be carefully assessed in terms of whether it would appear out of scale and proportion to the existing building. The larger a building becomes in excess of 30% over and above its original size, the less likely it is that the new extension(s) will be considered proportionate. Additions resulting in a volume increase of 50% or more of the original building would most likely be considered a disproportionate addition and be refused as inappropriate development.
- 5.8 The existing outbuilding has an approximate volume of 386 cubic metres whilst the proposed dwelling would have an approximate volume of 440 cubic metres, representing an approximately 14% increase. This increase in volume is considered proportional.
- 5.9 The proposed conversion and extension of the existing building would fall within the exception categories of the NPPF and is not inappropriate development.
- 5.10 On the basis of the assessment set out above, it is not considered that the development proposal would result in any unacceptable impacts on the openness and permanence of the Green Belt.
- 5.11 Design and Visual Amenity
Policy CS1 of the Core Strategy and Policy PSP1 and PSP38 of the Policies, Sites and Places Plan seek to ensure that development proposals are of the highest possible standards of design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.
- 5.12 The existing building is a truncated triangle in plan form. Its south-east elevation has a length of 16 metres whilst its north-west elevation has a length of 13.65 metres and its south-west elevation has a width of 8 metres whilst its north-east elevation has a width of 4.4 metres. Its eaves height ranges from 3.1 metres to 4 metres and its ridge height ranges from 4.9 metres to 5.5 metres due to the difference in levels around the building. The south-east and north-east elevations are finished in natural stone whilst the north-west and south-west elevations are finished in render. The roof is pitched with farmhouse red pan tiles.

- 5.13 The proposed development would maintain the existing buildings footprint but would increase the buildings eaves height by 0.7 metres and ridgeline by 0.75 metres. 4no. traditional front dormer windows would be installed at even spacing along the eaves. The proposal would be finished in materials to match the finish of the existing building.
- 5.14 The proposed development has been sympathetically designed to take account of the character and distinctiveness of both the existing building and its surroundings. The proposed extension would be modest and would allow the building to retain its subservient character when compared to neighbouring properties. The proposed 4no. traditional front dormers have been sympathetically designed and are well proportioned for the scale of the building. They would match the design of other traditional front dormers in the surrounding area. The use of materials to match the finish of the existing building would be secured by condition.
- 5.15 The proposed area of private amenity space to the north-east of the building would be defined from the highway by a 1.2 metre high natural stone boundary wall. This is considered to be in keeping with the wider character of the area. The converted building would relate well to the existing residential buildings in the area and the creation of a residential curtilage would not have a harmful impact on the character of the area.
- 5.16 On the basis of the assessment set out above, it is not considered that the proposed development would detract from the appearance of the building or negatively impact the visual amenity of the street scene or character of the area.
- 5.17 Residential Amenity
Policy PSP8 of the Policies, Sites and Places Plan outlines that development proposals will be acceptable provided that they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of the occupiers of the development or of nearby properties. Unacceptable impacts could result from (but are not restricted to): loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.
- 5.18 The proposed development has been carefully assessed and it would not have any unacceptable impacts on the residential amenity of the current or future occupiers of the neighbouring properties.
- 5.19 The proposed dwelling would provide sufficient internal space and adequate natural light and outlook to all habitable rooms. The presence of the M5 motorway to the north of the proposed dwelling is noted but the design and orientation of the proposal would mitigate the worst effects of this on the future occupiers.
- 5.20 Policy PSP43 of the Policies, Sites and Places Plan outlines the Council's minimum standards for private amenity space for new residential units. PSP43 states that private amenity space should be: functional and safe; easily accessible from living areas; orientated to maximise sunlight; of a sufficient size

- and functional shape to meet the needs of the likely number of occupiers; and designed to take account of the context of the development, including the character of the surrounding area.
- 5.21 PSP43 required a 3 bedroom dwelling to provide a minimum of 60 square metres of functional private amenity space. The proposed dwelling would exceed this requirement.
- 5.22 On the basis of the assessment set out above, it is not considered that the development proposal would result in any unacceptable impacts on the amenity of neighbours or the future occupiers of the dwelling.
- 5.23 Highway Safety and Transport
Vehicular access to the proposed dwelling would be provided via a shared access from Oakhill Lane. In transportation terms, the proposed development is similar to the previously approved scheme (ref. PT11/2749/F) when no objection was raised. There have been no material changes to warrant a change in recommendation.
- 5.24 In terms of parking, it has been indicated that 2no. off-street parking spaces would be provided for the proposed dwelling. This provision would be sufficient to serve both the proposed 3no. bedroom dwellings, in accordance with Policy PSP16 of the Policies, Sites and Places Plan.
- 5.25 On the basis that sufficient on-site parking is provided, it is not considered that the development would directly lead to additional vehicles parking on the highway. However for the avoidance of doubt, a condition will be attached to any consent requiring the 2no. parking spaces to be provided prior to the first occupation of the new dwelling, and thereafter retained as such. A condition would also be included requiring the provision of an EV charging point.
- 5.26 Ecology
Policy PSP19 of the Policies, Sites and Places Plan, and national policy, seeks to protect biodiversity and protected species. An Ecological Impact Assessment (Bats and Birds) (GE Consulting, December 2022) has been submitted in support of this application. The site is not located on or adjacent to any designated sites.
- 5.27 The building was assessed to provide negligible to low potential for roosting bats with no evidence of bats recorded. Although there were some limited roosting opportunities for bats, factors, such as thermal regimes, a well-lit interior and the active use of the building (garage/workshop), limited the suitability of the building internally, to bats. External features, such as timber cladding, were readily inspected with no evidence of bats recorded. No further survey work has been recommended although the removal of key features for bats will be done so by hand under the supervision of a licensed bat worker using a precautionary method of working.
- 5.28 Conditions would be included with any consent requiring: strict accordance with the mitigation measures provided in the EIA; the submission of an ecological enhancement plan; and the submission of an external lighting strategy.

5.29 Flood Risk and Drainage

Policy CS9 of the Core Strategy seeks to reduce and manage the impact of flood risk through location, layout, design, choice of materials and the use of Sustainable Drainage Systems. Policy PSP20 of the Policies, Sites and Places Plan seeks to incorporate Sustainable Drainage Systems to reduce surface water runoff and minimise the flood risk, supported by an appropriate surface water drainage strategy; and ensure that surface water drainage proposals are designed to not increase off-site flood risk.

- 5.30 A condition would be included with any consent requiring the submission of a drainage layout plan.

5.31 Trees

Policy PSP3 of the Policies, Sites and Places Plan seeks to protect trees in and adjacent to development sites. There are a number of trees that sit adjacent to the site boundary including an Oak tree that appear to be of high amenity value. A condition would be included with any consent requiring the submission of an Arboricultural Method Statement and Tree Protection Plan in accordance with BS:5837:2012.

5.32 Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

- 5.33 With regards to the above this planning application is considered to have a neutral impact on equality.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

- 6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

7. **RECOMMENDATION**

- 7.1 That the application be **Approved** subject to the conditions included on the decision notice.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

2. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:

1101/100 A - Proposed Ground Floor Plan (Received 10/10/2022)
1101/101 B - Proposed First Floor Plan (Received 10/10/2022)
1101/102 A - Proposed South East Elevation (Received 10/10/2022)
1101/103 B - Proposed Sections A-A and B-B (Received 10/10/2022)
1101/104 - Proposed North West Elevation (Received 10/10/2022)
1101/105 - Proposed North East Elevation (Received 10/10/2022)
1101/106 - Proposed South West Elevation (Received 10/10/2022)
1101/107 - Proposed Wall Details Sections (Received 10/10/2022)
1101/108 A - Proposed Block and Landscape Plan (Received 10/10/2022)
1101/109 - Site Location Plan (Received 10/10/2022)
1101/113 - Existing Block Plan (Received 10/10/2022)
1101/114 - Existing South East Elevation (Received 10/10/2022)
1101/115 - Existing North West Elevation (Received 10/10/2022)
1101/116 - Existing North East and South West Elevations (Received 10/10/2022)
1101/117 - Existing Floor Plan and Sections (Received 10/10/2022)
1101/118 - Tree Root Protection Details (Received 10/10/2022)
1101/119 - Boundary Details (Received 10/10/2022)

Reason

To define the terms and extent of the permission.

3. The stonework to be used externally on the south-east and north-east elevations in the development hereby permitted shall match that of the existing building in type, colour, texture, size, coursing and jointing. The render to be used externally on the north-west and south-west elevations in the development hereby permitted shall match that of the existing building in type, colour and texture. The tiles to be used in the development hereby permitted shall match those of the existing building in colour, texture and profile.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

4. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, AA, B, C, D, E, F, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

5. The 2no. off-street parking spaces shown on the plans hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; the Residential Parking Standards SPD (Adopted) December 2013; and the provisions of the National Planning Policy Framework.

6. The dwelling hereby permitted shall not be occupied until a 32amp/7Kw electric vehicle charging point has been provided and shall be retained thereafter.

Reason

To promote sustainable travel choices and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; the Residential Parking Standards SPD (Adopted) December 2013; and the provisions of the National Planning Policy Framework.

7. The development shall proceed in strict accordance with the Mitigation Measures provided in the Ecological Impact Assessment (Bats and Birds) (GE Consulting, December 2022). In particular, the removal of key features for bats must be done so by hand, and under the supervision of a licensed bat worker, using a precautionary method of working.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of ecology and wildlife protection, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

8. Prior to occupation of the dwelling hereby approved, an Ecological Enhancement Plan showing the location and specifications of enhancements detailed within the Ecological Impact Assessment (Bats and Birds) (GE Consulting, December 2022)

shall be submitted to and approved in writing by the Local Planning Authority. This includes, but is not limited to, bird and bat boxes. All ecological enhancements shall then be installed in accordance with the approved details prior to occupation and shall be maintained thereafter.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of ecology and wildlife protection, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

9. Prior to installation, the location and specification of all proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. All external lighting shall then be installed in accordance with the approved details and shall be maintained thereafter. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of ecology and wildlife protection, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

10. Prior to the commencement of development, a Drainage Layout Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in strict accordance with the approved details.

Reason

To reduce and manage the impact of flood risk and to reduce surface water runoff and minimise the flood risk, to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP20 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

11. Prior to the commencement of development, an Arboricultural Method Statement and Tree Protection Plan in accordance with BS:5837:2012 shall be submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in strict accordance with the approved details.

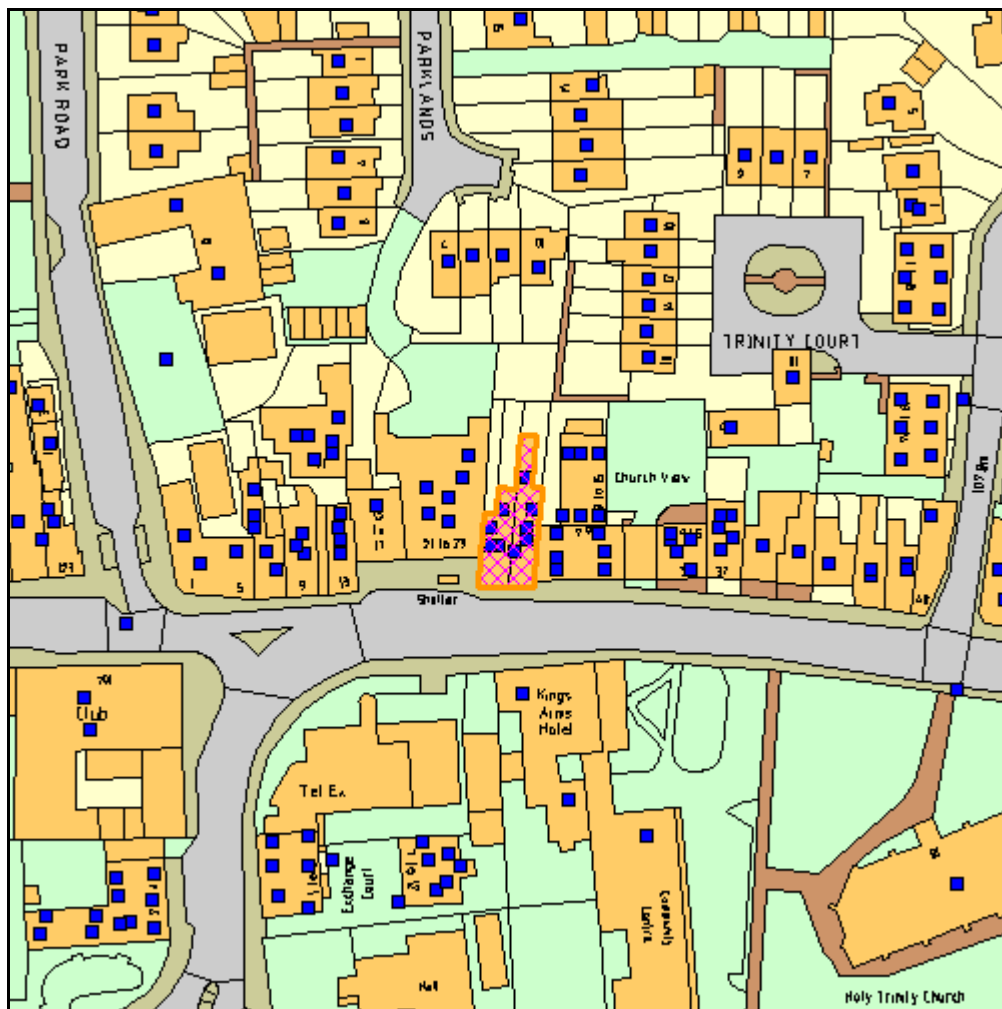
Reason

To protect the long term health of the trees and the character and appearance of the area to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP3 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

Case Officer: Oliver Phippen
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 03/23 - 20th January 2023

App No.:	P22/06236/F	Applicant:	Mr G Smith
Site:	25 And 27 High Street Kingswood South Gloucestershire BS15 4AA	Date Reg:	23rd November 2022
Proposal:	Change of use and alterations of part ground floor from restaurant (Class E(b)) to residential flat (Class C3) and nail bar to offices (Class E (g)(i)) as defined in the Town and Country Planning (Use classes) Order 1985 as amended. (RETROSPECTIVE) Alterations to shop front and front elevation. (Re submission of P22/05039/F)	Parish:	
Map Ref:	365024 173857	Ward:	Kingswood
Application Category:	Minor	Target Date:	13th January 2023



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P22/06236/F

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASON FOR APPEARING ON CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure following over 3 letters of support by local residents, contrary of the officer recommendation detailed below.

1. THE PROPOSAL

- 1.1 Retrospective planning permission is sought for alterations to front elevation of building to facilitate change of use of ground floor from restaurant and retail unit to 2 no. flats at 25-27 High Street, Kingswood.
- 1.2 The application site previously formed an Indian takeaway and nail and beauty salon. The site is located within the main town centre boundary, and forms part of the designated primary shopping area, and is allocated as secondary shopping frontage. No other restrictive designations are applicable.
- 1.3 This application forms a resubmission of the previously refused application, ref. P22/05039/F, for which was contrary to policy due to the loss of a town centre use and shopping frontage, in addition to the frontage appearing incongruous within its setting.
- 1.4 This revised proposal now intends to retain the merge both commercial units to the front, so to provide one premises. The shop frontage would also be reduced so to enable a new access to proposed residential unit, which would be created by a reducing the floor area of the former restaurant. It must be noted that the change of use of both units from commercial to residential took place without planning consent.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
National Planning Policy Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development (inc. Green Belt)
CS8	Improving Accessibility
CS14	Town Centres and Retail
CS29	Communities of the East Fringe of Bristol Urban Area

South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Transport
PSP16	Parking Standards
PSP31	Town Centre Uses
PSP32	Local Centres, Parades and Facilities
PSP33	Shopping Frontages
PSP43	Private Amenity Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007
 Residential Parking Standards SPD (Adopted) 2013
 Residential Amenity TAN (Endorsed) 2016
 Householder Design Guide SPD (Adopted) 2021

3. RELEVANT PLANNING HISTORY

3.1 P22/06405/HH. Permission P22/05039/F, 7/10/2022

Proposal: *Alterations to front elevation of building to facilitate change of use of ground floor from restaurant and retail unit to 2 no. flats (Retrospective).*

Reason(s) for refusal:

1. *The development has resulted in a loss of appropriate town centre uses and secondary shopping frontages, thus failing to preserve the vitality, vibrancy and viability of the town centre. The building operations which have already been undertaken now act as a deterrent for any possible future commercial occupier. The development is therefore contrary to Policy CS14 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013, Policies PSP32 and PSP33 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) 2017, and the provisions of the NPPF.*

2. *The development, as a result of the loss of active frontage detail, inclusive of the shop window and fascia sign and the replacement with residential detailing, is not reflective of the wider retail characteristics of the vicinity. The development therefore appears incongruous and fails to represent the highest standards of design contrary to Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013, and the provisions of the NPPF.*

3.2 P22/02467/PNCD. Withdrawn, 16/8/022

Proposal: *Prior notification for the change of use of ground floor from commercial (Class E) to 2 no. flats (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1985 as amended.*

3.3 PK07/2075/F. Permission Granted, 16/8/2007

Proposal: *Change of use of first floor level and conversion of second floor level to form 3no. self-contained flats (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Formation of first floor access and Installation of 1no. new door in rear elevation. Associated works including cycle and bin stores. (Amendment to a previously approved scheme PK07/0021/F).*

- 3.4 PK07/0021/F. Permission Granted, 12/2/2007
Proposal: *Change of use of shop storage area (Class A1) at ground floor level to form 1no. self-contained flat (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Installation of 1no. new door in rear elevation. Associated works including cycle and bin stores.*
- 3.5 PK06/2929/F. Permission Granted, 15/11/2006
Proposal *Conversion of shop storage area (A1) at first floor level and conversion of loft, to form 3 no. self-contained flats (C3). Alterations to ground floor to provide lobby and staircase. Installation of 2 no. doors in rear and side elevations. Associated works including cycle and bin store.*
- 3.6 PK07/3421/F. Permission Refused, 13/12/2007
Proposal: *Alterations to roofline to facilitate conversion of store room to 1 no. flat.*

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
Area is unparished.

- 4.2 Other Consultees

Sustainable Transport – No comments.

Lead Local Flood Authority – No objection.

Other Representations

- 4.3 Local Residents
Five supporting comments have been received by local residents from the course of public consultation. The key points have been summarised below:
- Need for more housing;
 - Would reduce noise;
 - Would reduce smells; and
 - Less disruption.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
This application seeks retrospective planning permission for the change of use a former retail unit (use class E) and a hot food takeaway (Sui Generis) to residential use (use class C3). The principle of development is therefore whether such change of use is acceptable with regards to its town centre location, and its designation as a primary shopping area, and secondary shopping frontage.
- 5.2 The revised proposals now intend on retaining a commercial unit at ground floor level for office use. Whilst it's not clear from the submitted details as to whether

the two units would be combined, the shared facilities and single entrance would indicate this to be the case. Measuring from the plans, the area now retained for active commercial use would be 44sq m – however this is inclusive of the corridor, WC/ stores, and kitchenette. The two active office areas would only have an area of around 26sq m. The area lost to facilitate the residential use would be approximately 73sq m.

5.3 At the centre of planning policy, be it local and national, is to ensure the vitality of town centres. With regards to the revised proposals put forward, Policy PSP32 states that an active ground floor frontage should be maintained and that development should not result in the loss of any retail and main town centre uses that meet essential day to day convenience, retail or service needs. However the policy also states that that proposals should avoid harm to the vitality, vibrancy and function of the centre or parade.

5.4 The supporting text to Policy PSP32, under paragraph 7.71 states that:

“Offices and residential uses on the ground floor within local centres and parades will not generally be considered to provide an active use or frontage that would contribute to the longer term viability, vitality and function of the centre or parade to meet the day to day needs of the community.”

5.5 With regards to the policy as detailed above, the proposed office use would fail to provide an active retail or convenience use that would positively contribute to the viability, vitality and function of the town centre. Whilst the updated Use Class Order has now combined Office and other Town Centre Uses into one Use Class (Class E), due to the limited and small scale nature of the frontage to be retained, it would only fulfil the space requirements for a limited number of potential occupants – this can be specifically said for the former restaurant. Furthermore, the reduction in the number of units from two to one, would reduce the number and diversity of future occupants. The proposed development would therefore not only result in the loss of one unit, but would deter future occupiers and restrict future uses, therefore resulting in harm to the vitality, vibrancy and function of the centre or parade, contrary to policies CS13 and PSP32.

5.6 Further conflict with policy arises under PSP33, for which refers to development involving Secondary Shopping Frontages. Whilst the main assessment criteria only references changes of town centre uses at ground floor level, the supporting text under paragraph 7.78 states that a *“change of use to residential on the ground floor, within Primary Shopping Frontages and Secondary Shopping Frontages of designated town and district centres will not be considered acceptable.”* This policy is therefore clear with its intent to ensure the vitality of town centres through the protection of designated shopping areas.

5.7 In conclusion, the proposed development would result in a reduction of appropriate town centre uses and secondary shopping frontages, and harm the opportunities for a range potential future occupiers, thus failing to preserve the vitality, vibrancy and viability of the town centre. The building operations which have already been undertaken should be reversed, as the lack of any frontage now forms a deterrent for any possible future commercial occupier.

The development is therefore contrary to Policy CS14 of the Core Strategy and Policies PSP32 and PSP33 of the Policies, Sites and Places Plan.

5.8 Design and Visual Amenity

Policy CS1 of the Core Strategy seeks to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate; siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context.

- 5.9 In the context of its residential use, no objections are raised in relation to the design or appearance. However, as this is a retrospective application, the design before the conversion must be taken into consideration. In this instance, both properties were characterised with large shop front windows with fascia signs above, for which forms a distinctive characteristic along the parade. The loss of these features and the replacement with domestic alterations is therefore seen as being out of context with the site and surrounding vicinity. With the interests of retail and convenience stores, the window frontage is regarded as the most valuable space – allowing occupiers to display and market their goods to passers-by. Whilst the proposal is for office use, the removal of the former large shop windows would likely deter any possible future occupier within the retail or convenience trade. The development fails to represent the highest standards of design and would fail to preserve the vitality, vibrancy and viability of the town centre. The proposed development is therefore contrary to Policies CS1 and CS14 of the Core Strategy and Policies PSP32 and PSP33 of the Policies, Sites and Places Plan.

5.10 Residential Amenity

Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 outlines the types of issues that could result in an unacceptable impact. Policy PSP43 provides the minimum provisions for external amenity space.

- 5.11 Both properties are afforded with acceptable standards of internal living space, outlook and natural light. The communal garden to the rear provides an acceptable standard of external private amenity space given the highly sustainable location. No unreasonable harm would result to neighbouring occupiers. On balance, no objections are raised in terms of residential amenity.

5.12 Transport

Policy PSP11 of the Local Plan requires new residential development to be located on safe, useable walking and or cycling routes, which are an appropriate distance to key services and facilities. Where some key services and facilities are not accessible by walking and cycling, they are an appropriate distance to a suitable bus stop facility served by a public transport service which connects to destinations containing key service centres and facilities. Policy PSP16 of the Policies, Sites and Places Plan sets out the Councils parking standards.

5.13 Whilst no parking is provided, given the highly sustainable location of the site and limited occupancy, no objections are raised.

5.14 Consideration of likely impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. This planning application it is considered to have a neutral impact on equality.

6. CONCLUSION

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

6.2 The recommendation to refuse permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 It is recommended that planning permission is refused.

REASONS FOR REFUSAL

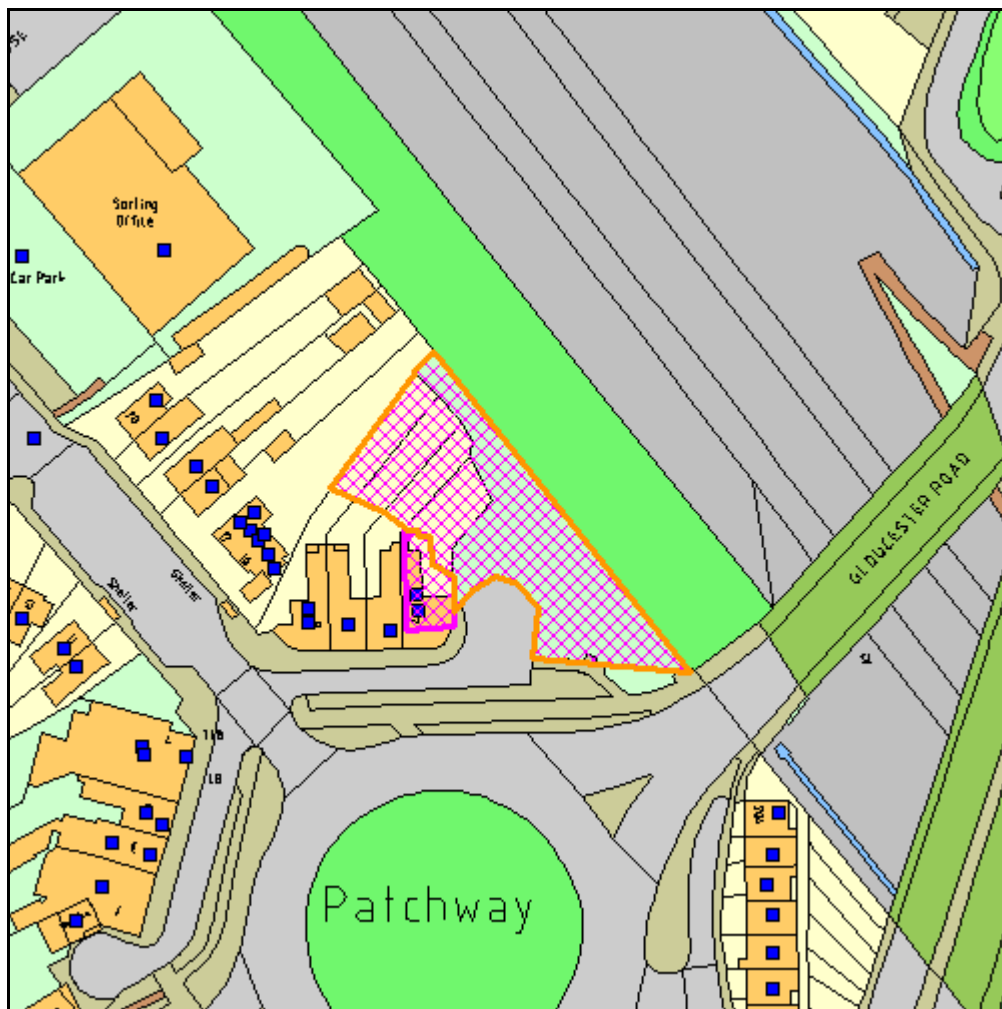
1. The proposed development, if approved, would fail to preserve the vitality, vibrancy and viability of the town centre by sacrificing an existing commercial unit and reducing the area of the remaining commercial unit (benefitting from a Secondary Shopping Frontage designation), to an unreasonable degree, thus reducing opportunities for potential future occupiers. The development is therefore contrary to Policy CS14 of the Core Strategy and Policies PSP32 and PSP33 of the Policies, Sites and Places Plan and the provisions of the NPPF.
2. The development, as a result of the loss of active frontage detail, inclusive of the large shop window, is not reflective of the wider retail characteristics of the vicinity and would deter future retail and convenience occupiers at the detriment to the vitality and viability of the town centre. The development therefore appears incongruous and fails to represent the highest standards of design contrary to Policies CS1 and CS14 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013, Policies PSP32 and PSP33 of the Policies, Sites and Places Plan and the provisions of the NPPF.

Case Officer: Thomas Smith

Authorising Officer: David Stockdale

CIRCULATED SCHEDULE NO. 03/23 - 20th January 2023

App No.:	P22/06440/F	Applicant:	Mr Patrick Stuckey BP Builds Ltd
Site:	2 Coniston Road Patchway South Gloucestershire BS34 5PA	Date Reg:	15th November 2022
Proposal:	Erection of two storey building to form 4no. residential units, 2 units for maximum of 10 people and 2 units for a maximum of 12 people as a large house in multiple occupation (HMO) (Use Class C4) with new access and parking	Parish:	Patchway Town Council
Map Ref:	360552 181712	Ward:	Patchway Coniston
Application Category:	Minor	Target Date:	27th January 2023



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N.T.S.

P22/06440/F

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASON FOR APPEARING ON CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure following an objection from Patchway Town Council which is contrary to the officer recommendation detailed in this report.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of a two storey building to form 4no. HMO units, with 2no. units for a maximum of 5no. people each, and 2no. units with a maximum of 6no. people each, with a total occupancy of 22no. people.
- 1.2 The application site is to the rear of 2 Coniston Road, an area of scrubland adjacent to the railway. The proposal is within the urban area of Patchway.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
National Planning Policy Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS2	Green Infrastructure
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS25	Communities of the North Fringe of Bristol

South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017

PSP1	Local Distinctiveness
PSP3	Trees and Woodland
PSP4	Designated Local Green Spaces
PSP8	Residential Amenity
PSP9	Health Impact Assessments
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP20	Flood Risk, Surface Water, and Watercourse Management

PSP21	Environmental Pollution and Impacts
PSP39	Residential Conversions, Subdivision, and HMOs
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted)- Nov. 2005.

South Gloucestershire Design Checklist (Adopted) 2007)

South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013

Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide
SPD – (Adopted) March 2015

South Gloucestershire Council Waste Collection: guidance for new
developments SPD (Adopted) Jan 2015

Houses in Multiple Occupation SPD (Adopted) 2021

3. **RELEVANT PLANNING HISTORY**

3.1 None.

4. **CONSULTATION RESPONSES**

4.1 Patchway Town Council – *“Patchway Town Council has unanimously agreed to raise objections to the above application.*

This is due to issues around site massing and over-development in the location. We also have concerns with car parking for residents as well as access to neighbouring businesses which could lead to trading concerns.

We are also concerned with tree preservation, specifically the Memorial Tree on the edge of the proposed development.”

4.2 National Highways – No objection

4.3 Environmental Protection – No objection subject to mitigation measures

4.4 Drainage – No objection, advice note regarding sewers

4.5 Transport – No objection subject to increase in EVCP and submission of a CEMP.

4.6 Arboriculture – No objection subject to detailed method statement for the installation of cellular confinement.

4.7 Crime Prevention Officer – Not acceptable, amendments requested.

4.8 Landscape – No landscape objection, concerns relating to overdevelopment.

4.9 Network Rail – No objection

Other Representations

4.10 Local Residents

One objection comment has been received, summarised as:

- Unacceptable access
- Small and confined area

5. **ANALYSIS OF PROPOSAL**

Principle of Development

- 5.1 The proposal is within an existing urban area where residential development is encouraged under both local and national planning policies. The proposal is considered to be acceptable in principle, subject to other material considerations.

Houses in Multiple Occupation

- 5.2 The application involves the creation of 4no. new 5no. bedroom HMOs. Units 1 and 2 would be for single occupancy with 5no. occupants per flat. Units 3 and 4 would have 1no room with double occupancy, and the remaining 4no. rooms as single occupancy, with 22no. occupants in the building as a maximum.
- 5.3 Not being a scheme for conversion, policy PSP39 does not precisely relate to the development however, the general policy areas are useful tools in the overall assessment. The provisions of PSP39 are:

Where planning permission is required for Houses in Multiple Occupation (HMOs), these will be acceptable, provided that they would

- 1) not impact on the character and amenities of the area within which they are located; and
- 2) not prejudice the amenity of neighbours; and
- 3) provide adequate amenity space; and
- 4) refuse storage and servicing; and
- 5) provide parking in accordance with the Council's parking standards

- 5.4 In addition, Policy PSP8 maintains that development proposals will only be acceptable provided that they do not 'have unacceptable impacts on residential amenity of occupiers of the development or of nearby properties'. Unacceptable impacts could result from noise or disturbance, amongst other factors, which could arise from HMOs functioning less like traditional single households on a day-to-day basis.
- 5.5 Prejudicing the amenity of neighbours can arise at a localised level when developments of such HMO uses are inappropriately located, or become concentrated, particularly at an individual street level.
- 5.6 The Houses in Multiple Occupation Supplementary Planning Document (SPD) (Adopted) 2021 has been produced for change of use applications for proposals from C3 to large HMOs. The SPD provides a way of using available data (licensed HMOs) to provide tangible and substantiated evidence regarding the concentration of HMOs and overall housing mix within the locality of the proposal. Although the SPD is not strictly relevant to this type of proposal, it is a useful tool for considering whether the impact and housing mix would be acceptable.

- 5.7 As set out in Policy CS17, providing a wide variety of housing type and sizes to accommodate a range of different households, will be essential to supporting mixed communities in all localities.
- 5.8 Policy CS17 does not define what is meant by 'mixed communities' in all localities. Instead, it acknowledges that implementation of this policy, and PSP39, will be made on a case basis through the development management process. Therefore, the HMO SPD aims to acknowledge that some intensification, if carried out sensitively, and where it would not adversely affect the character of an area, can contribute to the local mix and affordability of housing, viability of local services, vitality of local areas and contribute to the Council's housing delivery targets.
- 5.9 As there are localities which are already experiencing concentrations of HMOs, the SPD requires consideration of existing localities that are already experiencing levels of HMOs which harm the ability to support mixed communities and preventing impact on character and amenities, and applications which would result in a level of HMOs that could contribute towards harmful impacts.
- 5.10 Additional Explanatory Guidance 2 sets out that the following factors should be taken into account when determining if the proposal would contribute to harmful impacts in respect of a mixed community and the character and amenity of an area:
- An additional HMO in localities where licensed HMO properties already represent more than 10% of households, or,
 - More than 20% of households within a 100m radius of the application property.
- 5.11 In terms of existing HMOS, the site straddles two Census Output Areas, one of which is 0% HMOS and the other is 0.7% HMOS. There is 1no. HMO within a 100m radius.
- 5.12 The provision of 4no. HMOs in this location is considered to comply with policies PSP39, PSP8 and CS17.

Character and visual amenity

- 5.13 The application site is located with the railway to the north, A38 and B4057 flyover to the east, terraced dwellings to the south east, roundabout and church to the south, shops and dwellings to the south west and west, and the Royal Mail depot and blocks of flats to the north west.
- 5.14 In terms of materials, the dwellings are predominantly render, with stone on the church, elements of stone cladding on outbuildings, and red brick and render on the royal mail depot and flats.
- 5.15 The proposed building would be two storey with dormers with the roofline, and would sit approximately 90cm lower at its highest point than the existing buildings at 2-8 Coniston Road.

- 5.16 The building has a footprint of 234m² within a site that measures just over 1000m². Although the building would fill the site widthways due to the narrowness of the plot, it would not appear overly cramped and provides sufficient provisions for its occupants. The proposal is not considered to constitute overdevelopment of the site.
- 5.17 The proposal has a hipped roof design with several setbacks. The relatively low pitched roof incorporates dormer windows. The roof form and windows and door openings relate to the properties surroundings in terms of their proportions, size, shape and alignment. Although the immediate context is primarily shops and dwellings in a terrace formation, the Royal Mail depot and flats on Coniston Road are in close proximity and a building of this size would not be out of keeping with the area.
- 5.18 The proposed materials are Cedral cladding, with buff brick and stone cills. Although these exact materials are not found in the area, they are of a similar pallet and are high quality, which would harmonise with the existing streetscene.
- 5.19 The proposal is considered to comply with policies CS1 and PSP1.

Trees and landscape

- 5.20 A number of trees are located across the existing site. The blocks of flats will lie within the northern half of the site with car parking extending along the northeast site margin to its south, which will be accessed off Coniston Road, and a large bike storage area adjoining the northwest site boundary. 2no. green spaces will be retained within the north and east corners of the site.
- 5.21 An Arboricultural Impact Assessment Report has assessed most the site trees as being Category C with 1No. Category B – Apple T5, which lies close to the railway. Para. 6.3 states Trees T1 -T4, T6 and T7 will be removed to facilitate the development and Category U tree T8 will be removed in accordance with good arboricultural practice.
- 5.22 10no. replacement trees will be provided in accordance with Trees and Development Sites: Guidance for New Development SPD calculation. The proposed tree species and stock sizes are acceptable, together with proposed tree pit sizes.
- 5.23 Some amendments to the landscaping plan are required. The garden and rear access route should include demarcation or enclosure, and the community garden boundary should have a continuous high fence treatment. The facing material to the retaining wall around parking spaces needs to be specified, as well as all hard landscape material finishes. A built boundary will be required to separate the Coniston Road frontage, and the planting around the bike storage area is weak; areas of planted trellis panel would provide separation between the different primary uses within this space. More robust, year-round planting is required adjacent to the either side of the 3No. parking bays and access paths (e.g., including focal specimen shrubs in these beds and underplanting the 2No. adjacent new trees) to help counteract the visual expanse of car

park/pathway hard surfacing, and a planted buffer along the Coniston Road frontage is required to enclose the edge of the green space, and informal paved paths to the 2No. benches to allow for greater year-round usage.

- 5.24 Subject to the above, the proposal is considered to be acceptable. Conditions will be required for an updated planting and landscaping plan, which stipulates all proposed tree and structure planting is to be implemented in the first season following construction works; a five year maintenance schedule, and a hard landscaping plan detailing all proposed boundary and surface treatments, to include proposed levels and retaining walls.
- 5.25 The existing trees must be protected in accordance with the submitted arb report, and a condition requiring a detailed method statement for cellular confinement within the RPA of T5. The installation will require an arboricultural watching brief.

Transport

- 5.26 The proposed access is located in the turning circle located adjacent to 2 Coniston Road. Although this is used informally for parking, this is largely located on double yellow lines. The displacement of these vehicles is not considered to cause harm to the highway network as the wider area does not generally struggle for parking, and the Transport DC team have not raised an objection in this regard.
- 5.27 The HMOs provide accommodation for 22no. people, which requires a minimum of 11no. spaces in accordance with policy PSP16. The proposal indicates car parking provision for 13 spaces, which exceeds the Council's standards and as such is policy compliant.
- 5.28 Electric vehicle charging guidance indicates that spaces should be EV capable even if not energised. The proposal indicates that 3 spaces would be EV compliant, however this should be increased to 1 space per block so ideally 6, with the remaining spaces having passive electric infrastructure in place.
- 5.29 Subject to a condition requiring the above EVCP and a condition requiring a Construction Management Plan, there is no transport objection.

Residential amenity

- 5.30 The proposals are sited to the rear of 2-8 Coniston Road. This area seems to have formerly been part of the curtilage of 2-8 Coniston Road, but have not been utilised by the properties or fenced off in any way since at least the early 90's according to aerial photographs, and the area has been open scrubland.
- 5.31 Part of the proposal will formalise the rear areas, providing a marked curtilage to each property. Whilst 2-8 are Class E on the ground floor, there are residential flats above. The areas of amenity space provided to the existing flats are between 43m² and 71m², significantly above that required for a 1-2 bed flat.

- 5.32 The proposals are sited close to the rear boundary of 2 and 4 Coniston Road. The two storey building would be around 11m from the two storey element of the existing buildings, and 4.7m from the single storey rear projection. Three windows are proposed in the first floor of the south western elevation, which would face 2-8 Coniston Road, however these are for en-suites and the hallway, and as such it would be reasonable to condition these to be obscurely glazed.
- 5.33 An upper floor window is sited within 2 Coniston Road that could potentially overlook part of the patio area of the proposed building. The window is proposed to move to the side of the building, providing light and outlook to the internal but would now overlook the car parking area. This has the added benefit of providing natural surveillance. This part of the building has been contained within the red line, appropriate notice served, and the owner of the building has confirmed in writing that the window will be moved. As such it is considered that the window relocation can comfortably be conditioned.
- 5.34 In terms of residential amenity for the proposed occupiers, all rooms have natural light and have shared common areas, although these will also be controlled by HMO licensing.
- 5.35 Excluding the bike sheds and unusable spaces, there is approximately 240m² of amenity space provided. There is no set standard within PSP43 for outside space, however using the one bedroom flat requirement of 5m², 22 “flats” would require 110m² amenity space, which this proposal exceeds.
- 5.36 Some concerns regarding the amenity space have been raised in terms of overshadowing by the proposed building, which is possible but not outside what is to be expected from a north-west facing garden. The proposed space is still considered to be usable and functional.
- 5.37 A Noise Impact Assessment has been submitted due to the proximity of the development to the Railway and the A38. The report has found that Noise levels in external amenity areas should be within the recommended range of 50 – 55dB. The report recommends that a 2m high close-boarded fence is installed along the north east boundary to give added protection against railway noise. Internal ambient noise level targets can be met with closed windows and glazing with a low/standard level of acoustic performance. This does not mean that windows should be sealed shut as noise levels are not excessively high – but does mean that an alternative ventilation system should be used which can meet IANL targets whilst providing adequate background ventilation when the windows are closed. Glazing and ventilators (unless mechanically ventilated) must meet the minimum sound reduction indices set out within the report.
- 5.38 Overall, the proposals are considered to comply with PSP8 and PSP43.

Network Rail

- 5.39 The proposal is sited adjacent to the Railway and Network Rail land. The Network Rail Asset Management Team have been engaged by the applicant,

and the proposal will be an improvement to the existing surface water drainage situation and safety to the railway has not been compromised.

Drainage

- 5.40 The drainage team have raised no objection to the proposal, however there is a public sewer in close proximity. The applicant will need to contact Wessex Water in this regard.

Crime Prevention

- 5.41 The Crime Prevention Officer from Avon and Somerset Police has raised some concerns with this application, noting that the application site is within the Police Beat in South Gloucestershire with the highest crime and Antisocial Behaviour Levels.
- 5.42 Crime prevention through environmental design (CPTED) and Secured by Design (SBD) principles look at the whole development. This includes layout, footpaths, parking, lighting, communal areas, boundary treatments and layout and orientation of buildings. These points all need to be considered at the earliest stage to provide a sustainable development where people are safe and feel safe.
- 5.43 A lighting plan will be required by condition, which provides lighting to the front entrance to the property, the bicycle storage, all elevations, and the car parking area. The car park will be expected to provide street lighting to British Standard BS5489:2020.
- 5.44 Advice has been given regarding secure bicycle storage and door locking/standards. The level of detail is considered unreasonable in terms of applying a planning condition, however will be replicated in an advice note for the applicant.
- 5.45 A 1.8m fence must be provided to the gravel path northwest of the building line to prevent access to the railway, and a 1.8m fence provided instead of the indicated 1.1 chain link fence to the rear. As a hard landscaping plan is required, these details can be provided as part of that condition.

Consideration of likely impact on Equalities

- 5.46 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and

the delivery of services. With regards to the above this planning application is considered to have a neutral impact on equality.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant/refuse permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That planning permission is granted.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

2. Prior to the construction of development above Damp Proof Course Level (DPC), details of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

3. No occupation shall commence until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; a planting specification to include numbers, size, species and positions of all new trees and shrubs, details of existing and proposed walls, fences, other boundary treatment and surface treatment of the open parts of the site and retaining walls, and a programme of implementation. The development shall be carried out strictly in accordance with the approved details.

Reason:

To ensure the provision of an appropriate landscape setting to the development in accordance with PSP2.

4. The development shall be carried out in accordance with the Landscape Management & Maintenance Plan - 11 Nov 2022.

Reason:

To ensure the provision of an appropriate landscape setting to the development in accordance with PSP2.

5. No development shall commence until a detailed method statement for the installation of cellular confinement within the RPA of T5 has been submitted to and approved in writing by the Local Planning Authority. The installation will require an arboricultural watching brief. The development shall proceed in strict accordance with the approved details.

Reason:

To ensure that trees and vegetation to be retained are not adversely affected by the development proposals in accordance with PSP3 and PSP19. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore, these details need to be agreed before work commences.

6. The development shall be carried out in strict accordance with the submitted Arboricultural Report - 11 Nov 2022.

Reason:

To ensure that trees and vegetation to be retained are not adversely affected by the development proposals in accordance with PSP3 and PSP19.

7. Prior to occupation, the proposed parking, access and bike storage, plus the provision of 6no EVCP, shall be installed in accordance with the Proposed Block Plan (3520/2 - 11 Nov 2022).

Reason:

In the interest of highway safety, to promote sustainable travel and to accord with Policies PSP11 and 16.

8. A site-specific Construction Environmental Management Plan (CEMP), shall be agreed in writing with the Local Planning Authority prior to commencement of work. The CEMP as approved by the Council shall be fully complied with at all times.

The CEMP shall include but not necessarily be limited to:

- (i) Measures to control the tracking of mud off-site from vehicles.
- (ii) Measures to control dust from the demolition and construction works approved.
- (iii) Adequate provision for the delivery and storage of materials.
- (iv) Adequate provision for contractor parking.
- (v) A lorry routing schedule, to include measures to coordinate the arrival and departure of construction and delivery vehicles to avoid conflict.
- (vi) Details of Main Contractor including membership of Considerate Constructors scheme or similar.
- (vii) Site Manager contact details.
- (viii) Processes for keeping local residents and businesses informed of works being carried out and dealing with complaints.

Reason:

In the interests of highway safety and to accord with policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places (Adopted) November 2017. A pre-commencement condition is required to ensure the development is carried out in a safe manner.

9. Prior to occupation, the window on the upper floor of 2 Coniston Road shall be relocated as shown on Proposed Block Plan (3520/2 - 11 Nov 2022).

Reason:

To protect the amenity of occupiers in accordance with PSP8.

10. The proposal shall be carried out strictly in accordance with the Noise Impact Assessment - 11 Nov 2022.

Reason:

To protect the amenity of occupiers in accordance with PSP8.

11. Prior to occupation, a lighting plan for the front entrance to the property, the bicycle storage, all elevations, and the car parking area shall be submitted to and approved in writing by the Local Planning Authority. The car park will be expected to provide street lighting to British Standard BS5489:2020.

Reason:

To protect the amenity of occupiers in accordance with PSP8.

13. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:

11 Nov 2022	3520/1	EXISTING BLOCK PLAN OF THE SITE
11 Nov 2022	3520/2	PROPOSED BLOCK PLAN OF THE SITE
11 Nov 2022	3520/3	PROPOSED FLOOR PLANS
11 Nov 2022	3520/4	PROPOSED ROOF AND GROUND FLOOR PLAN
11 Nov 2022	3520/6	SECTION A-A - PROPOSED
11 Nov 2022	3520/7	BIKE STORE DETAILS
11 Nov 2022	3520/9	DRAINAGE PLANS
14 Nov 2022	3520/5	AMENDED ELEVATION - PROPOSED
12 Jan 2023		SITE LOCATION PLAN

Reason:

To define the terms and extent of the permission.

Case Officer: Rae Mephram

Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 03/23 -20th January 2023

App No.: P22/07173/RVC

Applicant: Alexander Homes
Ltd

Site: Land At Wotton Road Rangeworthy
Bristol South Gloucestershire
BS37 7NA

Date Reg: 3rd January 2023

Proposal: Variation of condition 6 attached to permission PT17/3260/O to alter the wording of the condition. Erection of 8no. dwellings (outline) with access and layout to be determined all other matters reserved.

Parish: Rangeworthy
Parish Council

Map Ref: 368889 186162

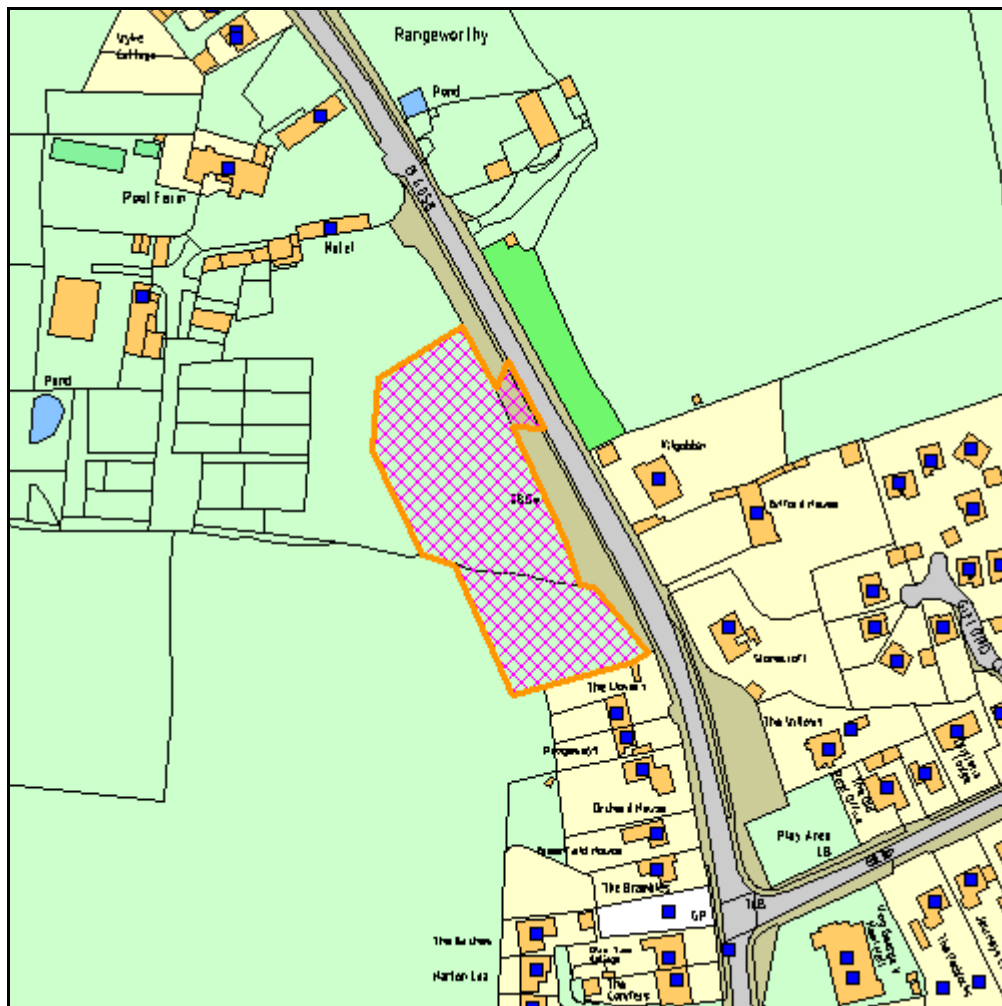
Ward: Frampton Cotterell

Application Minor

Target 23rd February

Category:

Date: 2023



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N.T.S.

P22/07173/RVC

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASON FOR APPEARING ON CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure following an objection from Rangeworthy Parish Council which is contrary to the officer recommendation detailed in this report.

The application has been published on the Circulated Schedule prior to the consultation expiry date, which expires on the 24th January. Should any additional concerns be raised during this period, the application will be re-circulated.

1. THE PROPOSAL

- 1.1 This application seeks a variation of condition 6 (Crossing details) attached to planning permission PT17/3260/O. The variation is to allow the commencement of development prior to the new crossing being installed.
- 1.2 Application PT17/3260/O was for the erection of 8no. dwellings (outline) with access and layout to be determined and all other matters reserved. A subsequent application, P19/13683/RM for the erection of 7 no. dwellings with appearance, landscaping and scale to be determined. (Approval of Reserved Matters to be read in conjunction with outline permission PT17/3260/O) has also been approved.
- 1.3 The application site is accessed from the B4058 Wotton Road in Rangeworthy between the southern part of the village and the cluster of village around Pool Farm and The Rose and Crown to the north. In terms of constraints, the application site is outside of (but adjacent to) the settlement boundary (which is picked up again around the northern section of the village). No other planning designations cover the site.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
National Planning Policy Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity

CS18	Affordable Housing
CS34	Rural Areas

South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017

PSP1	Local Distinctiveness
PSP2	Landscape
PSP6	Onsite Renewable and Low Carbon Energy
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT17/3260/O - Erection of 8no. dwellings (outline) with access and layout to be determined all other matters reserved. – Approved 05.01.2018
- 3.2 P19/13683/RM - Erection of 7 no. dwellings with appearance, landscaping and scale to be determined. (Approval of Reserved Matters to be read in conjunction with outline permission PT17/3260/O). – Approved 05.02.2021
- 3.3 DOC22/00448 - Discharge of condition 6 (Highways) attached to planning permission PT17/3260/O. Erection of 8no. dwellings (outline) with access and layout to be determined all other matters reserved. – Pending consideration.

4. **CONSULTATION RESPONSES**

- 4.1 Rangeworthy Parish Council – *“Rangeworthy Parish Council OBJECT to the variation of the wording of condition 6 attached to planning permission PT17/3260/O. Condition 6 specifically states that no development shall occur on the site until the revised pedestrian crossing has been installed on Wotton Road and the existing crossing removed.*

The B4059 Wotton Road is an extremely busy B-road and the SGC Transportation Development Control officer in his email of 19th December 2017 acknowledged that although unmeasured, observed speeds would appear to be in excess of the posted speed limit [30mph].

The pedestrian crossing point currently installed is part of the safe, walk-to-school route for pupils of the village primary school who live on New Road. It is therefore crucial for the safety of pedestrians (adult and children alike), that a safe place to cross the B4059 remains in place at all times. Additionally, it is essential that the vehicular access to the site be properly established before any development commences as pupils of the village primary school who live on Harford Place traverse the western footpath to access the school.

It is acknowledged by SGC that Conditional 6 attached to this planning permission is in the interests of highway safety and accords with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Framework to ensure appropriate pedestrian facilities are implemented in a timely way. To permit the altering of the wording of Condition 6 would, in the opinion of Rangeworthy Parish Council, be contrary to Policy CS8 and conflict with the interest of highway safety. A safe pedestrian crossing point MUST be maintained at all times along this stretch of the B4059.”

4.2 Transport DC – Condition required

4.3 Ecology – No objection

4.4 Landscape – No objection

4.5 Conservation – No comment

Other Representations

4.6 Local Residents

One objection comment has been received, concerned with the drainage situation.

5. ANALYSIS OF PROPOSAL

Principle of Development

5.1 This application is a variation of condition 6 of application PT17/3260/O. The variation is to allow the commencement of development prior to the new crossing being installed.

5.2 The variation applied for does not significantly alter the overall scheme. The policy position has changed since the original permission was granted in that the LPA now has a 5YLS and did not at the time of original approval. However, given that at the time of writing the permission is still extant, and the site was considered to be in a sustainable location, it is not considered that a re-consideration of the principle of development is necessary. This application will therefore only consider the proposed variations.

Highway safety

5.3 Condition 6 of application PT17/3260/O states:

Prior to the commencement of development, a plan indicating the revised location of the pedestrian crossing on Wotton Road shall be submitted to and approved in writing by the Local Planning Authority. Details of the specification of the crossing shall be included as shall a scheme for the removal of the existing crossing point and any works required to make good the highway. The development shall be undertaken in accordance with the agreed details. No

development shall occur on the site until the revised pedestrian crossing has been installed on Wotton Road and the existing crossing removed.

Reason:

In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan:Core Strategy (Adopted) December 2013 and the National Planning Framework. This is required prior to commencement to ensure appropriate pedestrian facilities are implemented in a timely way.

- 5.4 The justification for the condition within the Officer's Report for application PT17/3260/O states:

However, the access would appear to conflict with the recently installed pedestrian crossing point outside the site on Wotton Road. It is possible that the crossing point can be relocated without an adverse impact to highway safety. In order to achieve this, a condition would need to be applied to any consent given requiring details of an alternative crossing point to be agreed and the alternative crossing point installed prior to any development commencing on the site. Subject to this condition, the proposal would be safe in highway terms.

- 5.5 At the time of writing this report, application DOC22/00448 for the approval of the details of the crossing has been submitted and is currently under consideration. However, there is insufficient time to install the new crossing, and implement applications PT17/3260/O and P19/13683/RM, which expire on the 5th February 2023. The impending expiry date is the reason this S73 application has been submitted.

- 5.6 The applicant has applied for condition 6 to read as below:

Prior to the commencement of development, a plan indicating the revised location of the pedestrian crossing on Wotton Road shall be submitted to and approved in writing by the Local Planning Authority. Details of the specification of the crossing shall be included as shall a scheme for the removal of the existing crossing point and any works required to make good the highway. The development shall be undertaken in accordance with the agreed details. Work on the new access hereby approved will not be commenced on site until the revised pedestrian crossing has been installed on Wotton Road and the existing crossing removed. Use of the existing access (as shown on plan ref. B101) will cease once the approved access is constructed and ready for use.

- 5.7 The above approach raised concerns with officers. The existing access, although offset from the existing pedestrian crossing, still overlaps and there is potential for construction traffic using this access to conflict with pedestrians, particularly considering the crossing is a well-used route for the local school.
- 5.8 A different approach has been proposed, whereby access is to be granted to allow the minimum works required to implement the permission. This would consist of the digging of a foundation trench for one dwelling, and the pouring of concrete. After these works are carried out, all further ingress and egress to

the site would cease until the new crossing is in place and the existing crossing has been removed.

- 5.9 In terms of duration, the works would take 1 day, with an additional day's contingency. Traffic movements would be 1 Works vehicle requiring up to 4 trips a day, 1 Machine to dig the trench with 2 trips total, and 1 Concrete lorry with 2 trips total, totalling a cumulative 8 trips a day maximum.
- 5.10 A banksman would be present at all times to guide vehicles in/out of the site to avoid conflict with pedestrians, and access to and from the site would not be permitted during 8am – 9:30am and 2:30 – 4pm to avoid conflict between journeys to and from the school.
- 5.11 The condition would read:

No development shall commence other than that set out within the Implementation Statement (12th January 2023) until a plan indicating the revised location of the pedestrian crossing on Wotton Road shall be submitted to and approved in writing by the Local Planning Authority. Details of the specification of the crossing shall be included as shall a scheme for the removal of the existing crossing point and any works required to make good the highway. The development shall be undertaken in accordance with the agreed details. No development shall commence other than that set out within the Implementation Statement (12th January 2023) until the revised pedestrian crossing has been installed on Wotton Road and the existing crossing removed.

- 5.12 Should DOC22/00448 be discharged prior to the determination of this S73 application, the condition could be revised to comply with those agreed details:

No development shall commence other than that set out within the Implementation Statement (12th January 2023) until the revised pedestrian crossing has been installed on Wotton Road and the existing crossing removed in accordance with the approved details under DOC22/00448.

- 5.13 An additional condition would be added to read:

No vehicles may enter or exit the site to carry out the works within the Implementation Statement (12th January 2023) within the hours of 8am – 9:30am or 2:30pm – 4pm. A banksman shall be on site at all times during the works within the Implementation Statement (12th January 2023) being carried out to guide vehicles in/out of the site to avoid conflict with pedestrians.

- 5.14 By restricting the amount of development to that within the Implementation Statement, with the additional precaution of timings and a banksman, it is considered that the s73 would not result in significant harm to highway safety.

Consideration of likely impact on Equalities

- 5.15 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is

unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. This planning application is considered to have a neutral impact on equality.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 It is recommended that planning permission is GRANTED.

CONDITIONS

1. The proposal shall be carried out in strict accordance with the details submitted under P19/13683/RM.

Reason

This is an outline permission only and the permission must be read in conjunction with the reserved matters.

2. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

3. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A or E) or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

To protect the characteristics of the village edge, to avoid any adverse impacts on the landscape, and in the interests of good design, to accord with policy CS1, CS9 and

4. No development shall commence other than that set out within the Implementation Statement (12th January 2023) until a plan indicating the revised location of the pedestrian crossing on Wotton Road shall be submitted to and approved in writing by the Local Planning Authority. Details of the specification of the crossing shall be included as shall a scheme for the removal of the existing crossing point and any works required to make good the highway. The development shall be undertaken in accordance with the agreed details. No development shall commence other than that set out within the Implementation Statement (12th January 2023) until the revised pedestrian crossing has been installed on Wotton Road and the existing crossing removed.

Reason

In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Framework.

5. No vehicles may enter or exit the site to carry out the works within the Implementation Statement (12th January 2023) within the hours of 8am - 9:30am or 2:30pm - 4pm. A banksman shall be on site at all times during the works within the Implementation Statement (12th January 2023) being carried out to guide vehicles in/out of the site to avoid conflict with pedestrians.

Reason

In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Framework.

6. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:

28 Dec 2022 B101 EXISTING ACCESS PLAN

2821/0 Site Location Plan, received 11 July 2017; and, 2821/1A Site Plan, received 29 September 2017.

Reason

To define the terms and extent of the permission.

Case Officer: Rae Mephram
Authorising Officer: Marie Bath