

# 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: 16/22**

**Date to Members: 22/04/2022**

**Member's Deadline: 28/04/2022 (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](mailto: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 list 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](mailto: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](mailto:MemberReferral@southglos.gov.uk)

Schedule Number	Officers Deadline reports to support	Date to Members	Members deadline	Decisions issued from
17/22	12 O'Clock Wednesday 27 April	9am Thursday 28 April	5pm Thursday 5 May	Friday 6 May
18/22	Normal			
19/22	Normal			
20/22	Normal			
21/22 Queens Jubilee	5pm Monday 23 May	9am Wednesday 25 May	5pm Tuesday 31 May	Wednesday 1 June
22/22 Queens Jubilee	5pm Monday 30 May	9am Wednesday 1 June	5pm Thursday 9 June	Friday 10 June

Dates and officer deadlines for Circulated Schedule May Bank Holiday and Queens Jubilee 2022

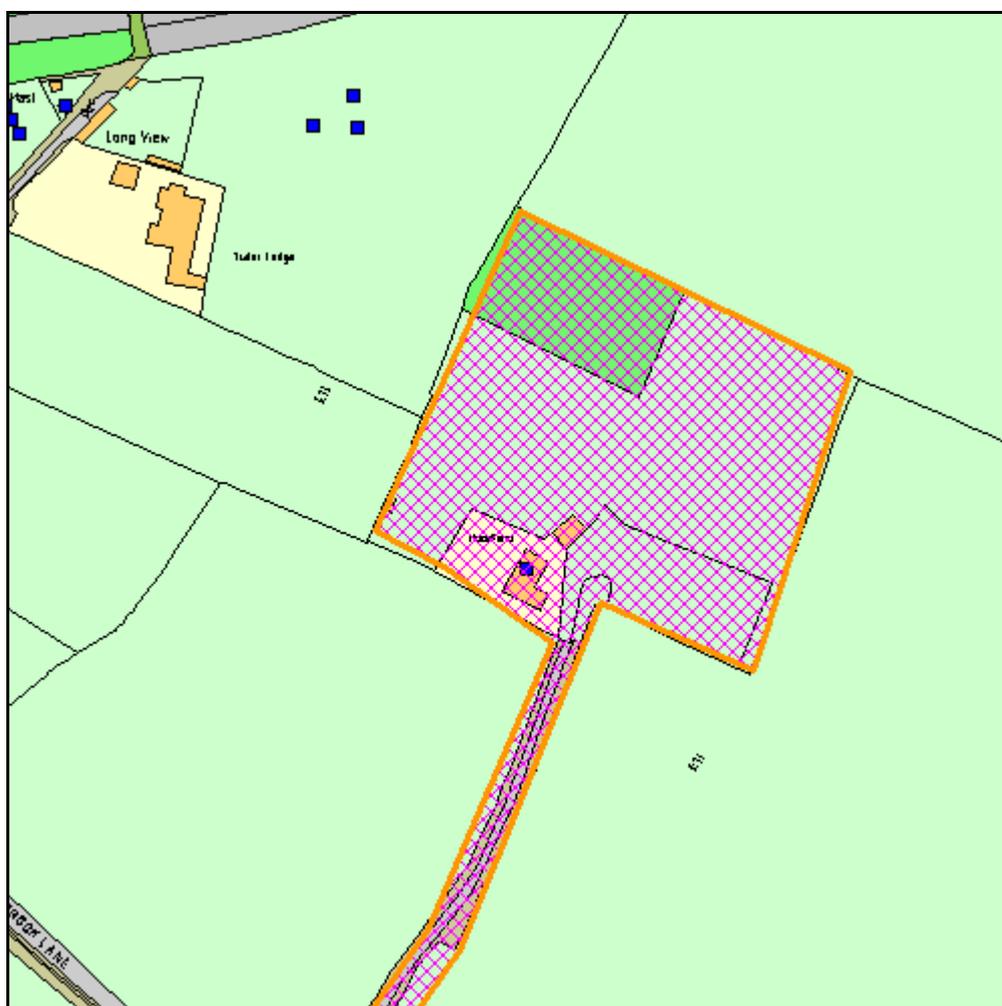
# CIRCULATED SCHEDULE 22 April 2022

-

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P21/05128/F	Refusal	The Hoodlands Hambrook Lane Hambrook South Gloucestershire BS16 1RL	Winterbourne	Winterbourne Parish Council
2	P21/06458/F	Approve with Conditions	7 Park Crescent Frenchay South Gloucestershire BS16 1PD	Frenchay And Downend	Winterbourne Parish Council
3	P21/06772/F	Approve with Conditions	Land To The North Of 35 Park Lane Winterbourne South Gloucestershire BS36 1AT	Frampton Cotterell	Westerleigh Parish Council
4	P21/06899/R3F	Approve with Conditions	Skate Park Emersons Green South Gloucestershire BS16 7GY	Emersons Green	Emersons Green Town Council
5	P21/07653/RM	Approve with Conditions	The Railway Inn Station Road Yate South Gloucestershire BS37 5HT	Yate North	Yate Town Council
6	P21/07839/F	Approve with Conditions	The Boot Inn 79 Horse Street Chipping Sodbury South Gloucestershire BS37 6DE	Chipping Sodbury And Cotswold Edge	Sodbury Town Council
7	P22/01441/F	Approve with Conditions	Land At And Adjacent To 13 Beacon Lane Winterbourne South Gloucestershire BS36 1JT	Winterbourne	Winterbourne Parish Council
8	P22/01386/HH	Approve with Conditions	15 Cleeve Hill Downend South Gloucestershire BS16 6ET	Frenchay And Downend	Downend And Bromley Heath Parish Council

**CIRCULATED SCHEDULE NO. 16/22 - 22nd April 2022**

<b>App No.:</b>	P21/05128/F	<b>Applicant:</b>	Hoodlands (Harry Stoke) Ltd
<b>Site:</b>	The Hoodlands Hambrook Lane Hambrook South Gloucestershire BS16 1RL	<b>Date Reg:</b>	4th August 2021
<b>Proposal:</b>	Demolition of existing buildings. Erection of 48 no. dwellings, creation of public open space, access, landscaping works and associated works.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	363537 179433	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Major	<b>Target Date:</b>	2nd November 2021



© South Gloucestershire Council 2007. all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

P21/05128/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 REPORTING TO COMMITTEE/CIRCULATED SCHEDULE**

This full application has been forwarded to the Circulated Schedule of applications in accordance with the Council's adopted scheme of delegation as a representation has been received from a Council Member raising views contrary to the Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 This is a full planning application for the demolition of existing buildings, erection of 48 new dwellings (including 17 affordable units) together with provision of public open space, children's play area, landscaping and associated highways and drainage infrastructure works.
- 1.2 The application proposes alterations to the unsealed, single track access off Hambrook Lane and the construction of a temporary highway access with pedestrian/cycleway along the existing track which currently serves the single residential dwelling on the site.
- 1.3 The Site lies centrally within the East of Harry Stoke New Neighbourhood (EOHSNN) area allocated under Policy CS27 of the adopted Core Strategy.
- 1.4 The Site is located to the north of Hambrook Lane, to the east side of the Stoke Gifford Transport Link with the GWR railway line to the north. The M4 is approximately 420m to the east, with the M32 approximately 250m to the south east of the site.
- 1.5 The application site comprises approximately 1.81ha of predominantly poor semi-improved grassland with some previously developed land associated with the detached residential dwelling, associated outbuildings and hard standing areas which are proposed to be demolished.
- 1.6 The boundaries of the Site comprise mature hedgerows and trees. The main part of the site is bounded by native species-rich hedgerows and several mature trees along the northern boundary. The west, south and eastern boundaries of the site comprise a mix of species-poor hedges and trees.
- 1.7 The access track is bounded by native species-rich hedgerow set on hedgebanks (hedges H7 and H8). The centre line of these hedgerows forms the land ownership boundary with the Crest land on either side. There are two mature oak trees, T16 on the corner with Hambrook Lane and T15 part way up the lane. The section of highway within the red line along Hambrook Lane is also bounded by native species-rich hedgerows on both sides.
- 1.8 The site is currently bordered on all sides by fields, bounded by hedges with trees, which are all subject to future residential development as part of the EoHSNN.
- 1.9 The land immediately surrounding the Site to the north, east and south is in the process of being developed out in phases by Crest Strategic Projects Ltd. ('Crest') for mixed use development including up to 1,290 dwellings. The Crest scheme was granted outline permission in March 2020 (PT16/4782/O) and reserved matters permission for the highways

and servicing enabling infrastructure for Phases 1 and 2 in February 2021 (P20/13948/RM). The land covered by the Crest applications is hereafter referred to as 'the Crest site'. Further north over the railway line, Outline permission was granted to Castel Ltd. for up to 158 dwellings in October 2020 (PT17/5873/0).

- 1.10 The Site is located adjacent to Crest's residential Phase 2 - Parcel 2.1. This parcel is to be laid out to deliver the permanent vehicular access connection between Hambrook Lane and the application Site which would become adopted highway. The applicant is proposing to construct a temporary road into the Site in order to bring the site forward in advance of the permanent highway being available. The temporary road would use the existing vehicular access described in paragraph 1.2 above. At such time, the temporary road would then be removed and downgraded to a pedestrian/cycle greenway. This is considered further later in this report, alongside the potential for provisions to secure downgrading, but the precise timeframes for doing so are unspecified in the application.

### **Environmental Impact Assessment**

- 1.11 Although this Site itself falls below the thresholds set out within the Environmental Impact Assessment regulations, any scheme coming forward within the EoHSNN allocation is considered to form part of a single 'project' for the purposes of the EIA Regulations.
- 1.12 The applicant submitted an Environmental Impact Assessment ('EIA') Screening Request on 28 May 2021. The request acknowledged the potential for significant effects from wider sites within EoHSNN however stated these will have been already suitably assessed by the previous Environmental Assessment for the wider Crest site. It states:

*"It is acknowledged that the wider EoHSNN has the potential for significant environmental effects, however these have already been assessed via the ES submitted to accompany both the outline planning application for 1,290 units submitted by Crest Strategic Projects Limited and the hybrid planning application for 370 dwellings submitted by Crest Nicholson Operations Limited (the Crest ES)."*

- 1.13 The LPA accepted the position and subsequently confirmed that an ES was not required to be submitted with the application (5<sup>th</sup> July 2021). Therefore, where relevant, the significant effects and environmental mitigations identified in the Crest Outline remain important material considerations for the determination of this application.

### **Designations and Constraints**

- 1.14 Key designations include:
- Site falls within the EoHSNN allocation;
  - Hedgerows (H7 and H8) along the access track are classified as 'Important' Hedgerows under the Hedgerow Regulations 1997 for heritage purpose and classified as non-designated heritage assets;
  - The native boundary Hedgerows around the site are Habitat of Principal Importance (HoPI) for Biological Diversity under Section 41 of the Natural Environment & Rural Communities (NERC) Act 2006.
  - All trees are covered by Tree Preservation Orders (TPO) associated with the EoHSNN allocation.
  - Public Right of Way LWB/14 recently diverted adjacent to south side of Hambrook Lane (south of hedgeline)
- 1.15 Protected Species present include the following:

- Bats
- Great Crested Newt (GCN)
- Reptiles (slow worm)
- Hedgehog

- 1.16 The above species are subject to legal protection as Species of Principal Importance (SoPI) under the Natural England and the Commission for Rural Communities (NERC) Act and as European protected species under the Conservation (Natural Habitats &c) Regulations 1994.
- 1.17 The Site falls within Flood Zone 1, at the lowest risk of flooding.
- 1.18 Hambrook Conservation Area lies approximately 250m to the south-east of the Site. Within the Conservation Area there are 15 Listed Buildings. The nearest listed buildings include the Grade II\* Listed Farber's Farmhouse which is located approximately 440m to the south-east of the Site, and the Grade II Listed Hambrook Farm Barn located approximately 430m to the south-east of the Site.
- 1.19 Other physical constraints affecting the layout include:
- Underground High Voltage electric cables running along western boundary (to be left in situ);
  - The Site slopes down from the west to east, falling from around 56.7mAOD in the northwest to around 46.8mAOD in the east at an average gradient of 1 in 13, with areas of challenging topography.

### **Enforcement Investigation**

- 1.20 A substantial amount of flailing back of the hedgerows bordering the access road took place at some time during 2020/2021. Under the Hedgerow Regulations, removal of hedgerows requires a formal hedge removal application approval before removal or part removal can be undertaken. An internal enforcement investigation took place in 2021/2022 to ascertain whether action should be taken. The investigation concluded that whilst a substantial amount of hedgerow has been removed along the access track in terms of width, leaving some small gaps, because the contiguous length predominantly remains it was not considered certain that prosecution would be successful under the Hedgerow Regulations which are complex and action was not taken.
- 1.21 The extent of this recent removal is a material consideration for this application because it has raised the question as to where the baseline conditions should be taken from in assessing the harm and gains from any further hedgerow removal/enhancement. Continuous stripping of the surface of the east side of the bell mouth access over a prolonged period has also left the corner Tree to the access in a vulnerable state due to root exposure.
- 1.22 This is a matter which remains under review and investigation is ongoing until the planning status of the hedgerows is completely resolved. Any further removal/damage of hedgerow may result in the Council's position changing in respect of formal action.

### **Details of the Proposed Development**

- 1.23 The development involves the demolition of the existing detached residential dwelling on the site to be replaced with 48no. new dwellings together with 17 affordable units. All houses are two-storeys with house types semi-detached and terraced together at the same eaves height.

1.24 The following housing mix is proposed:

**Open Market Units:**

- 2 bed (4 person) units of 81.9m<sup>2</sup> x 7no.
- 3 bed (4 person) units of 88.9m<sup>2</sup> x 24no.

**Affordable Units:**

Social Rent:

- 2 bed (4 person) mobility units of 93.4m<sup>2</sup> x 2no.
- 2 bed (4 person) units of 81.9m<sup>2</sup> x 7no.
- 3 bed (4 person) x 88.9m<sup>2</sup> x 4no.

Shared Ownership

- 2 bed (4 person) units of 81.9m<sup>2</sup> x 1no.
- 3 bed (4 person) units of 88.9m<sup>2</sup> x 3no.

1.25 The proposed development also includes:

- Public open space, children's play area and community grow zone;
- Cycle parking and car parking provision including visitor parking and Electric Vehicle charging points;
- Provision of footpaths and vehicular connection points for improved connectivity with the adjacent development proposals to the north, west and south of the Site;
- Widening and construction of unadopted temporary vehicular access (with lighting columns, sub-surface drainage and utilities infrastructure) off Hambrook Lane;
- Temporary access road to be closed off and downgraded to a foot/cycle greenway with additional enhancement hedgerow and tree planting upon third party delivery of permanent vehicular connection;
- Sustainable Urban Drainage (SUDs) basin and foul pumping station (possibly temporary);
- Hard and soft landscaping scheme including tree planting and biodiversity enhancements to mitigate ecological effects.

1.26 The development would utilise Modern Methods of Construction (MMC) whereby the homes are built off-site in factory conditions using advanced timber frame construction technology and transported to the site, already fully fitted out internally and externally, for assembly. The Design and Access Statement states that the carbon footprint for this method is less than half that of comparable traditional build projects. All of the properties would be fitted with air source heat pumps and vehicle charging points.

1.27 The homes are aimed at people on low and middle incomes based on Boklok's 'left to live' affordability model. According to the Planning Statement, BoKlok uses the 'Left-to-Live on' calculations to see what its customers could afford to pay for a home (and feasibly secure a mortgage on) after living expenses. The affordable element of the scheme is to be offered to registered provide Abri to deliver.

**Applicant's Submitted Information**

1.28 The following plans/documents have been submitted with this application:

Document/Plan	Revision/Reference
Covering Letter, Application Form and Certificates	
Community Infrastructure Levy (CIL) Questions Form	HST-TUR-XX-XX-FM-T-XX-1002
Design and Access Statement	HST-JTP-XX-XX-RP-A-XX-1000 P08
Letter from Abri	31/01/2022
Planning Statement (including Affordable Housing Statement and S106 Draft Heads of Terms)	BOKA3002, dated July 2021
Flood Risk Assessment and Drainage Strategy	HST-STR-XX-XX-RP-C-XX-1000 Rev 5
Drainage Strategy Technical Note	HST-STR-XX-XX-RP-C-XX-1002 Rev P2
Noise Assessment	10905.RP01.ENS.1
Vibration Assessment	10905.RP02.VIB.1
Phase 1 Ecological Assessment	11857 R02c Rev C
Biodiversity Net Gain Assessment – Update and Calculations	11857_R04b Rev B Interim Access - 11857_R05c Permanent Access - 11857_R05d
Landscape Management and Maintenance Plan	HDF-NTA-XX-XX—RP-L-XX-0501 rev C
Sustainable Energy Statement	ST-HYD-XX-ZZ-RP-ME-0001 P04 (dated 28.10.21)
Historic Environment Desk-Based Assessment	CR0692_1 Issue 4
Geotechnical And Geoenvironmental Interpretive Report	CGE/16484 Revision 2
Air Quality Assessment	HST-HYD-XX-XX-RP-Y-XX-1000 S2
Arboricultural Impact Assessment	11857 R05 AIA JP TW 090222 Revision D
Arboricultural Addendum Note	11857_R06a
Transport Statement	21164-TS-01 v4
Framework Travel Plan	21164-TP-01 v4
Framework CEMP	21164 TN01 v2
Utilities Site Appraisal (and appendices)	BLK U 02 UR-01
Overheating Assessment	Revision 5
Site Location Plan	HST-JTP-SW-GL-DR-A-SL-5001 P1
Site Layout Plan	HST-JTP-SW-GL-DR-A-SL-5000 P19

Existing Site Plan and Topography	HST-JTP-SW-GL-DR-A-SL-5009 P1
Illustrative Layout	HST-JTP-SW-GL-DR-A-SL-5002 P10
Materials Layout	HST-JTP-SW-GL-DR-A-SL-5004 P9
POS Plan	HST-JTP-SW-GL-DR-A-SL-5012 P7
Adoptions and Management Company Plan	HST-JTP-SW-GL-DR-A-SL-5013 P7
Electric Vehicle Charging ( <i>in transport statement</i> )	HST-JTP-SW-GL-DR-A-SL-5014 P2
CGI View 1	HST-JTP-SW-GL-DR-A-SL-5010 P6
CGI View 2	HST-JTP-SW-GL-DR-A-SL-5011 P3
Bin & Cycle Store	HST-JTP-SW-GL-DR-A-SL-5020 P1
Street Elevation	HST-JTP-SW-XX-DR-A-EL-5030 P3
Housetype TCH2 Affordable FtB	HST-JTP-HC2-ZZ-DR-A-ZZ-5100 P3
Housetype TCH2 OMS FtB	HST-JTP-HC2-ZZ-DR-A-ZZ-5101 P4
Housetype TCH2 OMS Gable	HST-JTP-HC2-ZZ-DR-A-ZZ-5102 P4
Housetype TCH3 FtB	HST-JTP-HC3-ZZ-DR-A-ZZ-5103 P3
Housetype TCH3 Gable	HST-JTP-HC3-ZZ-DR-A-ZZ-5104 P4
Housetype TCH6 FtB	HST-JTP-HC6-ZZ-DR-A-ZZ-5105 P3
Proposed Access Off Hambrook Lane – with approved infrastructure work [within Transport Statement]	SK_T_001 P3
Permanent Foot/Cycleway ( <i>in transport statement</i> )	SK_T_025 P2
Swept Path Analysis Refuse Vehicle [within Transport Statement]	SK_T_010 P4
Swept Path Analysis – 7.5T Box Van and	SK_T_011 P3

Estate Car [within Transport Statement]	
Swept Path Analysis – 7.5T Box Van and Refuse Vehicle	SK_T_013 P6
Swept Path Analysis at Site Access – 7.5T Box Van and Refuse Vehicle	SK_T_014 P5
Swept Path Analysis – 7.5T Box Van and Refuse Vehicle	SK_T_013 P6
Swept Path Analysis at Site Access – 7.5T Box Van and Refuse Vehicle	SK_T_014 P5
Visibility for Cyclists	SK_T_015 P5
Swept Path Analysis - Refuse + Car passing places	SK_T_016 P3
Interim Access - Footway Widths ( <i>In Transport Statement</i> )	SK_T_012 P1
Hardworks Landscaping Masterplan	HDF-NTA-XX-00-DR-L-0501 P20
Softworks Landscaping Masterplan	HDF-NTA-XX-00-DR-L-0502 P21
Temporary Access Landscape Plan	HDF-NTA-XX-00-DR-L-0508 P02
Attenuation Basin Landscape Detail	HDF-NTA-XX-00-DR-L-0504 P07
Illustrative POS Cross Sections – <i>Play Sections</i>	HDF-NTA-XX-00-DR-L-0505 P06
Community Hub & Play Plan	HDF-NTA-XX-00-DR-L-0506 P09
Community Area Pumping Station Removed	HDF-NTA-XX-00-DR-L-0507 P05
Levels Strategy	HST-STR-SW-GL-DR-C-SL-1901 P13
Cut and Fill	HST-STR-SW-GL-DR-C-SL-1902 P6
Interim Access Road Sections ( <i>In Transport Statement</i> )	HST-STR-SW-GL-DR-C-SL-1903 P10
Drainage Strategy [appended to FRA]	HST-STR-SW-GL-DR-C-SL-1905 P9
Impermeable Areas [appended to FRA]	HST-STR-SW-GL-DR-C-SL-1906 P7
Interim Access Road Conversion to Shared Foot/Cycleway (Structa)	HST-STR-SW-GL-DR-C-SL-1913 P5
Street Lighting Strategy	HST-STR-SW-GL-DR-C-SL-1911 P7
POS Sections (Structa)	HST-STR-SW-GL-DR-C-SL-1915 P3

Foundation Strategy	HST-STR-SW-GL-DR-C-SL-1920 P4
Tree Constraints Plan (Contained within AIA)	11857 P01e (over 2 sheets)
Tree Retention and Removal Plan (within AIA)	11857 P04d
Tree Protection Plan	11857 P05a

## **2. PLANNING POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework (2021)

National Planning Practice 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  
CS6 Infrastructure and Developer Contributions  
CS7 Strategic Transport Infrastructure  
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, Sports and Recreational Standards  
CS25 Communities of the North Fringe of Bristol Urban Area  
CS27 East of Harry Stoke New Neighbourhood

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

PSP1 Local Distinctiveness  
PSP2 Landscape  
PSP3 Trees and Woodland  
PSP6 Onsite Renewable and Low Carbon Energy  
PSP8 Residential Amenity  
PSP10 Active Travel Routes  
PSP11 Transport Impact Management  
PSP13 Safeguarding Strategic Transport Schemes and Infrastructure  
PSP16 Parking Standards  
PSP19 Wider Biodiversity  
PSP20 Flood Risk, Surface Water and Watercourse Management

PSP21 Environment Pollution and Impacts  
PSP37 Internal Space and Accessibility Standards for Affordable Dwellings  
PSP43 Private Amenity Space Standards

### 2.3 Supplementary Planning Documents:

East of Harry Stoke – New Neighbourhood Development Framework SPD (January 2016)  
Trees on Development Sites SPD (April 2021)  
Green Infrastructure SPD (April 2021)  
Sustainable Drainage Systems (SuDS) SPD (April 2021)  
Residential Parking Standards SPD (Dec 2013)  
Biodiversity and the Planning process SPG  
CIL and S106 SPD (March 2021)  
Affordable Housing and Extra Care Housing SPD (April 2021)  
Waste Collection: Guidance for New Developments SPD (adopted January 2015, amended March 2017)

### 2.4 Other Documents:

Specific Guidance Note 1- Planning and Noise (March 2015)  
Technical Advice Note: Assessing Residential Amenity (June 2016)  
Art & Design in the Public Realm- Planning Advice Note  
East of Harry Stoke Strategic Masterplan (Crest) (Feb 2015)

## 3. **RELEVANT PLANNING HISTORY**

### This Site:

#### **EIA Screening for the application site:**

P21/019/SCR – Environmental Impact Assessment Screening Opinion for the erection of up to 50 no. dwellings - Land At The Hoodlands, Hambrook Lane

#### **Previous 2021 application on Hoodlands site (withdrawn):**

P19/13908/O – Erection of 49 no. dwellings with associated works (outline) access to be determined, all other matters reserved. Land At The Hoodlands, Hambrook Lane Withdrawn 21<sup>ST</sup> AUG 2021

#### **Erection/Demolition of single dwelling on Hoodlands:**

PT01/1665/RM - Demolition of dwelling and erection of replacement dwelling (Approval of reserved matters) Hoodland Place Hambrook Lane – Refused 11<sup>th</sup> Sept 2001

PT99/0309/F - Demolition of existing dwelling and erection of replacement dwelling. Hoodland Place Hambrook Lane – Refused / Appeal Upheld 10<sup>TH</sup> Aug 2005

### EOHSNN - Crest applications:

#### **Reserved Matters for Crest Parcel 2.1 adjacent to site:**

P22/01501/RM - Erection of 137no. dwellings with new highways, parking, garaging, and other associated works with appearance, layout, scale, and landscaping to be approved. (Approval of Phases 2.1 and 2.2) Reserved Matters to be read in conjunction with Outline permission PT16/4782/O – Validated 4<sup>th</sup> April 2022 – Current.

**Reserved Matters for Crest enabling infrastructure including Hambrook Lane:**

P20\_13948\_RM - Creation of strategic infrastructure including access, highways, drainage and landscaping (Phases 1 and 2) approval of reserved matters attached to outline permission PT16/4782/O – Approved 5<sup>th</sup> Feb 2022.

**Public Right of Way Diversion:**

P20/23953/FDI - Diversion of part of public footpath LWB/14 to accommodate the East of Harry Stoke development - Land East Of Harry Stoke New Neighbourhood South Gloucestershire – Approved 25<sup>th</sup> Aug 2021

**Crest Outline:**

PT16/4782/O - Outline planning permission for mixed use development comprising up to 1,290 dwellings including an extra care facility (Use Class C2/C3); community facilities (comprising use classes D1 and D2); provision of a mixed use local centre (Use Classes A1, A2, A3 and D1) together with the supporting infrastructure and facilities including: new vehicular and pedestrian accesses, public open space and landscaping with access to be determined and all other matters reserved. – Land East Of Harry Stoke New Neighbourhood - Approved 3<sup>rd</sup> March 2020

**Crest Hybrid:**

PT16/4928/O - Hybrid planning application for the demolition of farmhouse and agricultural buildings and erection of 327 dwellings with a primary school and nursery; along with site access/spine road, car parking, public open space, landscaping, drainage infrastructure and associated infrastructure; of which full permission is sought (with no matters reserved) for a site wide earthworks strategy and drainage infrastructure together with 150 no. dwellings (of the 327 total) and associated landscaping, layout, infrastructure and access; and outline permission is sought for the erection of 177 dwellings, primary school and nursery (Use Class D1) with access to be determined and all other matters reserved, Land At The North Of The Railway, East Of Harry Stoke, Bradley Stoke. Approved 30.10.2019

**Crest Conditions Discharges:**

DOC20/00116 - Discharge of condition 13 (Archaeology), 20 (Ground Contamination), 36 (Reptile Mitigation), 37 (Hedgehog Mitigation), 38 (Bird Box Provision) and 40 (Badger Mitigation) attached to planning permission PT16/4782/O. under consideration

DOC20/00125 - Discharge of Condition 7 (Phasing plans) and Condition 39 (LEMP) attached to planning permission PT16/4782/O – Approved 2<sup>nd</sup> Dec 2020

DOC20/00124 - Discharge of Condition 8 (Design code) attached to planning permission PT16/4782/O - Approved 6<sup>th</sup> April 2020

**Others:**

PT17/5873/O – Erection of up to 158no dwellings together with associated infrastructure and engineering works (Outline) with access to be determined. All other matters reserved – Approved 5<sup>th</sup> Oct 2020

**Pylon Undergrounding:**

PT14/4225/OHL - Application for consent under Section 37 of the Electricity Act 1989 for diversionary works to include erection of 4no. terminal towers and 2no. intermediate towers. Land At Hambrook – Approved 13<sup>th</sup> Feb 2015

## 4. **CONSULTATION**

### **Response from External Consultees**

#### **Winterbourne Parish Council**

4.1 No objection.

#### **Avon and Somerset Police**

4.2 No objection – subject to conditions.

4.3 Outstanding matters that could be resolved through planning conditions:

4.4 There are properties that have identified parking areas between buildings and in front of garages, Plots 2-3, 6-9, 30-31, 33, and 38 for example. Whilst accepting that the vehicles should be parked in the garage, reality seems to indicate that they will be parked in front. Because these areas are between buildings this creates an area which is likely to be in the dark, depending upon the levels and positioning of the street lighting.

4.5 Evidence suggests that this is an area vulnerable to crime, theft, damage, and potentially personal safety. It would be advantageous to either provide additional light in the area and/or ensure that the buildings have habitable/ active rooms overlooking the area. The house designs chosen by the developer have a mixture of Option A and Option B properties, with only Option B having a habitable window in the side elevations it is strongly advised that the applicant still increases the lighting.

4.6 Where vehicles are parked between buildings it is a Safer By Design requirement they be lit or have adequate surveillance. To ensure community safety and to maintain a level of continuity it requested this be addressed by way of a planning condition:

- o *Driveways in which the external car parking area is provided between two side elevations of dwellings shall be provided with external lighting to illuminate these areas.*

4.7 The response in relation to Tandem Parking is noted and although it may meet the guidance from South Gloucestershire, the decision to proceed with the design has to be balanced with the problems this type of parking can cause.

4.8 No details in relation to the security of the substation (Point 16) still have not been supplied or could not be found.

4.9 The applicant has made certain changes and supplied additional information which has been welcomed, however the issues concerning the Parking Between Buildings/ Tandem Parking has still not been addressed.

#### **Wessex Water**

4.10 Comments – condition:

4.11 Thank you for your recent consultation in respect of the above. The Hoodlands, Hambrook Lane forms part of the wider Harry Stoke development area.

- 4.12 I attach an overview of Wessex Water's strategic foul sewer strategy designed to provide capacity for the overall development while relieving the Hambrook foul sewer system. The Hambrook sewer system is at capacity and prone to flooding during storm conditions. The strategy promoted includes a site wide pumping station pumping to a foul sewer with capacity on Winterbourne Road.
- 4.13 The Hoodlands application seeks connection to the Hambrook Sewer System. This is contrary to the site strategy and will increase the risk of downstream flooding and pollution in the downstream Hambrook network.
- 4.14 Wessex Water requests a planning condition to reflect condition 18 of the outline planning application to ensure development does not proceed the strategic foul sewer scheme.

*Harry Stoke Strategic Development - Drainage Statement:*

Foul Water

- 4.15 Wessex Water promoted a sewer capacity scheme in it's 2020-2025 Business Plan to accommodate extra flows generated by development at Harry Stoke. The proposal seeks to reduce the risk of sewer flooding to the environment and properties in the sewerage sub catchment.

Harry Stoke Development South of the Railway

- 4.16 Working with the lead developer Crest Homes and the planning authority to understand the timing, location and impact of future development at Harry Stoke and following OFWAT guidance, we identified a strategic scheme of works to deliver both capacity and connecting sewers through the development phasing. These arrangements part funded through a S112 notice (Water Industry Act) will provide a joined up solution for a range of development sites avoiding disruptive requisition and happenstance connections. The scheme pumps flows away from the constrained system draining through Hambrook and north to the existing 300mm public foul sewer running parallel to Winterbourne Road.

Harry Stoke Development North of the Railway

- 4.17 Development North of the Railway will seek connections to the aforementioned sewer in Winterbourne Road. Developers must work together to ensure the most efficient design to avoid duplication of pipework and comply with condition 18 of the outline planning permission (reproduced below). As the entire development builds out further improvements will be determined by Wessex Water to the sewer system downstream of Winterbourne Road. These improvements are likely to be developed after 2025.

Phasing Arrangements and Constraints

- 4.18 The foul drainage strategy south of the railway is best realised by phasing commencing at the new strategic pumping station. Where development is not in accordance with this strategy Wessex Water are unable to agree any temporary or permanent connections to any sewers ultimately draining to the "Hambrook Sewer". Wessex Water will consider temporary connections from south of the railway to the system north of the railway. Proposals to be submitted to [planning.liaison@wessexwater.co.uk](mailto:planning.liaison@wessexwater.co.uk).

## Decision Notice

- 4.19 Condition 18: No development shall take place on the outline site until a foul water drainage strategy is submitted and approved by the LPA in consultation with the sewage undertaker. The scheme shall include appropriate arrangements for the points of connection and capacity improvements required to serve the proposed development phasing and shall be completed in accordance with the approved details and to a timetable agreed with the LPA.

## **Response from SGC Consultees**

### **Archaeology Officer**

- 4.20 No objection following revised submission – subject to conditions:
- 4.21 *Initial comments:*
- 4.22 Greater clarity on the extent of hedgerow removal is required so a better understanding of the impacts can be determined. The original heritage report references only minor removal and implies that this would be acceptable due to the minimal nature, but subsequent plans imply more substantial removal. These plans are not in the report and a visual understanding would be better.
- 4.23 If possible, a better understanding of the date of the hedgerows / field boundaries. Paras 3.43, 3.48 and 3.49 of the report do cover this, but if there was any way of getting a better date it would be useful. I suspect not without excavation, and I feel that is unreasonable at this stage.
- 4.24 *Comments following revised information:*
- 4.25 These comments are provided following an updated Historic Environment Desk Based Assessment (HEDBA) prepared by Cotswold Archaeology in response to some issues regarding historic hedgerows and field boundaries, along with revised plans. The updated HEDBA finds that the field enclosures are not, of themselves, heritage assets and that any surviving furrows from the historic ridge and furrow on site do not hold sufficient value to be classed as heritage assets. From the assessment provided I concur with this.
- 4.26 In regards to the historic hedgerows, the revised plans show that much more of these are to be retained than in earlier proposals, with only small sections being removed. Overall, I find this justifiable and will not unduly impact upon the significance of the hedgerows and as such I concur with the findings of the HEDBA.
- 4.27 As such, there are no longer any heritage concerns representing an impediment to development. However, the application is within an area of broader archaeological activity, with prehistoric and Romano-British activity in the vicinity. There is also debate over the presence, or otherwise, of cropmarks identified from aerial photographs over part of the site. Whilst the HEDBA rules out there being a Medieval settlement on site and didn't identify the aforementioned cropmarks on the aerial photos they consulted, there is still sufficient archaeological interest to warrant further investigation.
- 4.28 In this case I recommend the implementation of two archaeological conditions. The first is to ensure that on site works are carried out prior to construction and the second to ensure that all necessary post-excavation work takes place following these investigations.

- Archaeological condition 1: *Prior to the commencement of any groundworks, including any exempt infrastructure, geotechnical or remediation works, a programme of archaeological work and subsequent mitigation, outreach and publication strategy, including a timetable for the mitigation strategy, must be submitted to and approved by the local planning authority. Thereafter the approved programme of mitigated measures and method of outreach and publication shall be implemented in all respects.'*
- Archaeological condition 2: *Prior to occupancy, the results of a programme of archaeological work, including any necessary post-excavation assessment, in accordance with a Written Scheme of Investigation previously submitted to and approved by the local planning authority, shall be submitted for approval to the local planning authority. Thereafter any post excavation analysis necessary along with any necessary publication shall be implemented in full unless the Local Planning Authority agree to any variation in writing*

### **Contaminated Land Officer**

- 4.29 No objection – subject to conditions:
- 4.30 I have reviewed the Geo-environmental site investigation report submitted (ref. CGE/16484, rev.2 dated July 2021)
- 4.31 The report identifies a number of significant pollutant linkages. The site walkover and available mapping shows the presence of a historical pond in the north-east corner of the site; it has been identified as a potential ground gas source. Preliminary ground gas monitoring visits have been undertaken, with three visits completed to date, and the results suggest that gas protection measures will be required. However, the monitoring locations are all confined to the south-east corner of the site with no monitoring location in the vicinity of the historical pond. Further monitoring is recommended within the report and this should include monitoring in the vicinity of this source.
- 4.32 Chemical testing was carried out on a total of 10 samples of near surface soils. Seven samples were taken from the made ground and the results indicate the presence of elevated lead, arsenic and the presence of asbestos fibres.
- 4.33 Further investigation is recommended in the report to refine the risk assessment, particularly in respect of the additional gas monitoring and further investigation into the extent of made ground present in the storage area.
- 4.34 Therefore, in order to ensure that the site is suitable for its proposed use and in accordance with the National Planning Policy Framework, the following conditions are recommended for inclusion on any permission granted:
- Further Intrusive Investigation/Remediation Strategy
  - Verification Report

### **Ecology Officer**

- 4.35 Objection:
- 4.36 *Initial comments:*

### **Native species-rich hedge and trees**

- 4.37 Hedgerow with Trees (Native species-rich) – Impacts: P14 of Ecological Assessment report states *'Some discrete removal may be necessary along hedgerow H7 and H8, however this is*

*not currently anticipated.* This impact assessment does not appear to be accurate based on the cutting back of H7 and H8 which has already occurred and the required further removal of these hedgerows.

- 4.38 The Arboricultural impact assessment (Feb 2022) reports that for Hedge (H7) Partial Removal– a 30m section to be removed at access side of hedge to facilitate the proposed temporary vehicular access is required. H8 will be subject to ‘Trimming – 75m length of access side of hedge to be trimmed back to facilitate the proposed vehicular access and footpath. The depth of trimming work will be a maximum of 0.5m’.
- 4.39 Will the removal of sections of H7 and H8 involve scrubbing out of roots and soil removal, or only cutting to ground level? More of an analysis on the proposed removal/damage to hedgerows would be useful. A plan/reference to a plan showing these areas to be removed is requested.

#### Protected Species

- 4.40 Nesting birds – the site has potential to support common and widespread garden species.
- 4.41 Reptiles - surveys confirm a small population of slow worm (six individuals found in total with a peak count of 2), mainly within the field margins (NW corner of the site). A reptile mitigation strategy will be required.
- 4.42 Badger Act 1992 - No evidence directly attributed to badger was seen during the survey.
- 4.43 Hedgehog – the site has suitable habitat for hedgehogs
- 4.44 A Landscape Environmental Management Plan (LEMP) detailing the avoidance and mitigation measures for the habitats/ species mentioned above will be required under condition.
- 4.45 *Final Ecology Comments following revised submission:*

#### Bats and lighting

- 4.46 Best practice bat activity surveys comprising walked transects with accompanying static detector surveys of the boundary features and access track to the Hoodlands have not been carried out. Instead, the Tyler Grange Ecological Appraisal refers to activity data which is 7 years old from proposals on neighbouring sites (see earlier comments from 3rd March). These historic surveys of neighbouring sites recorded light sensitive species brown long-eared bat, lesser horseshoe bat and Myotis sp. in the area and these can be assumed to use the existing access track to the Hoodlands.
- 4.47 It is understood from the transport officer’s comments that because the proposed interim access road would be the only access to the site for all modes of travel, it will need to be lit to accord with Policies PSP11 and CS27. This means a sensitive lighting strategy<sup>1</sup>, which would allow the continued use of the track by the light sensitive species assumed to be present will not be feasible.
- 4.48 As a result, the development will result in the loss of this dark corridor for commuting and foraging bats. It is also understood that when the highway is downgraded to the

---

<sup>1</sup> A lighting strategy which is in accordance with Guidance Note 8 Bats and artificial lighting (The Institution of Lighting Professionals and the Bat Conservation Trust, 2018).

pedestrian/cycle route the lighting columns will remain, rather than also be downgraded to low level lighting better suited to a pedestrian/cycle route. Subsequently, this means the loss of this dark corridor for commuting and foraging bats is a permanent one. This is not dealt with in the Tyler Grange Ecological Assessment report.

- 4.49 Between the Stoke Gifford Bypass to the west and the M32 to the east, the existing access track and its mature species-rich hedgerows with trees (H7 and H8) provides one of only two north-south linear features which connect the dark railway corridor to the north and the Ham Brook to the south for the dispersal of light sensitive bats to move between. It is therefore, potentially a linear feature of some importance for the local bat assemblage. Without any up-to-date bat activity data it is uncertain how important this feature is and a precautionary approach should be taken.
- 4.50 In Crest's approved outline Ref: PT16/4782/O, the hedgerows and trees along the access track and the eastern boundary of the Hoodlands are retained as a dark corridor, see Tree Loss and Impact plan below. The recently submitted proposed layout for Crest's Reserved Matters Application Ref: P22/01501/RM, which will lie to the west (and to the south) of the track will allow the existing track to remain as a dark corridor because it is only the rear of gardens that would back onto it, see Drawing no. 20370/5000H Parcel 2.1 & 2.2a-b Planning Layout.
- 4.51 If the applicant were to wait until the access via the Crest land to the south-west (Parcel 2.1 of RMA P22/01501/RM) is available, the loss of this important dark corridor for light sensitive bats could be retained, as it is assumed only low-level lighting, if any, would be required to light the pedestrian/ /cycle route.
- 4.52 Paragraph 175 of the NPPF states: [*"175. When determining planning applications, local planning authorities should apply the following principles: (a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;"*]. The permanent loss of the important dark corridor for foraging and commuting bats provided by the existing access track and its associated hedgerows (H7 and H8) is considered to be a significant loss for the bat assemblage which is not adequately mitigated or compensated for within the proposed development. Furthermore, there is a reasonable alternative which is to wait until the access via Crest land is available. In accordance with the NPPF, I therefore object to the proposals on these grounds.
- 4.53 No roosting bats were found during the dusk survey of the low potential features of the building but early socialising and foraging along the southern boundary of the Hoodlands site was recorded, suggesting there is a roost in the vicinity. If a roost is located nearby and the track is found to be a key commuting route to/from that roost, this would add further value to this dark corridor. Only low potential tree roosts were present within the redline boundary.

#### Planning conditions recommended

- 4.54 Bats - updated tree and building surveys for bats will be required if more than 12 months has elapsed between the dates of the last surveys and the start of development. This is to be secured by a planning condition.
- 4.55 *Protected species issues which should be dealt with prior to determining the application / cannot be left to planning condition:*
- Bat activity surveys - to determine use of the site for foraging and commuting bats as described in the table above.

- Sensitive lighting strategy for bats – it is understood a sensitive lighting strategy for bats will not be possible with the current access track being used as an interim access and therefore this is not something which can be left to a condition.

### Great Crested Newts (GCN)

- 4.56 As European Protected Species, GCN are protected under the Habitats Regulations (2017). It is an offence under Regulation 43 to deliberately damage or destroy a breeding site or resting site of a European Protected Species. Hedgerows, in particular the base of hedgerows and any gaps in the soil around the root structure of hedgerows, provide suitable habitat for GCN migrating between ponds, sheltering and hibernating. There is a known breeding pond with a medium population 150m to the south-east of the site, approximately 1.5ha of the Hoodlands site falls within 100-250m of this pond.
- 4.57 A GCN District Level licence Impact Assessment and Conservation Payment Certificate (IACPC) has been obtained from Natural England. In signing the certificate Natural England have considered the matters necessary to satisfy Regulation 55 (9) (b) of The Conservation of Habitats and Species Regulations (2017) i.e. the fee agreed will fund habitat compensation meaning the 3rd test (only) will be met *‘that the action authorized will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range’*.
- 4.58 However, it is important to note that under Section 8 of the certificate it states that through signing, Natural England provides no assurance that the development will go on to be licensed because Natural England must also be satisfied that Regulations 55 (2) and 55 (9) (a) of the Act are also met. i.e. the 1st test - *imperative reasons of overriding public interest* and 2nd test - *no reasonable alternatives*].
- 4.59 It is understood from the Highway’s comments, that through laying the interim access road and its associated drainage and street lighting etc, there will be significant damage to the hedgerow banks of H7 and H8 (approximately 200m of hedgerow) through cutting into the banks/compacting the soil around the RPAs. In GCN habitat terms this will be compensated for through the off-site DLL scheme, and also in the longer term through tree and hedgerow planting once the road is downgraded. However, there is a reasonable alternative to this damage (to wait until the access via the Crest site is available) therefore it doesn’t satisfy the 2nd legal test. Since it also doesn’t follow reasonable avoidance measures to minimise impacts, it also doesn’t adhere to mitigation hierarchy approach embedded in NPPF (Paragraph 175).

### Environmental Protection – Air Quality

- 4.60 No objections – subject to comments:
- 4.61 The air quality assessment prepared by Hydrock Consultants Ltd. (dated 15 July 2021) considers the potential impacts on local air quality during the construction and operational phases of the development. The relevant pollutants; nitrogen dioxide (NO<sub>2</sub>) and fine particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) have been considered and the assessment has been carried out using appropriate methodology and following the relevant guidance.
- 4.62 During the construction phase, the assessment shows the development is a medium risk for dust impacts. so appropriate mitigation measures to reduce the risk of dust emissions impacting nearby sensitive receptors have been identified in Appendix A of the assessment. With the adoption of these measures, the assessment considers the impacts of the construction phase to be negligible and the residual effects to be not significant.

- 4.63 The potential for cumulative construction impacts from other active construction sites in the East of Harry Stoke New Neighbourhood (EoHSNN) allocation, should construction occur at the same time, have been considered and are deemed unlikely to be significant as each development will be required to employ appropriate dust mitigation measures. The assessment has been carried out in line with the relevant IAQM guidance<sup>2</sup>.
- 4.64 The mitigation measures identified in Appendix A of the Air Quality Assessment should be incorporated into a dust management plan (DMP), which can be integrated into a site -specific Construction Environmental Management Plan (CEMP) to be submitted prior to the commencement of any construction work. It is recommended that a condition is added to this effect to ensure that the DMP and/or CEMP are enforceable.
- 4.65 For the operational phase of the development, a thorough qualitative simple assessment has been undertaken as the need for a detailed assessment has been scoped out in line with the relevant EPUK and IAQM guidance<sup>3</sup>. This is because the traffic predicted to be generated by the development is below the threshold criteria and therefore, it is not likely that any potential operational effects of the development would be significant, as stated in the guidance.
- 4.66 In terms of the cumulative impacts, an Environmental Statement (ES) for the whole EoHSNN allocation, which includes the development site, was undertaken for the outline applications; PT16/4782/O (South of the railway) and PT16/4928/O (North of the railway). The findings of the ES, which are still considered to be applicable, showed the cumulative impact of the EoHSNN on air quality was not significant.
- 4.67 The assessment also considers the potential impacts of poor air quality from the nearby M4 and M32 motorways, A4174 Ring Road, Stoke Gifford Bypass and the London- South Wales main railway line on future residents. The assessment shows the risk of exposure is low based on the distance the future occupants will be from these pollution sources and concludes that the site is suitable, in terms of air quality, for residential development.
- 4.68 It is noted a Framework Travel Plan has been prepared to support and incentivise the use of sustainable travel and that the development will utilise Air Source Heat Pumps for heating and hot water, both of which are welcomed as they will be beneficial in terms of air quality. However, the following best practice identified in the EPUK/IAQM guidance should also be applied to **all** development to reduce emissions and contribute to better air quality management:
- 4.69 Where on-site parking is provided for residential dwellings, Electric Vehicle (EV) charging points for each parking space should be provided. It is recommended that a condition is added to this effect.
- 4.70 In summary, the content and conclusions of the assessment report are accepted and there is no basis to object to the proposed development in respect of air quality, subject to the recommended conditions above being applied.

---

<sup>2</sup> <http://iaqm.co.uk/text/guidance/construction-dust-2014.pdf>

<sup>3</sup> <https://iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf>

## Highway Authority

- 4.71 Objection:
- 4.72 The site falls within the wider East of Harry Stoke New Neighbourhood Core Strategy Policy CS 27 and the subsequent SPD for the area. As such a comprehensive development of the whole allocation is required. This includes an access strategy for each part of the allocation which enables development to be carried out on adjacent sites included within the SPD.
- 4.73 The adjacent land to the east, west and south of this site is part of the main Crest development planning application PT16/4782/O for which there is an approved Movement Parameter Plan. This indicates secondary road connections to this site to the north and east of the developable land. Another vehicle access to the site has been secured to the south-west from phase 2 of PT16/4782/O as part of that development's phasing plan.

## Off-site- Impacts

- 4.74 The transport impacts generated by this proposal have been incorporated into Transport Assessment submitted for the wider East of Harry Stoke allocation of 2,000 dwellings.
- 4.75 Being centrally located within the New Neighbourhood the site will benefit from the sustainable infrastructure being provided as part of the overall allocation which will result in good pedestrian, cycle and public transport connections to the nearby employment, education, retail, leisure and health facilities both within the new neighbourhood and in the surrounding Stoke Gifford area. These include the employment areas around Hunts Ground Road, Vantage Park, Brierley Furlong and Bristol Business Park. Two new primary schools, one within the allocation and one at the approved Harry Stoke development and senior schools at Winterbourne and Abbeywood plus the University of the West of England. New retail facilities are to be included at the District Centre located in the southern part of the allocation. A community centre and several sports pitches are to be provided as part of the main Crest development just to the south of Hambrook Lane. Health facilities are located in Stoke Gifford at the existing Doctor's Surgery.
- 4.76 As part of Policy CS27 and the EoHS SPD requirement for a comprehensive development, the infrastructure necessary to support the allocation has been apportioned to each development site within it. This development should therefore contribute towards the Infrastructure Delivery Plan in accordance with the apportionment table agreed for the main Crest site PT16/4782/O.

## Access

- 4.77 The existing Hoodlands Farm access track off Hambrook Lane is proposed to be upgraded to a suitable standard for a temporary access to the site for all modes of travel until such time that the permanent access to the site is delivered through the adjacent Crest phase 2 (Parcel 2.1) site. It is understood that a reserved Matters Planning Application for this site has been submitted to the Council.
- 4.78 The latest approved Phasing Plan indicates that the permanent access through to the Hoodlands site is programmed to be constructed in 2025. Once this access has been constructed and is available for use, the temporary access would be downgraded to a shared foot / cyclepath with associated landscaping. This will need to be secured in the S106 which will include a bond in case of a default in the obligation. Securing of the bond is especially important because there is a possibility that all of the dwellings could be occupied before a connection to the existing highway through the neighbouring Crest phase 2 site is provided. The timing of the delivery of the access through the Crest site is outside of the control of this

Developer so the temporary access will need to be designed and constructed to a suitable standard for the development and maintained for as long as it is required.

- 4.79 The constraints placed on the access by the two trees at the south end which require a root protection zone and the adjacent hedgerows means that the road cannot be constructed to an adoptable standard.
- 4.80 The Developer has therefore decided not to offer the temporary road for adoption and has provided construction details to the Council. These include 1 in 25 scale detailed cross-sections of the road through the root protection zones (RPZ) and 1 in 250 profile cross sections on Hambrook Lane and on the access road north of the RPZ. These show the level of the new access road to be around 0.5m higher than the existing level of the track. Transport DC have assessed the details and concluded that further information is needed to demonstrate the suitability and acceptability of the following elements:
- Light compaction of the layer of granular material beneath the cellweb construction through the RPZ of the Trees.
  - A Surface water drainage system.
  - Kerb heights.
  - Level berms along the outside edges of the carriageway required for highway safety and support of the highway.
  - Street lighting (temporary and permanent).
  - Carriageway and footway cross section construction details north of the RPZ.
  - Carriageway and footway cross section construction details in the RPZ to include the raised table through the bend.
  - Road signs and markings.
- 4.81 These details could be secured by a suitable pre-commencement condition however the following points should be noted:
- 4.82 The provision of a level berm (i.e a level shelf for safety purposes) at the back edge of the highway will have an additional impact on the hedgerows over and above that shown on the submitted cross sections. This would be to the extent that most of the hedgerows will require removal back to the red line boundary of the access road.
- 4.83 The full extent of the removal that would be required does not appear to have been clearly shown or assessed in the submission.
- 4.84 Compaction of material above the root protection zone and surface water drainage details within the root protection zone may well have an additional detrimental impact on the tree roots over and above that shown on the submitted cross sections.
- 4.85 The provision of a street lighting scheme that would be considered suitable for a new road may have an adverse effect on bats.
- 4.86 It should also be noted that access to the site from the public highway at the Stoke Gifford Transport Link would be along roads currently owned by the adjacent Developer, Crest.
- 4.87 These roads will need to be completed to base course level for the carriageway and surface course level for the footways. They will also require street lighting and surface water drainage to be provided before any dwelling on this site can be occupied. This would have to be secured by a suitable Grampian condition given the applicant will be reliant on Crest to deliver.

- 4.88 Following delays, these roads are now currently under construction due to complete up to Crest phase 2.1 later this year. Crest will realign Hambrook Lane and provide a widened footway to the Hoodlands access however this will be completed to base course only. Services including an upgraded highway drain will not be provided along this section of the road to the Hoodlands access until required for the Crest phases to the east of Hoodlands.
- 4.89 This Development proposes to further realign Hambrook Lane to enable access to the development for construction traffic including the large abnormal loads required to transport the preconstructed dwellings and all development traffic associated with the 48 dwellings. The reason for the second realignment is because the Crest realignment was only designed to enable access to the existing Hoodlands Farm dwelling in accordance with the approved East of Harry Stoke Movement Parameter Plan and phasing plan for Crest phases 1 and 2.
- 4.90 To carry out the realignment works required to deliver the temporary access requires this Developer to either wait until Crest have completed all of their works including the upgraded highway drain which is likely to be some years from now or obtain agreement with the Council to take over the works on Hambrook Lane, where agreement in is place with Crest to undertake the work, and Crest are currently on site.

#### Swept Path Analysis

- 4.91 The temporary access road and the internal layout have been subject to a swept path analysis. A waste collection vehicle could safely access and egress from the site and pass a large van at intervisible points.
- 4.92 However, it is important to note that the timber retaining structure between the access road and the tree on the bank at the southeast corner of the access road is some 250mm behind the kerb edge, whereas it would normally be 600mm behind the kerb edge for adoption. This is due to the narrowness of the lane. This means that the construction and waste collection vehicle drivers will need to be 100% on the swept path all the time to avoid a collision taking place. The likelihood is that the timber retaining wall will be struck from time to time and require constant monitoring and maintenance by the owner of the private road. This would put the exposed tree roots at further risk.
- 4.93 The same vehicle can access all parts of the internal layout of the site within the walking distances to the waste collection points set out in the Council' Waste Collection Supplementary Planning Document. It can turn within the turning areas and pass a large van at intervisible points.

#### Internal Layout

- 4.94 Following various revisions to the layout, most of the internal layout items have now been addressed apart from the following.
- 4.95 To accord with the EOHS Movement Parameter Plan and to provide convenient pedestrian permeability with the east side of EOHS; this site which includes play area facilities, the new Primary School north of the railway line and the Metrobus Stops on the Stoke Gifford Transport Link a pedestrian link should be provided to the development land east of the site. In turn the connection would enable future residents to the immediate east access to the new play facilities in Hoodlands and connect through to walking routes on to the SGTL to the west. Although the developer is of the opinion that this is not required, I consider non-provision of the pedestrian link would be contrary to SGC Policies CS1, CS8, CS27 and PSP11.

- 4.96 It may be possible to secure a pedestrian footpath link with a suitable condition although it should be noted that with the way the layout has now been revised this would have an impact on the landscaping along the eastern site boundary and therefore would need to be suitably located.
- 4.97 The spur road opposite plots 6 and 7 should be constructed right up to the site boundary to provide a vehicle and pedestrian link to the development land directly to the west. I don't see any problem with constructing up to the site boundary and installing a temporary retaining wall. Again, I recommend that this is secured by a condition.
- 4.98 The section of shared surface road in front of plots 42 to 48 should be offered for adoption to provide a refuse vehicle turning area and an adopted link to a cycle /footpath to the land to the east. This could be secured through the adoption process once the site has been connected to the Crest Phase 2 development.
- 4.99 The shared surface road leading to plots 31-41 serves 11 dwellings. The section up to the T junction to the front of plot 33 should be offered for adoption so that bins can be collected from the dwellings rather than on the junction splay. This can also be secured through the adoption process.

#### Road safety Audit

- 4.100 A Stage 1 Road Safety Audit has been completed on the access road and the internal layout. This raises no issues at this stage of the design.

#### Parking

- 4.101 The proposed car and cycle parking provision would be fully compliant with the Council's minimum parking standards. Each dwelling would be provided with an Electric Vehicle Charging Point as now required a standard by building regulations.

#### Travel Plan

- 4.102 A Framework Travel Plan has been submitted. This has been reviewed and requires updating to include the following in a Full Travel Plan. This could be secured via S06 obligation:
- Engagement Measures,
  - Sustainable Travel Vouchers (STV')
  - An Intervention Fund used to further promote STV's if an 80% take up target is not met following the third annual monitoring report.
  - A Contingency Fund used to provide additional travel planning measures if the Travel Plan targets are not being met following the third annual monitoring report.
  - Details of car clubs and car/lift share sites in the vicinity of the development to be provided on a noticeboard along with bus, walking and cycling information to also be included in Sustainable Travel Packs for new residents.
  - Targets to be set in agreement with South Gloucestershire Council.
  - The target to reduce car use by 5% should be increased to 10%.
  - Replace references to Bristol City Council with South Gloucestershire Council.
  - In the action plan, residential surveys and monitoring & evaluation reports should be completed annually rather than biannually.

## Recommendation

- 4.103 Insufficient information has been submitted to demonstrate that a safe and suitable access road can be provided contrary to CS1, CS8, CS27 of the South Gloucestershire Local Plan Core Strategy adopted 2013, and Policy PSP11 of the Policies, Site and Places Plan adopted 2017.
- 4.104 Insufficient information has been submitted to demonstrate the suitability of a sensitive lighting scheme (required for ecological reasons) along the access road for all road users, contrary to policies CS1, CS8, CS27 of the South Gloucestershire Local Plan Core Strategy adopted 2013, and Policy PSP11 of the Policies, Site and Places Plan adopted 2017.
- 4.105 A pedestrian link to the adjacent East of Harry Stoke phase 5 development immediately to the east of the site has not been proposed, contrary to policies CS1, CS8, CS27 of the South Gloucestershire Local Plan Core Strategy adopted 2013, and Policy PSP11 of the Policies, Site and Places Plan adopted 2017.
- 4.106 In the absence of a S106 Agreement to secure the following:
- Transport Infrastructure contributions.
  - Travel Plan.
  - Access Road downgrade including a bond or cash deposit.
- The proposal fails to provide sufficient mitigation to address the impacts of the development and is contrary to policies CS1, CS8, CS27 of the South Gloucestershire Local Plan Core Strategy adopted 2013, and Policy PSP11 of the Policies, Site and Places Plan adopted 2017.

## **Highways Adoptions / StreetCare Team**

- 4.107 Concerns raised:
1. The initial 190m temporary access proposed is unacceptable as there is no timescale for the alternative permanent access to the site, and this may be some time off.
  2. A permeable surface to the track is not acceptable on maintenance grounds, so a drainage solution would need to be designed.
  3. The width of the proposed access track is sub-standard and has no viable passing places. Either end is not intervisible so this could require long lengths of reversing for vehicles.
  4. The footway is a substandard width along its whole length and there is no separate cycle provision. The footway only has a 50mm upstand and therefore will encourage vehicles to mount the footway rather than reverse to a suitable location.
  5. Given the high probability for the need to reverse, lighting of the route would need to be achieved to the appropriate standard, however this could have an ecological effect on the local wildlife.
  6. The section though the access indicates a 0.5m deep x 1.0m wide drop at the back of the footway that does not have protection. It would require a designed structural solution to retain it incorporating some protection for pedestrians, cyclists and vehicles. The section also lacks a 1m berm at the back of footway and road with a gentle gradient of 1:3 to the existing ground.
  7. The timber retaining sections are not acceptable solution.
  8. The highway adoption plan is not acceptable as it does not link to the existing highway.
  9. There is no provision for cycleway/footway infrastructure through the site, in addition the proposed access does not provide a continuation of a cyclelink where it joins the site outside plots 26-30.

## Highways Structures

4.108 Comments raised:

### Drawing HST-STR-SW-GL-DR-C-SL-1905 rev P9

4.109 An attenuation tank is shown on the access road. It is shown as 45m long x 1.5m wide x 0.8m deep. Is this to be adopted by SGC or Wessex? Regardless of who adopts, the tank will need to go through technical approval in accordance with CG 300 of the DMRB as it carries the highway. If SGC is going to adopt we will want the internal height to be a minimum of 1m to allow us to maintain. I assume it is going to be a concrete box. We will also want an additional inspection chamber mid-way along the tank.

### Drg: HST-STR-SW-GL-DR-C-SL-1901 P13

4.110 I assume that all the retaining walls shown in cyan are going to be privately owned we will not adopt any of those walls in cyan even if they support highway. Where they are at back of footway and support highway above adjacent gardens of the properties, vehicle restraint must be considered in the detailed design and the walls designed for impact.

4.111 Regardless of who is going to own the retaining structures that support the highway or support land above the highway, they will need to go through the Technical Approval process set out in the Design Manual for Roads and Bridges CG300. SGC will only adopt robust structures that have >120 year design working life.

4.112 All retaining walls supporting the highway to support loads in accordance with BSEN1991 which includes SV load model SV100.

4.113 We will not accept the vegetated retaining walls. They must remain in private ownership even where they support the highway or where they support open space (e.g. the vegetated wall on the east side of the site adjacent to the SUDS basin.)

### HST-STR-SW-GL-DR-C-SL-1903 P10

4.114 Section A-A shown on the extract below. A 1m wide level verge is required on the right hand side to ensure the kerb does not move and cause cracking in the carriageway. Beyond the level verge the slope should be 1 in 3. The retaining wall on the left hand side of the section will not be adequate to carry the loads. It also needs the foundation to be below the moisture extraction level of the tree, probably in excess of 4m deep. The wall also needs a parapet to stop cyclists and pedestrians falling over the edge. This needs to be 1.4m high minimum.

4.115 Section B-B shown on the extract below. A 1m wide level verge is required on the left hand side to ensure the back of footway edging does not move and cause cracking in the footway. Beyond the level verge the slope should be 1 in 3. The detail shown on the right of the section has not changed since the last set of drawings. The timber structure needs to be set back a minimum of 600mm from face of kerb. Even then it is not a robust solution and will be easily damaged by vehicles. It wouldn't support the bank and tree and the installation will damage the tree roots further leading to decline of demise of the tree.

4.116 Section C-C shown on the extract below. A 1m wide level verge is required on the right hand side to ensure the kerb does not move and cause cracking in the carriageway. Beyond the level verge the slope should be 1 in 3. The retaining timber structures on the left hand side probably will not support the land adequately. Installation will also damage the root system of the hedge.

4.117 Drawing HST-STR-SW-GL-DR-C-SL-1904 P6 shows cross sections. Generally there is no 1m level verge shown at the back of kerb lines. This is required with slopes at 1 in 3 beyond the 1m level verge.

## **Housing Enabling**

- 4.118 No objection following revisions, subject to conditions:
- 4.119 The strategic housing enabling team note that the scheme is policy compliant in relation to quantum, tenure, clustering, and the provision of wheelchair units. We welcome the additional wheelchair unit being provided on this site.
- 4.120 After comprehensive discussions with the applicant, we accept that the applicant is unable to meet the following: provision of flats, 4 bed house and 3 bed 5 person houses on this site. We accept in this instance the constraints of the proposed modular construction which mean the above are not feasible.
- 4.121 It is noted the revised plans are now SHMA compliant offering a SHMA mix of 76/24.
- 4.122 Based on a scheme of 48 dwellings with a provision of 17 affordable dwellings:
- 76% Social Rent i.e 13 affordable homes – to include 2 wheelchair units
  - 24% Shared Ownership i.e 4 affordable homes

### **Social Rent**

- 2 no. 2 bed 4 person wheelchair houses @ 93.4m<sup>2</sup> Plots 01 and 02
- 7 no. 2 bed 4 person houses @ 81.9m<sup>2</sup> Plots 15, 16, 27, 31, 32,45, 47
- 4 no. 3 bed 4 person houses @ 88.9m<sup>2</sup> Plots 14, 26, 46, 48

### **Shared Ownership**

- 1 no. 2 bed 4 person houses @ 81.9m<sup>2</sup> Plot 33
  - 3 no. 3 bed 4 person houses @ 88.9m<sup>2</sup> Plots 17, 28, 44
- 4.123 Due to the levels on site, it is proposed to have terraced gardens of which we note the submitted Levels Strategy. Whilst we do not support terraced gardens, we note that Abri have accepted tiered gardens.
- 4.124 With regards to the wheelchair units, we accept that the access to the rear garden is compliant with M4(3)(2)(a). However, we would ask for consideration regarding levelling off of the area beyond the ramps to make a useable space as per policy PSP43.
- 4.125 Whilst we do not object subject to the above, we would welcome the view of the planning officer as part of the determination in relation to the garden levels.

## **Landscape Officer**

- 4.126 Objection:
- 4.127 The site lies within the wider east of Harry Stoke new neighbourhood which lies to the west of the M32 motorway and is accessed from the Stoke Gifford Transport link. The site is not covered by the outline permission which governs the land to the south and east but clearly sets a development context. The adjoining character area is 'Hoodlands', identified as having a traditional character with retained trees set within an open space and incorporating traditional materials such as stone and pantiles, red brick and render. The scheme assumed that it would be 'set around retained Hoodlands property' (DAS).
- 4.128 The surrounding density is 30-45dph and a height parameter of 2-3 storey and a maximum height of 12m.

- 4.129 The application site is currently accessed by a farm track directly off Hambrook Lane. As the wider development is constructed, access along Hambrook Lane will change and be closed to through traffic and the application site will be accessible from the adjoining land controlled by Crest. A revised access point has been agreed to the south-west which will connect the Hoodlands site to an early phase of the Crest development.
- 4.130 The application shows a high-density residential development with associated play and surface water attenuation. The site is roughly rectangular and is currently a mix of garden, pasture field and yard area. The site is enclosed by mature hedges and trees with larger trees on the eastern boundary and the northwest corner. The site rises from east to west, from 47m to 56m AOD. The strong slope through the site has a significant effect on the form of the development.
- 4.131 The scheme consists of 2 storey semi-detached and terraced housing. Terraced properties with frontage parking overlook the open space on the eastern edge of the site. A formal rectangular play area is enclosed by new hedges and pleached lime trees. Pavement access is now provided to both of the gateways into the park area. A separate communal garden area with seating and raised beds for communal food growing lies next to the play area.
- 4.132 These communal spaces about the sewage pumping station which whilst enclosed by a hedgerow will never the less provide an unattractive, rather industrial setting for the park area. There is a proposal tabled that the sewage pumping station could be removed at some point in the future if access to the adjoining development site infrastructure is made. East of the play area a surface water attenuation basin has 1:3 internal side slopes and a retaining structure to support the eastern edge of the enclosing embankment. The removal of the existing ash trees to the site boundary in this area due to ash die back will open up views to this part of the site. Replacement tree planting is proposed to the east of the attenuation basin.
- 4.133 The rear gardens of the houses are now provided with a single retaining wall and steps (ramps for the wheelchair units) to access the back garden. The cross fall of the lawn areas is generally 1:10 which is a constraint for conventional children's play equipment such as trampolines, bikes etc. The use of higher retaining walls between the rear gardens has allowed for generally more usable garden areas. There is a significant levels difference between rows of houses – 4m in places which will create overlooking issues between properties and gardens. The provision of rear garden hedges and fruit trees could help to break up these views and aid privacy in the long term.
- 4.134 Three areas of shared street are included in the site layout and these are treated with block paving to the roads with a contrasting block paving to the parking areas. This will help to improve the street scene compared to tarmac and will help indicate the shared nature of the environment. The principal roadway has a pavement, street trees and visitor parking which helps define the road hierarchy.
- 4.135 The site sits within the wider Harry Stoke new neighbourhood which will provide an access point to the south west to allow for the earlier development of the site. A vehicle access point is shown to the northern boundary and a potential access at the head of the turning head on the western boundary.
- 4.136 The scheme however shows access for construction and intermediate access to the residents to the site being provided along the existing farm access track. In order to provide a route along here the removal of the trackside double hedgerows is required. Extensive removal of the inner half of the hedges has already taken place. The access track also provides the route for surface water from the roadway, foul sewer and water main.

#### Impact of the development:

- 4.137 The reduction in unit numbers has allowed the site layout to be modified. House platforms and private gardens now sit outside of the existing boundary hedgerows. Some space has now been provided to allow access to maintain the hedgerows on the northern boundary in particular.
- 4.138 A good quality young oak located near the northern boundary is shown being removed for the construction of plots 48-50. A replacement oak is shown to be planted in the hedgerow to the rear.
- 4.139 The impact of the turning head on the western boundary hedgerow remains as a cause for concern as it severs the connectivity of the hedgerow. Its construction to the centre line of the hedge to avoid a ransom strip to the adjoining land increases and makes permanent the severance. It is therefore especially important that all gaps on the eastern hedgerows are made good with additional native planting to ensure a continuous habitat feature is maintained.

#### Boundaries

- 4.140 The plans show a chain link fence to the eastern, northern and part of the southern perimeter of the site. This would appear to be unnecessary given the intention to maintain the boundary hedgerow as a robust and thick feature. The fence will inhibit the replanting and maintenance of the hedge and is not required for security, given that all the gardens have solid fences.
- 4.141 Retaining walls to principal road frontage. I note that these are proposed to be pennant stone, which is welcomed. Given that some of the retaining sections are up to 1.8m high details should be provided to show how the walls step and how the enclosure of the gardens is handled.

#### Attenuation basin

- 4.142 Further work is needed on the profiles of the basin to create a more naturalistic appearance and to modify the current square corners. A 'fall restraint protection' is noted as being required at the top of the retaining structure but no indication of the design is given. This will be a relatively prominent feature given the lack of screen planting. A continuation of the use of the estate railing might be the most appropriate solution.

#### Tree planting within verges and hard surfaces

- 4.143 Tree planting in narrow beds or hard surface areas need to have adequate soil rooting area provided either under the adjoining parking or pavement, and of a volume commensurate with the scale of the tree. Fastigate species can have large soil volume requirements too.
- 4.144 The extent of the root barrier proposed for trees within verges is considered too extensive in depth. It is only necessary to protect the upper layers of road and pavement construction. 600mm is more than adequate for this task.
- 4.145 I would recommend the replacement of the Pyrus alongside the open space with a larger scale, broader canopy tree species as there is no restriction on space here and this street is now a through route. The extension of the tree pits will be required under the adjoining pavement areas to provide adequate soil volume but this will also benefit the proposed tilia to the edge of the play area.
- 4.146 There is space to provide a tree within the frontage hedge to plot 47 now that the attenuation areas have been repositioned. This would be useful in breaking up the run of frontage parking.

- 4.147 I would recommend that trees within frontage parking should be covered by the management company as this helps ensure their longer term success.

#### Communal garden

- 4.148 The possible removal of the sewage pumping station at a later stage would allow for a more attractive and usable garden area to be developed. Provision within the management plan should be made for community involvement with future changes to the community garden.

#### Impact on existing trees and hedges

- 4.149 The repositioning of plot 13 has allowed for construction to be undertaken without an incursion to the RPA of the grade A oak T1 in the north-west corner of the site. The routing of undergrounded electric cables through the RPA which is implied by the drawings remain a concern. (nb. *understood these are existing to remain in situ*). An alignment under the road instead of the verge as illustrated below would allow potential damage to be reduced.

#### Impact of the proposals on the existing access track

- 4.150 The site is currently accessed from a farm track from Hambrook Lane which was enclosed by thick double hedges on banks. The lane has a stone surface with narrow grass verges in some places.
- 4.151 A Mature cat B oak tree lies at the lane entrance (T16) on a bank associated with hedgerow H7 and a grade A oak (T15)(T33 in the Crest tree survey) lies on the western side of the access lane, again located on a bank above the level of the access track and within the mature hedge line. The trees are important local landscape features, are attractive and contribute to ecological diversity. Oaks support the widest range of species of any native tree and their ecological value is increased by being located within a hedgerow feature. Mature trees make a significant contribution to carbon absorption and climate change mitigation and healthy trees with large canopies make the greatest contribution. The loss or damage to the health of mature trees has a wider climate impact and must be avoided.
- 4.152 All trees within the site are covered by the area TPO for the wider Harry Stoke new neighbourhood.
- 4.153 The hedges were surveyed and identified as being important under the hedgerow regulations due to their age within the survey work undertaken for the wider new neighbourhood area. There is agreement that the eastern hedgerow H7 is species rich and important under the hedgerow regulations in this regard. Both hedges H7 and H8 are important under the hedgerow regulations due to their age, being referenced on a plan from 1839 in addition to the tithe map. The site boundary follows the centre line on the hedge on both sides.
- 4.154 The previously substantial hedgerows have been significantly cut / removed along the length of the track, particularly H8 leaving the western hedge sparse and gappy in places. The hedgerows at the site entrance has been significantly cut back, exposing the roots of the grade B tree which forms a prominent feature on Hambrook Lane.
- 4.155 The hedges and trees associated with the access to Hoodlands were in good condition and formed an important element of the local landscape character. The overall design of the Harry Stoke New Neighbourhood within which the site sits assumes their retention as part of the site layout and forming an element of the green infrastructure network.

- 4.156 Photos show hard pruning of the hedge at the site entrance which has led to some root exposure of the hedge and T16 as shown below but the hedge still lying close to the edge of the gravel access track for most of its length.
- 4.157 The extent of the original hedges is not shown on the tree survey plans. The canopy spread is shown as reaching the edge of the gravel part of the access track and the RPA of T16 is around 16m diameter and that for T15 of 25m diameter, substantially beyond the canopy edge. The oak within the southern side of Hambrook lane is not identified individually.
- 4.158 The scheme utilises the existing farm access which is a single lane track with mature hedges to both sides of the lane to access the development onto Hambrook Lane and not in line with the wider development plan which allows for access from the adjoining development.
- 4.159 The scheme incorporates a continuous pavement of 2m along the length of the access road together with a road 5.5m wide road. The road has passing places and a local narrowing is provided in order to negotiate oak tree T15 with a pinch point and the pavement edge retained by a section of retaining wall around the base of T15. The road line is taken above existing ground levels in this location in order to be above the root line. The use of a cellular system of road construction is proposed around the tree to reduce damage to the root plate.
- 4.160 The scheme requires the removal of the remaining section of hedgerow between T15 and T16. At present this is the only portion of the hedges which remain in an undamaged state and at their full width. It is clear that this further work will not only remove the hedge but will further damage the roots of T16 as the bank is shown removed on its northern side as well as its western.
- 4.161 The modular construction method proposed for the site requires large vehicles for its transportation and these need a large arc to turn off Hambrook Lane. The access track is also proposed as the route of services, the foul sewer and a surface water management system incorporating a length of attenuation crates. Whilst the attenuation design has now been modified to avoid direct conflict with the RPA of T15 the service runs will all require excavation within the RPA, a further series of threats to the health of the tree.

#### Landscape impact of the development

- 4.162 Despite the present extensive hedgerow removal prior to the current application, further removal of H7 and sections of H8 including its associated bank is proposed in order to accommodate the road.
- 4.163 The works proposed in order to provide vehicular access to Hoodlands along the current access track for 48 dwellings necessitates the removal of substantial sections of the lane side hedges H7 and H8 associated bank feature. The land ownership boundary is stated by the applicant to run down the centre line of the hedges and therefore just removing the hedge to one side of the lane and preserving the other has not been possible as inadequate space exists.

- 4.164 Whilst replacement hedge on the east is indicated in the long term space is not available to replace the western hedgerow. The proposed road and pavement widths vary along the route, however the impact of the route on the existing vegetation remains extensive and significant.
- 4.165 The Landscape scheme proposes long term the removal of the road access following completion of a vehicle access from the adjoining Harry Stoke new neighbourhood into the development site. The proposal indicates the downgrading of the route to a pedestrian / cycle route with planting of hedges and hedgerow trees.
- 4.166 The ground raising undertaken with the scheme along the route is not removed with the line of the pavement of the west retained with a section of the roadway. The position of the cycle path in this location removes both the bank feature and prevents the replacement of the western hedgerow as the path lies close to the ownership boundary. Therefore the width and robustness of the western hedgerow cannot be repaired in this scheme. The poor relationship between the retained oak tree and the pavement and retaining wall appears to be kept also. A reduction in the area of tarmac on the eastern side of the track is shown with some modest re grading. This would allow space for some replacement hedgerow planting along the east but the bank feature is lost. The replacement hedgerows will not adequately compensate for the destruction of the historic hedgerow.
- 4.167 At the site entrance the proposed road alignment on the east side cuts further into the bank at the base of T16 where the roots are currently exposed and substantially into the root zone to the north side of the tree where the new road and earthworks cut back a metre beyond the edge of the embankment. The extent of these works will affect the health and stability of the tree.
- 4.168 The wider area masterplan for Harry Stoke New Neighbourhood allows for vehicular access to the site from the northern side of the site with the potential for the current access track to be used as a pedestrian/ cycle link to Hambrook Lane. The applicant shows a restoration scheme for Hambrook Lane which removes the separate pavements and restores the hedge line to the south side of the lane. The proposal in relation to Hambrook Lane is considered to be acceptable.
- 4.169 In order to provide vehicle and pedestrian access without the link from the wider development site, engineering works within the root protection zone of the category A tree T16 are proposed. The scheme removes a section of the hedge and bank within the RPA of the tree and shows construction of roadway and pavement close to the trunk of the tree. This appears to be an approach which contains a risk to the long term health and well being of the tree which could be avoided, particularly as this still represents a substandard highway solution.
- 4.170 The final long term restoration proposal shows the retention of T16 the existing oak tree, the extent of the engineering works is likely to affect the long term health of the tree given the extent of engineering works proposed within the RPA.
- 4.171 Whilst new tree planting is shown along the access it would take many years before they replaced the value of the existing mature oaks visually and as wildlife habitat.
- 4.172 The damage to the hedges and trees required for this proposal are contrary to policy CS2 which requires existing and new GI to be planned, delivered and managed with regard to conserving and enhancing landscape character. This scheme is contrary to the planned GI network identified as part of the overall plan for East of Harry Stoke. The access track hedges were identified for retention and enhancement within the illustrative framework diagram for the SPD and have continued to be considered as important for retention.

- 4.173 CS1 High quality design, requires development to demonstrate that existing features of landscape, nature conservation, heritage or amenity value are safeguarded and enhanced through incorporation into development. It is clear from the proposals that these objectives have not been achieved in relation to the hedges and grade A trees and therefore are contrary to policy.
- 4.174 CS9 and PSP2 requires development to preserve landscape features such as trees, hedgerows and woodland. The damage to the important hedges and trees required to access the site make the scheme contrary to this policy and unacceptable given that a suitable alternative access is available. PSP3 requires that the loss of vegetation is minimised where it has ecological, historical or landscape value.

#### Landscape Conclusions

- 4.175 Changes to the site layout and materials have made improvements to the principal site design and is now acceptable subject to minor details of design.
- 4.176 The impact of the proposed site access arrangements remain damaging to the hedges and trees which line the lane.
- 4.177 Given that the wider masterplan allows for an acceptable access point to the site with minimal disruption to important trees and hedges, there are no overriding requirements which justify the damage to the trees and hedgerows inherent in this proposal and contrary to South Gloucestershire policies C1, C2, PSP2. The proposals to down grade the access following completion of the alternative access will not compensate adequately for the damage to the existing mature trees and important hedges from the engineering works required including extensive service runs, given the relatively short timescale for the alternative access to become available.

#### Lead Local Flood Authority

- 4.178 The following is a combination of responses to the following submitted documents;

#### IMPORTANT COMMENTS:

##### FOUL WATER DRAINAGE:

- 4.179 Whilst we appreciate the foul sewer on Hambrook Lane referenced on Dwg: HST-STR-SW-GL-DR-C-SL-1905 P9 is in the process of being constructed, we require clarity regarding the timescales for commissioning the network and confirmation that the applicant has a right to discharge into the network.
- Evidence will need to be submitted.
- 4.180 We also query whether Wessex Water have entered into a Section 104 agreement with Crest Homes?
- Confirmation is sought.
- 4.181 We would endorse the Condition recommended by Wessex Water (submitted 10/12/21) to reflect Condition 18 of the Outline Planning Application for the wider East of Harry Stoke Site as shown within Section 3.

## SURFACE WATER DRAINAGE:

- 4.182 Southern section of the interim access road:
- 4.183 We note the necessity to provide porous construction to the road such that water and air may permeate through the ground to the adjacent tree roots, but that infiltration is not relied upon for the critical drainage design. In the higher order events, we understand that water will run across the surface of the road and enter the surface water drainage network via road gullies. It is accepted that a thrust bored / micro drilled technique will be used to install the pipes beneath the Root Protection Area (RPA), under supervision of an arboricultural specialist (as per Sections 3.29-3.46 and Plan 3 of the Arboricultural Impacts Assessment).
- 4.184 We/LLFA would not offer any objection from a drainage point of view however we are aware that SGC Highways have concerns regarding the location of some aspects of the surface water drainage network (hydrobrake, gullies and gully connections) in such close proximity to the RPA and therefore would be guided by SGC Highways at detailed design, regarding this matter.

### Response to updated documents

- 4.185 We are satisfied with the response from the applicant regarding the increased number of proposed attenuation tanks on-site. The reasoning behind the increase is to ensure they are set away from the adoptable highway so there are no issues with the proximity of the tanks to the adoptable highway. Two of the proposed tanks are located underneath private parking spaces, therefore at detailed design stage within the Ownership and Maintenance Responsibility document it needs to be clearly stated that the tanks will be privately owned and maintained by a private management company and not the responsibility of homeowners.
- 4.186 We note that an illustration demonstrating that the inspection chambers and vents has been provided rather than a definitive location and in principle this is acceptable to us. We would require the vent pipe to be included within the model at detailed design stage to ensure there is no loss in volume of the attenuation tank and that the water level does not rise above this level within the manhole.
- 4.187 We have concerns with the proximity of the basin to the 'Shared Surface Road' however this matter can be discussed in more detail at detailed design stage.
- 4.188 We had also noted on '**HST-NTA-XX-XX-DR-L-PL-0507-P05 Community area pump station removed**' two new trees are proposed which may restrict accessibility to the drainage basin so we would require these to be re-located/removed. There has been no response or action taken on this comment.
- 4.189 There has also been no response to our latest comments where we requested evidence to be submitted that the proposed 1l/s discharge rate was betterment on existing. Also to our concerns of the hydrobrake becoming regularly blocked. Due to the fact that we do not have a definitive answer on which proposal for the interim access road drainage will be utilized as the applicant is reliant on off-site works being completed which are out of their control, we have written a specifically worded condition to ensure this is covered.

Aspects to be provided at detailed design stage covered by following proposed conditions

**Condition 1 – Interim Access Road**

- 4.190 Prior to commencement of any development the confirmed method of surface water disposal for the interim access road must be provided. If the existing highway drain located in Hambrook Lane has not been upgraded by the commencement of these works, then detailed design for the agreed alternative method of the access road surface water disposal method is for it to be pumped into main site drainage infrastructure. Therefore we would require the submission of a separate Surface Water network ownership and maintenance document which sets out, but not limited to details of who will own, and be responsible for maintaining the pumping station, setting out who (Full Name, address and tele number of PMC) will receive notifications and respond when pump failures occur, any incorporated notification alarm systems, backup methodologies for exceedance and/or extended failure periods, and a bespoke, cohesive maintenance regime.

**Condition 2 - SUDS**

- 4.191 No development shall commence until surface water drainage details including SUDS for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority.

**Condition 3 - Foul Water Drainage (PT16/4782/O Condition 18)**

- 4.192 No development shall take place until a foul water drainage strategy is submitted and approved by the LPA in consultation with the sewage undertaker. The scheme shall include appropriate arrangements for the points of connection and capacity improvements required to serve the proposed development phasing and shall be completed in accordance with the approved details and to a timetable agreed with the LPA.

**Lighting Engineer**

- 4.193 I've had a look at the revised lighting strategy, and I still find it difficult to provide you with technical comments with consideration given the lack of technical information submitted with the Application. On the latest revision of the lighting strategy (Rev P7 – 03/02/2022), there's still no specification of the desired material (not for the adopted, nor for the private lights, no isolux plan, no ULR calculation, no identified lighting class, no calculation results showing compliance). I've also had a look on the planning portal but found no further information.
- 4.194 The indicative column positions don't suggest compliance with the relevant BS (for instance: no "header columns" for junctions)
- 4.195 I am not sure how did the applicant position the columns with no lighting design to support the proposed locations?
- 4.196 Also, the proposed trees / vegetation were completely removed on this latest lighting strategy - I would find this unusual for new developments.
- 4.197 To condition the proposed external lighting is not the best way forward unless it can be ensured that the proposed vegetation plan (especially the proposed trees) would not get fixed at this stage and that there would be enough scope to move / remove proposed trees as required to achieve a sustainable external lighting scheme.

## Public Open Spaces Officer

- 4.198 No objection subject to further information, conditions and S106:
- 4.199 Two Community Hub & Play plans have now been submitted, one with the foul pumping station, one without. The pumping station is a temporary apparatus needed until the adjacent developments are built out and this development can connect to the new foul sewer by gravity. The Drainage Strategy only shows the 'initial' build option with the pumping station and rising main. A mechanism for later conversion of the pumping station land to POS will need to be included in the S106
- 4.200 There are still anomalies between POS Plan rev P5 and Adoptions and Management Company Plan rev 6; land cannot be both POS and adopted highway. Applicant states, "*The changes sought to the POS Plan are noted and will be updated in due course to inform S106 discussions*". There are still conflicts between these plans. The POS plan would be included in the S106 and can be referred to as indicative to allow for finalisation once it is known exactly which road verges would be adopted by the Council. The Adoptions & Management Company Plan should be conditioned, if it is to be an approved plan (bearing in mind S38 adoption goes through a separate process).
- 4.201 *Tilia cordata* 'Greenspire', *Quercus robur* 'Fastigiata' and *Acer campestre* 'Streetwise' are proposed in the road verges; these grow into substantial sized trees (*Tilia* 10m x 5m after 25yrs, *Quercus* 15m high x 4m wide after 25yrs and *Acer* 7m high x 3m wide after 25 yrs). A condition would be required for tree pit details, providing adequate rooting volume to ensure the trees thrive in the long term. We discussed the issues of adoptability of highway with cellular soil confinement or the zone of influence of the highway adjacent to it at our recent meeting but without a resolution. The Adoptions & Management Company Plan, HST-JTP-SW-GL-DR-A-SL-5013 rev P7 currently shows all of these as adoptable highway, and the POS Layout, HST-JTP-SW-GL-DR-A-SL-5012 rev P7 shows some of the same verges as ancillary POS. Land cannot be both POS and highway, and I feel that the Adoptions & Management Company Plan would need to be conditioned, and the POS Layout referred to as indicative in a S106, to allow for resolution of what will and will not be adopted by the Council as Highway Authority.

### Play Area/Community Hub

- 4.202 The applicant wishes this to be conditioned. All aspects would be subject to condition. Please note I consider vertical bar fencing to be less likely to be climbed over than the proposed horizontal bar and bowtop is also more dog-proof for the play area, even with mesh on the lowest section - No comment from applicant. Play area and community hub to be conditioned but please see my concerns below.
- 4.203 The grow area fencing should be made mammal-proof. No comment from applicant – would be dealt with under the condition.
- 4.204 Drainage Strategy HST-STR-SW-GL-DR-C-SL-1905 Rev P8 shows min 1,000mm cover beneath play area to top of tank but neither the inlet and outlet pipes, nor the locations of the vents/jetting points/inspection chambers have yet been shown. As noted previously, there is a risk these might compromise the layout of the play area, as such apparatus cannot be situated within the impact attenuation area of play equipment. The applicant failed to respond on this matter in the consultation tracker. I fail to understand why vents/inspection cover locations cannot be shown now; these could severely compromise the play area and community hub layout.

### Outdoor Sports Facilities

- 4.205 The applicant has agreed (3.41 of the PS) to provide an off-site contribution towards Outdoor Sports Facilities; this is acceptable.

### Public Art Officer

- 4.206 If the application is approved, the Council should apply a planning condition for a public art programme that is relevant and specific to the development and its locality. The programme should be integrated into the site and its phasing plan. This application makes no reference to public art in its Design and Access statement nor has a specific document relating to public art. Therefore, the condition should require a public art plan including artists brief and long list of artists to be agreed prior to work commencing out of the ground. The public art plan should be devised and managed by a public art professional to ensure a high quality scheme.

### Sustainability/Climate Change Officer

- 4.207 No objections to the submitted Energy Statement following revisions and clarifications - subject to conditions:
- 4.208 Heating and hot water: Further details of the heat pumps to be installed in each dwelling should be provided prior to commencement. These can be secured by condition if necessary. I also recommend that we condition installation of the heat pump in each dwelling.
- 4.209 EV charge points: Details of the 23 EV charge points to be installed should be provided prior to commencement.

### Tree Officer

- 4.210 Objection:
- 4.211 A further update to the AIA is required for Figure 5 cross section showing T15 should be changed to include a small retaining wall at the back edge of the footway as shown on the revised drawings. As per Highways comments.
- 4.212 Tree T15- the proposals for this tree are as follows.
- Minor crown lift to facilitate movement below the tree- not detrimental to the health or longevity of the tree.
  - Installation of cellular confinement system- avoids compaction and allows root growth.
  - Removal and resurfacing operations overseen by the Arboricultural consultant-to prevent root damage.
  - Proposed drainage installation via boring under watching brief to go under roots within the RPA. Diameter of pipes limited to 150mm.- to avoid damage within RPA
- 4.213 Remaining issues for Tree T15 are:
- The drawings for the cellular confinement system show installation not consistent with the manufacturer's instructions for installation. This will need to be clarified as a viable option by the manufacturers or the design altered to comply with the updated design proposal which does not add to the compaction of the soil in the root protection areas of the trees.
  - The removal of the hedgerow within the site boundaries has also added to the reduction in structural integrity of the bank at the entrance to the site where T16 is growing. It is clear that there is an issue with acceleration of the erosion of the bank and there has recently been fitted some protection within the RPA which is assumed to be to give some stability

to the crumbling bank. The issue is that this is the root protection area of this tree and there are exposed roots due to this erosion. This is detrimental to the health of the tree as root damage is reflected in the canopy of the tree where this damage is mirrored by branch die-back. For this reason, the extra excavation planned within the RPA of the bank is not acceptable due to the already compromised nature of this tree and bank. Overall, it is considered that this tree is in a vulnerable condition.

- The proposed retaining wall's (arrow 1) foundation depth is not acceptable to protect against movement and therefore the required depth for this structure in the proximity of this tree is somewhere nearer 4m deep. Obviously the excavation within the root protection area would be devastating to the trees roots and the overall long term health and stability of the tree.
- Further to discussions with Highway Structures, it is confirmed that an alternative foundation method such as 3x piles with a ground beam would be acceptable. This method is also acceptable from an Arboricultural perspective provided that the piles are placed in order to avoid major roots of the tree. The work specifications will need to be clearly set out within an Arboricultural method statement and the installation of the piles and ground beam and associated ground protection will require an Arboricultural watching brief. All updates will need to be reflected in the Arboricultural documents and Tree Protection plan.

4.214 Tree T16- There are still concerns for this tree however it should be retained as agreed by all parties. The AIA sets out the works required and there is a clear proposal for remediation works for the future improvement of the rooting environment of the tree which will enhance its conditions and aid recovery following the construction and pruning works should they take place. The Arboricultural consultant will be required to be present during all works to this tree. Within and in close proximity to the RPA of the tree.

4.215 The remaining issues with T16 are (Arrow1) the angle of installation of the cellular confinement should be reduced and levelled with sand, it can then be top dressed in such a way as to raise the levels to the desired height. This will need to be addressed with the Arboricultural consultant at the design stage and also reflected in a detailed Arboricultural method statement.

4.216 Arrow 2 shows the position of the retaining wooden structure. In accordance with the Highway Structures Engineer's comments this structure is not sufficient for the job it is designed to do, and it is likely that it will degrade rapidly particularly if vehicles are coming into contact with it. As expected, to occur given the extremely tight margins for error shown in the vehicle tracking. If this is the case then the further erosion of the bank can be expected which would be unacceptable.

4.217 Further to this, the requirement that there should be a 600mm gap between the kerb edging and any structure, in this case, the retaining structure, means that the actual position of the proposed retaining wall would in fact need to be much closer to the trunk of the tree than it is currently shown (arrow 3 approx. new position). This of course would be unacceptable given the detrimental impact of the health and structural condition of the tree offering it no long-term prospect and requiring its removal. Therefore, the only solution to fit the retaining structure and entrance design in would require the entire proposal to shift to the left closer to the opposite boundary and further away from the tree.

- 4.218 In conclusion, it is clear that given the number of required areas for Arboricultural watching brief that are required there is a very large possibility of harm occurring on the site should any of the operations not be entirely precise given that there is really no margin for error.
- 4.219 Therefore unless the redesign of the entrance can take place and the proposed retaining wall near T15 changed in accordance with the comments above then there is an Arboricultural objection to this proposal on the grounds of the harm to the existing trees T16 and T15.

### **Urban Design Officer**

- 4.220 Objection:
- 4.221 In so far as the potential for accessing the site, along the lane temporarily, I defer to my DM, landscape and transport colleagues. The SPD and wider EoHSNN permission (PT16/4982/O) and approved Phasing Plan make provision for alternative accesses into the site and seek to retain the vegetation along the lane, thus downgrading it to a foot/cycleway. I therefore see no reason for any works that will inevitably lead to the removal or serious harm to the hedges and TPO trees.
- 4.222 Shared space has now been provided. It remains though rather rudimentary, with expansive areas of grey and 'Traditional' block paving. Block on junctions is often resisted by streetcare due to turning movements of heavy vehicles, but this should be checked as this is not a bus route. Copenhagen style crossings create a more defined threshold into the space in combination with a change in material. The crossing space into the play area should be more defined, particularly given the number of parked cars and therefore reduced visibility. Tree planting is rather sparse still. Is there potential for a feature tree of significant scale on the NW corner of the play space to provide enhanced canopy cover & shading etc. The space would benefit from a third material to define pinchpoints and thresholds etc. Further consideration is required.
- 4.223 The layout has changed, omitting the vehicular access to the east. The wider East of Harry Stoke New Neighbourhood masterplan shows a focal open space area and allotments nearby to the east of Hoodlands Farm and the approved access & movement parameter plan shows a secondary vehicular route. Given the proposed land-uses to the east, I consider that as a minimum a ped route should be provided to the eastern boundary. I also note that the 'Hardworks Plan' fail to show the northern vehicular route extending to the legal boundary. This should be amended accordingly.
- 4.224 A single raised table from the front of plot 19 to side of plots 25&26, in block would help tie this key space together visually as well as emphasise the necessity for very slow traffic speeds past the play area.
- 4.225 In terms of the architecture/appearance the very simple modern forms and styling is not objectionable. The gable fronted units though clearly provide an element of character to the scheme. I would request that plots 40-50 are also gable fronted to really make more of a distinct statement around the central area, creating a distinct space in amongst the wider East of Harry Stoke scheme. – *this has since been amended*
- 4.226 I note that bricks have not been specified. The success of this simple architecture really does rely heavily on the quality of the brick and tiles so request that these are specified. The materials plan is confused indicating 'options' and fails to specify tiles. Flat uninspiring grey brick in particular, is challenging, as it can leave a building appearing unfinished. The local vernacular is though characterised by the use of pennant stone, so there is a rationale for a

modern brick interpretation. The Wain Homes scheme on the site north of railway has specified a grey brick on some of its dwellings. I would thus welcome some options. - Clarification and brick products still required.

- 4.227 There is really no rationale for buff brick in the district, although it has been used in the locality in recent decades - Buff is still specified and should be deleted in preference for a characterful red brick. Note the surrounding land is defined in the wider EoHS DAS & Phase II coding as the 'Hoodlands' character area. Style & materials are specified as 'traditional' in nature; recon stone, render and red brick. Whilst the simple contemporary styling of the Boklok product is satisfactory it should stay within the wider colour palette so it complements the wider site as opposed to jarring with it.
- 4.228 Historically, as mentioned, South Gloucestershire is characterised by pennant stone, render and some red brick. Quoining around the windows is also locally distinct, in red or yellow brick. Some response to the local vernacular should be further considered. Other than some stone walls the scheme still offers little in the way of a response to local distinctiveness requirements.
- 4.229 Plots 31-33 should be provided with gable fronts to complete the square frontage. In terms of materials a uniform approach to the square would also help to define it, i.e. by switching plots 24/25, 31-33, 40/41 & 42/43 to material palette B. Products still require specification. The quality of materials can make or break a scheme. The NPPF now requires developers to deliver 'beauty' etc. Clarification is therefore required of the quality of material that is being proposed ahead of determination.
- 4.230 The pennant stone wall is welcome; however, it should be extended to side/rear boundaries of plots 31, 41 & 42 for consistency and thoroughness. A stone wall detail should be submitted (by condition).
- 4.231 Objection. Amendments and clarifications are required in accordance with the above comments to ensure a high-quality scheme.

#### **Waste Officer**

- 4.232 Comments for further consideration:
- 4.233 With regards to this scheme there are two areas that I feel need further consideration. I would like to see the collection locations indicated for all properties. Whilst there are communal locations indicated for properties 42-48, 34-41 and 8-13 there is no indication for the collection locations of other properties on the site. Presumably these are to be at the end of driveways for each property but would be good to establish this.
- 4.234 Secondly if there are private driveways on the development the councils waste contractor, SUEZ will not enter these roads. Therefore, the collection locations for waste containers should be by the adopted highway to minimise walking distances and the waiting time for the vehicle on the road as crews empty containers and return them to the collection point.
- 4.235 SUEZ would not drive on private road unless there was an agreement with the landowner that they were happy for them to do so and that the road surface/structure was suitable for their vehicle. They would also want an agreement with the landowner they would not be liable for damage to the private road if they were happy for them to drive on the road to carry out waste collections.

4.236 Where an agreement cannot be reached then we would ask for the containers to be brought to the adopted highway for collection.

### **Other Representations**

4.237 A letter of support for the application has been received from Cllr Steve Reade making the following comment:

I understand that the assessment of this application is approaching a point of decision. As you will be aware the council is keen to support the use of modular housing construction methods and encourage new entrants into the housing market in South Gloucestershire. Can you therefore regard me as being supportive of this application in principle, and I should welcome the opportunity for members to review the officer assessment before any final decision is made.

4.238 2 objection letters have been received by local residents, 1 from a local councillor for Frampton Cotterell Parish Council and 1 from a local resident. The following matters are raised:

Letter from councillor raises following:

- Lack of appraisal of the effects of demolishing the old buildings and a carbon loss/gain analysis for the site that take that into consideration.
- Continued infilling of the land in this area means that many links to the past and heritage features are being lost.
- You are retaining hedgerows and most of the trees which is good, but I am sure that there will be other developments proposed around the site and gradually biodiversity gain will be lost as grassland species of bird lose habitat, for example.
- Without the protection of a nature corridor here, the degradation of land will continue and any chance of improving land across the area for biodiversity gain will be lost - will ultimately reduce overall regional biodiversity.
- By retaining the existing buildings and having a larger area of green space including ponds and woodland, you could create the possibility of a long term green corridor in the area. Less profit for you but a lot better for biodiversity and climate change amelioration.
- This is especially important in this area where so much development is removing farmland and the pollution levels are high due to very congested road networks.

4.239 The second objection raises the following points:

- Astonished that a proposal to build so many homes has been proposed in such close proximity to motorways and major routes at a time when there is no vision for a subsidised and accessible public transport system which could effectively reduce the car traffic.
- The proposed development is within an area with 2 motorways, and 2 busy roads, one of which is a 6 lane dual carriageway, as boundaries. Whilst the air quality report considers that as the development is more than 30 m from a very busy road and more than 50 m from a major source of nitrous oxide, this conflicts with the public health effects of poor air quality on lung health.
- This proposal is in an area with already poor air quality at levels which will affect health and the exact effects of pollution on childhood asthma are still uncertain.
- We have recently had the first Judgement linking pollution to childhood death and there are likely to be more test cases as a result. I therefore object to the proposal on the

grounds that it will have long term health costs, which are yet to be clearly understood, for the individuals living there and for the local health services

## **5. ANALYSIS OF PROPOSAL**

### **Principle of Development & East of Harry Stoke New Neighbourhood Policy**

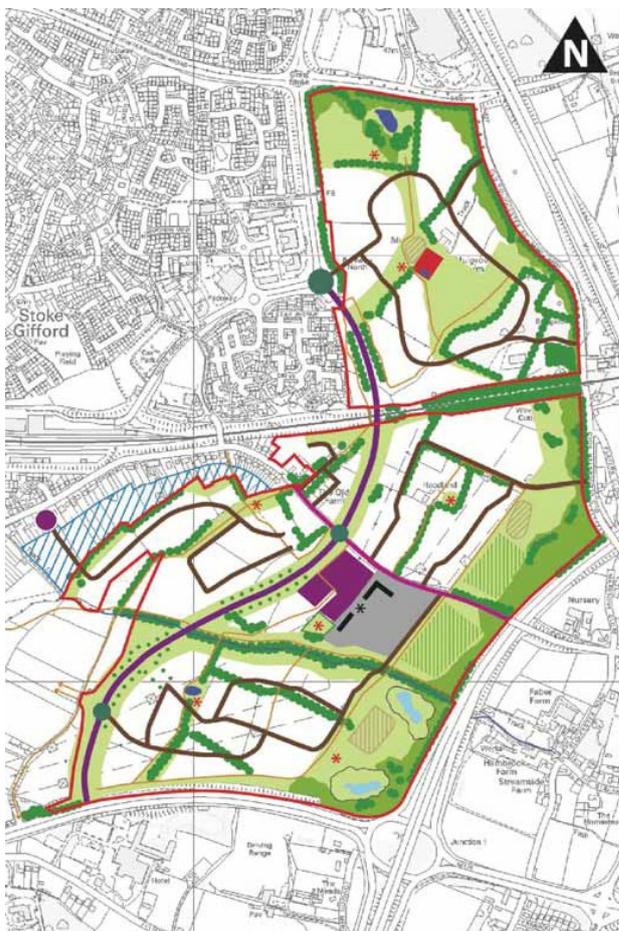
- 5.1 In establishing the principle of development, the starting point in primary legislation is Section 38(6) of the 2004 Act which requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. This is reinforced in paragraph 47 of the revised National Planning Policy Framework 2021 (NPPF). Therefore, this application has first to be considered in the context of the adopted development plan. For clarity the development plan includes South Gloucestershire Local Plan Core Strategy 2006-2027 (CS) adopted in December 2013, Policies, Sites and Places Development Plan Document (PSP) adopted in November 2017 and the Joint Waste Core Strategy.
- 5.2 A Phase 1 Issues and Approaches consultation report for the new South Gloucestershire Local Plan 2020 was published in 2021 and Phase 2 Urban, Rural and Key Issues consultation report was published in February 2022.
- 5.3 In respect of Housing Land Supply, in accordance with the latest Annual Monitoring Report (AMR) published by South Gloucestershire Council Dec 2021 and Housing Delivery Test result Jan 2022 the Council's housing supply is 6.14 yrs.
- 5.4 The Site falls within the EOHS New Neighbourhood area allocated under Policy CS27 for approximately 2000 dwellings.
- 5.5 The most important policies for determining this application are considered to be consistent with the NPPF and up to date. As such, the tilted balance in paragraph 11d of the NPPF is not engaged in this case.
- 5.6 Given the site is part of the New Neighbourhood allocation under Policy CS27, the principle of residential development on this site is considered acceptable.
- 5.7 Policy CS27 requires a comprehensive and co-ordinated approach to achieve the delivery of a sustainable new community over the Plan period and sets out the infrastructure that the New Neighbourhood is required to deliver. The allocation policy states that the *development will be comprehensively planned and phased*. It also states that developments should demonstrate that they are in accordance with the East of Harry Stoke SPD, that they should not prejudice the development of the New Neighbourhood and that they should meet the overall vision for development. How the proposed development meets the requirements of this policy is discussed further below.

### **Design and Layout**

- 5.8 NPPF paragraph 127 sets out that planning policies and decisions should ensure that developments will function well, establish or maintain a strong sense of place, are sympathetic to local character and are visually attractive. NPPF paragraph 124 states that decisions should support development that makes efficient use of land taking in to account the importance of securing well-designed, attractive and healthy places.

- 5.9 Policy CS1 requires that the highest possible standards of design and site planning are achieved, and that siting, form, scale, height, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context, and density and overall layout is well integrated with existing adjacent development and connected to the wider network of foot, cycle and public transport links.
- 5.10 Policy PSP1 requires development proposals to demonstrate an understanding of and respond constructively to buildings and characteristics that make a positive contribution to the distinctiveness of the area/locality.
- 5.11 The Illustrative Framework Diagram within the EOHS SPD (see Figure below) shows the Hoodlands site within the central part of the allocation. The hedgerow boundaries of the site and the access track were identified as being retained and enhanced. An indicative area for local play is also identified. The subsequent Crest Outline application, covering the majority (approximately 82%) of the allocation area, identified key access routes and green infrastructure corridors for retention. The hedgerows and tree along the Hoodlands track were again identified for retention and enhancement.
- 5.12 To promote the creation of high quality, beautiful and sustainable places, NPPF paragraph 128 encourages Local Authorities to prepare design guides or codes which reflect local character and design preferences. A Design Code has been approved (DOC20/00124) for Crest's residential Phase Two which surrounds the site and also applies to the section of Hambrook Lane covered by the existing vehicular access area of this application.
- 5.13 The code establishes a landscape-led approach to this part of the allocation, emphasising the importance of retaining existing habitats, enhancing green corridors and providing natural and semi-natural green spaces of which the primary purpose is for wildlife and biodiversity conservation.
- 5.14 In relation to Hambrook Lane, the Design Code states that *"The route's country lane character will be preserved and enhanced, with the retention of much of the existing hedgerows, as well as strengthening by new planting"* (p40).
- 5.15 The key principles for this area include:
- *Trees and planting will be used to reduce visual dominance of cars and other vehicles*
  - *Protect and enhance the existing green infrastructure, in particularly along the landscape corridors*
- 5.16 The extent to which this application fits with the approved Design Code for the wider Hoodlands area has been a material consideration in the determination of this application. Although, it is acknowledged that the applicant is not obliged to follow Crest's vision for the area within their approved Design Code, the New Neighbourhood must be planned comprehensively and as such the Crest Design Code is a material consideration.
- 5.17 There are currently two buildings within the Site, the main house and a detached garage dating to the early 2000's. It is accepted that the house and garage are common modern built structures with no particular design features or special historic value that would warrant protection. There is no in principle objection to the demolition of this property (subject to ecology survey requirements). The proposal to deliver 48 units across the wider site is

considered a more efficient use of land than the current arrangement in accordance with paragraph 124 of the NPPF and the new dwellings would be more energy efficient than the existing dwelling which was built some decades ago.



Source: Illustrative Framework Diagram from SPD

- 5.18 The proposed layout of the site is of a simple form with the play area and POS placed centrally with the majority of the boundary landscaping preserved wherever possible. A foul pumping station is required which is proposed to be placed adjacent to the children's play area/grow zone. This is not considered good design and Officers have raised concerns in this regard. The applicant has stated that the challenges of the site in relation to levels and the proposed drainage strategy requires it to be in this location.
- 5.19 Concerns have been raised regarding the useability of the terraced and sloping rear gardens which range from 1:10 (at the steepest) to 1:22 across the site. Abri, who may potentially deliver the affordable homes, have however stated that they would be willing to accept these terrace gardens for their affordable housing tenants. The slopes in the gardens of the wheelchair units are considered to be too steep (in relation to regulations) and as such a landscape scheme to improve the levelling of these gardens could be secured by condition.
- 5.20 The modular manufacturing process means the houses cannot be split vertically so plots have been laid out to follow the contours of the site. As shown on the Levels Strategy plan, a series of level platforms are proposed. A number of retaining walls are proposed across the site, including in between adjacent gardens and adjacent to highway to address levels. These are proposed to be managed privately as opposed to being adopted by the Council. Concerns

have been raised regarding the extent of retaining walls proposed and risk of overlooking between properties.

- 5.21 The cut and fill plan for the proposed final layout has not been updated so the full extent of earthworks required cannot be ascertained.
- 5.22 Some of the rear gardens fall slightly below the minimum size standards set out under Policy PSP43 requirements, but individually these plots are considered to have acceptable garden sizes in design terms. Additionally, some are in excess of the requirements. Overall, this layout design approach is considered acceptable. It is not considered ideal they are so sloped and require retaining features however the challenges of the site's topography are acknowledged. The houses at the top part of the site will benefit from long range views. These constraints are weighed in the balance against the benefits of the scheme.
- 5.23 Officers raised a number of concerns with the original layout and have worked closely with the applicant to secure a number of improvements to the internal layout, including:
- Pulling development back away from the boundary trees and hedgerows to retain a maintenance strip.
  - Amending the levels strategy in gardens in response to concerns that the original design of rear gardens were too steep.
  - Separating out the play area and communal grow zone so that the play area has its own separate gated entrance.
  - Increasing the number of gable fronted units overlooking the play/open space area.
  - Making changes to the area around the SuDs basin to ensure there is sufficient access for future maintenance.
  - Pulling back parking areas away from the RPA of the Grade A mature oak tree in the north-west corner of the site.
  - The original submission included two connections through to the east however citing level constraints both eastern connections have been removed and a connection added through the northern boundary instead.
  - A number of tweaks have also been made to improve on-plot landscaping, use of block paving, access to parking spaces.
- 5.24 Following revisions however the urban design officer has maintained an objection that the proposals fail to respond adequately to local distinctiveness and character objectives due to the following:
- Lack of connection through to the east, pedestrian footway as a minimum should be provided;
  - Request to turn the roofs on plots 31-33 to complete the frontage over the central square to improve local distinctiveness;
  - Materials have not been specified such as details of the bricks to be used;
  - Request for extended stone walling and wall details to be provided.
- 5.25 It is acknowledged that a number of important layout improvements have been accommodated. The outstanding matters above weigh against the proposal however they are not considered sufficient to refuse on this basis alone and have been afforded moderate weight against the development in the overall planning balance. Conditions could be secured for materials and stone walling details. The lack of an eastern connection however is considered to be not in accordance with the requirement for a comprehensive approach.

- 5.26 Overall, the level of housing provision, density and layout is considered acceptable with substantial weight to be afforded to the benefits of housing delivery.

### **Public Art**

- 5.27 The applicants have committed to providing public art on site, likely within the central POS area and a condition is recommended to secure the details of this.

### **Transport, Access and Highway Safety**

- 5.28 Paragraph 104 of the NPPF requires that Transport issues should be considered from the earliest stages of plan-making and development proposals so that the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken in to account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains.
- 5.29 PSP11 states that development proposals which generate a demand for travel, will be acceptable *where appropriate, safe, accessible, convenient, and attractive access is provided for all mode trips arising to and from the proposal.*

#### *Traffic and Parking*

- 5.30 In accordance with Policy PSP11 *Transport Impact Management*, a Transport Statement has been submitted with the application. Officers are satisfied that the transport impacts generated by this proposal have already been accounted for within the Transport Assessment submitted for the wider EOHS allocation. The proposal is not considered to give rise to an unacceptable level of traffic generation.
- 5.31 Following revisions to the layout, 81 allocated parking spaces have been provided, 8 unallocated spaces, 10 visitor parking spaces and 1 space for the sub-station. As such the parking provision is considered acceptable. The Police have raised concerns about tandem parking and the need for lighting in the parking areas between buildings and have requested a condition in this regard.
- 5.32 A Framework Travel Plan has been submitted and a full Travel Plan would be required under S106 promoting modal shift to sustainable modes of transport.

#### *Temporary Access*

- 5.33 The approved Crest Landscape Parameter Plan identified the Hoodlands track as 'retained vegetation'. At that time, it was anticipated that when the Hoodlands site eventually came forward it could be accessed from the new parcels to the north and west.
- 5.34 A previous application for Hoodlands was submitted in 2019 (P19/13908) but withdrawn by the previous applicant. This process indicated that Hoodlands could potentially come forward earlier in the allocation with suitable access. Recognising the potential benefits for housing delivery, Officers worked with Crest to agree the principle of connecting the highway through Parcel 2.1 to the Hoodlands site, thus providing a permanent, suitable access off Hambrook Lane and the SGTL. Notwithstanding that agreement being reached the application was withdrawn.
- 5.35 Reserved Matters have now been submitted for Parcel 2.1 (P22/01501/RM) showing a potential future connection through to Hoodlands. The latest Crest approved phasing plan

shows that Parcel 2,1 is due to complete by 2025. Through the Reserved Matters it is within the Council's control to ensure a suitable connection between the two sites is approved on the plans.

- 5.36 As set out within the Highways comments above, Crest's Phase 2 parcels are reliant on the completion of construction of new highways and services infrastructure works that provide a vehicular link to the SGTL. These approved works are under construction on site, due to be completed by Crest later this year.
- 5.37 It is important to note this application is reliant upon these works being completed by Crest in order to achieve a highway connection to the Stoke Gifford Transport Link, given that a right turn into the Site access track from Hambrook Lane will not be possible in the future and not acceptable in highway safety terms for construction vehicles.
- 5.38 It is feasible that construction works for laying the temporary road could potentially take place before completion and adoption (subject to Crest's agreement). However, these highways would need to be completed to at least base course before Hoodlands could be occupied.
- 5.39 The red line of this application overlaps with the Crest infrastructure works red line within the public highway along Hambrook Lane. A key consideration for this application has been the compatibility of these two applications. The approved Crest application provides a pavement along the south side of Hambrook Lane to enable pedestrians/cyclists to continue to travel along Hambrook Lane along the section that has been downgraded to prevent vehicle access. This has already been partially constructed on site.
- 5.40 To deliver the temporary access road, this recently built section of pavement would need to be partially removed to provide sufficient tracking for large vehicles to safely enter the Hoodlands access. Some additional hedgerow trimming back would be required to widen Hambrook Lane along the south side at this point. Once the temporary road is removed, Hambrook Lane would be downgraded by the applicant to pedestrian and cyclist use only. The Crest infrastructure RM had been designed to carefully minimise development works within the root protection area of Tree T32 on the corner of the track through the downgrading of this section to pedestrian/cyclists only (aside from maintaining access to the single dwelling at Hoodlands).
- 5.41 The drainage services the applicant intends to connect into along Hambrook Lane are also to be delivered by Crest in the longer term. However, there is currently no specific timeframe identified for Crest to deliver these works given that they are not required until they deliver their later phases to the east. This means that after the applicant has downgraded and surfaced the Hambrook Lane section, Crest will then (depending on the precise order of events) need to dig up the road again to continue on the drainage services to the future phases to the east.
- 5.42 The LLFA has raised concerns that the application is reliant upon these third-party drainage and foul services which are not currently built yet, discussed in further detail in the drainage section below (Paragraphs.5.85-5.91). These aspects can be conditioned but the timeframes are uncertain.
- 5.43 The applicant has said they anticipate starting on site in approximately 12-15 months' time assuming that pre-commencement conditions have been discharged, associated further site investigations have taken place and the Crest highways works to SGTL are to a suitable

access standard for construction vehicles. Given that Crest have stated in their formally approved Phasing Plan their intention to build out Parcel 2.1 by 2025 the temporary access road could therefore only be required to be in place for some 2-3 years.

- 5.44 These timeframes can only be estimated and ultimately the delivery timeframes cannot be tightly controlled by the planning authority. As such the temporary highway could need to be in place for a longer uncertain period of time. The uncertainty as to when the temporary road can be delivered and then would need to be downgraded combined with the potential for abortive construction works by different parties causing further disruption on Hambrook Lane is considered to weigh significantly materially against the proposal.
- 5.45 The Highway Authority have sought to work pro-actively with the applicant and have agreed that the temporary access would not necessarily need to be built to an adoptable standard as long as the standard it is built to is considered suitable and safe and in accordance with policy. After scrutiny of the plans and visual inspection it is the Highway Authority's view that that assessment submitted does not take full account of the extent of construction works that would be required, particularly in relation to removal and disturbance to hedgerows, hedge banks and trees.
- 5.46 The applicant has submitted a plan showing a proposed layout and landscaping arrangement for the downgraded scenario. Officers welcome that in this scenario a widened, segregated pedestrian and cycling route will be provided that will be offered for adoption by the Council. As such the route will need to be made acceptable for adoption purposes. However, it is understood that the lighting columns will remain which would prevent the corridor being made suitable as a bat/wildlife corridor. This matter remains unresolved.

#### *Access Connections to other Sites*

- 5.47 The Movement section within Crest's approved Design Code for Hoodlands shows links in to the Hoodlands site from the south as well as secondary routes connecting through the north and east boundaries that connect into the safer route to school network. The Focal Buildings section also identifies future connections through the Hoodlands site from the north, east and western boundaries.
- 5.48 The applicant's original submission showed a vehicular link and a pedestrian link through to the east. Concerns were raised by Officers over the differences in site levels (as the layout showed a drop of approximately 2m to land to the east in some places). The revised submission subsequently removed both the links. The applicant's justification that further investigation (of the levels, boundary landscaping and drainage arrangements) had demonstrated that the northern vehicular connection was preferable is accepted. However, it is considered that a pedestrian connection could and should be delivered to continue the walking network through the allocation and improve accessibility to the various play and community facilities across the different sites. It is acknowledged that a level access may prove problematic to deliver but a sloped access would still be preferable to none at all. The lack of an eastern connection weighs against the scheme in consideration of PSP11 and NPPF paragraph 104.
- 5.49 The original submitted layout did not show a connection through to the Council-owned land to the West however after concerns were raised, the revised layout now shows a highway connection to the boundary. It is understood that there are no imminent plans for development

to the west however securing the potential for a future connection through is considered a benefit of the scheme.

### *Highway Matters conclusions*

- 5.50 NPPF 111 states Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Highways Officers and Highways Structures team have put forward a number of recommendations to the applicant that would enable the unadopted road to be found suitable in highways terms. However, these changes have not been made by the applicant. These changes could be required by condition however they would then have an adverse knock-on effect on the other assessments, such as landscape, ecology and heritage. The construction details as submitted are not considered acceptable and this weighs significantly against the scheme.

### **Landscape Character**

- 5.51 The Site falls within Landscape Character Area 13 Frome Valley. The SGC character assessment (2014) for this area describes the Hambrook area as follows:  
*Sandwiched between the M4, M32 and A4174 a regular, medium to small sized field pattern is associated with the village of Hambrook, divided by Pennant stone walls, hedgerows, hedgebanks and mature trees, remnant orchards and small fragmented pasture and paddocks.*

*Although containing significant built-up areas, the Frome Valley character area includes a valuable and diverse mosaic of grassland, woodland and farmland, with a number of watercourses and ponds connected by wildlife corridors, including hedgerows and stone walls, providing important habitat for a diverse range of species*

- 5.52 The assessment acknowledges the planned development changes in the area but emphasises the importance of maintaining a green infrastructure framework as the area develops:

*Significant further changes are proposed in the vicinity of Stoke Gifford and Harry Stoke where the existing agricultural landscape will be replaced by a new neighbourhood set within a robust green infrastructure framework. This seeks to maintain the green setting to the M32 and M4 corridors, albeit with a more enclosed and wooded landscape structure. Within the development it is proposed that the development incorporates green corridors based on existing landscape features and other areas of open space.*

- 5.53 The first priority listed in the landscape strategy for this area's assessment is to strengthen the hedgerow network:

*Active management and strengthening of the hedgerow framework, trees and woodlands, including replacement and new planting, to help to ensure the conservation of these key features for the long term as well as diversity and connectivity of habitat.*

- 5.54 A Landscape and Visual Impact Assessment has not been submitted with the application to assess its impacts on the local landscape character. In general terms the principle of residential development on the main part of the site has already been assessed as acceptable in landscape terms through the allocation process. However, the use of the Hoodlands track as a main highway access has not. The rural track and its hedgerows currently contribute positively to the landscape character of the area however turning this route in to a highway and the associated hedgerow removals is considered an adverse effect. In the longer term if

the road could be downgraded and hedgerows replaced, this could provide an overall enhancement for landscape character. However, the timeframe for achieving this is uncertain given that it relies on a third party.

### **Trees and Hedgerows**

- 5.55 Core Strategy Policy CS2 states that the Council will ensure that existing and new Green Infrastructure (GI) is planned, delivered and managed – *protecting and enhancing species and habitats, and creating new habitats and wildlife linkages between them.*
- 5.56 Local Plan Policy PSP3 *Trees and Woodland* states that development proposals *should minimise the loss of existing vegetation on a site that is of importance in terms of ecological, recreational, historical or landscape value. Development proposals which would result in the loss of, or damage (directly or indirectly) to, existing mature or ancient woodland, veteran trees, ancient or species-rich hedgerows will only be acceptable where the need for, and benefits of, the development in that location clearly outweigh the loss or damage.*
- 5.57 Paragraph 131 of the NPPF states that trees make an important contribution to the character and quality of urban environments and that existing trees should be retained wherever possible. It states applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.
- 5.58 As set out within the submitted Arboricultural Impact Assessment (AIA), tree removals will be limited to low value trees only (category C and category U):

#### Main part of site

- 23 trees are proposed to be removed.
- Northern boundary (H1 – 12m section of hedgerow removed as well as trimming of 100m length back to plot boundary)
- H3 – Removal of an 80m length of planted leyland cypress hedgerow
- H5 – Partial removal of a 9m section to facilitate access to the south-west
- H6 – Partial removal of a 9m section to facilitate access to the west

#### For temporary access:

- H7 – Partial removal of 30m to facilitate temporary access
- H8 – Trimming of 75m length of access

- 5.59 A further 126 trees are proposed to be replanted on the site, including trees along the downgraded temporary access road. 48 of these are small fruit trees within private gardens and as such will be subject to private maintenance. Residents may also choose to plant additional trees and vegetation within their private gardens. Overall, Officers have accepted the quantum of replacement tree planting proposed as mitigation for the landscape removals on the main part of the site. A number of street trees are proposed however some concerns have been raised about the design of the proposed tree pits and whether sufficient space has been allowed for these trees to adequately thrive.

#### *Mitigations for Oak Trees T15 and T16*

- 5.60 The mature oak trees along the access track were identified in the original Tree Survey in the Environmental Statement for protection and retention. This is due to their status as Grade A and B feature trees which enhance the visual amenity and rural character of Hambrook Lane as well as their ecological role being an integral link in the GI network of adjacent hedgerows.

It has been mutually agreed by all parties that these trees should be retained and protected from the risk of harm from the development.

- 5.61 A number of Officers have raised concerns about the ability to protect these trees given the temporary road would be constructed through a large part of their root protection areas (RPAs). Typically development is expected to take place outside the RPAs wherever possible to prevent damage with tree protection fencing set around trees to protect them. A sensitive arboricultural method has been proposed which would involve the use of cellweb technology non-dig methods and timber (rather than concrete) retaining structures.
- 5.62 Officers have tried to work with the applicant to develop a sensitive working method that would be acceptable to all parties however it has been concluded that because the trees are so close to the road there is a high risk they will be subject to damage during the construction process. The close proximity of the trunks of the trees to the temporary road combined with the need for laying out of sub-surface drainage / utilities infrastructure as well as the use of the road to deliver abnormally large deliveries of the modular housing will put the trees at risk of damage. The current use of the lane's entrance for the turning of construction vehicles can already be clearly seen to be damaging the root structure of the corner tree.
- 5.63 Given the size, quality and maturity of these trees, it is not considered that these trees could be adequately compensated for within the development site if removed.

#### *Hedgerow Impacts*

- 5.64 The Crest Outline ES for the wider allocation places great emphasis on the importance of retaining and enhancing hedgerows, given their importance for both visual amenity and to mitigate adverse impacts on protected species. The hedgerows across the allocation area have been identified as being important foraging/commuting habitat for the local bat assemblage. Retention of hedgerows fed into the approved parameter plans, S106 and ultimately the Crest strategic masterplan.
- 5.65 The Section 106 agreement for the Outline includes a clause that prevents the removal of any existing hedge or tree other than in strict accordance with the Tree and Hedge Removal Plan. The survey and plans are appended to the S106 (Schedule 4) demonstrating their importance.
- 5.66 The Hedgerow Regulations 1997 is the primary piece of legislation governing the protection of hedges in the UK. It is against the law to remove most countryside hedgerows without permission. There is a strong presumption under the regulation for retaining hedgerows that have 'Important' status.
- 5.67 The sections of hedgerow removal on the main part of the site to the north, west and south-west are considered acceptable in order to obtain access and provide access for future land parcels. However, the hedgerow removals along the access track are not considered acceptable given that an alternative access (which will not require Important hedgerow removal) is reasonably expected to become available within a short time period.
- 5.68 The access track hedgerows are considered non-designated heritage assets given that the Tithe Map for Hambrook Parish, 1840 appears to show the hedgerows in their current location and appear to have formed an integral part of a field system pre-dating the Inclosure Acts. Although they have unfortunately been significantly reduced in width from a double width hedgerow down to mainly a single width through unauthorised damage caused by excessive

cutting back and their quality degraded within the last year, it is considered that they contribute to the rural character of the Hoodlands area and serve a visual amenity function providing a natural physical boundary to the fields adjacent.

- 5.69 The assessments submitted do not appear to have been based on a thorough, up to date survey of the access track hedgerows. The applicant has not demonstrated to the satisfaction of Officers that the temporary road can be laid out without significant further damage to these hedgerows and their associated banks, roots and soils. The impact on these important trees by the process of removing the temporary road is also uncertain.
- 5.70 For the downgrading scenario, the proposals to provide better stewardship and management of these hedgerow in the future, to replace what has been removed and further enhance and infill gaps is welcomed. The positioning of the footway/cycle way is by necessity to be laid out far over to the left of the track in order to accommodate the road. This will remove the ability to replace and enhance the hedgerow width on the left side of the track thereby leaving a rather thin strip (unless Crest are required to further enhance their hedgerows on the other side). The proposals to enhance the hedgerow on the right side and introduce new tree planting is welcomed. The retention of the 6m lighting columns in the downgraded scenario will however retain an urbanising effect.

### **Impacts on Ecology and Protected Species**

- 5.71 A number of protected species are known to be present on the site including bats, great crested newts, hedgehog and reptiles.
- 5.72 Policy CS9 Managing the Environment and Heritage states that new development will be expected to *conserve and enhance the natural environment, avoiding or minimising impacts on biodiversity and geodiversity*.
- 5.73 Paragraph 180 of the NPPF states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 5.74 Paragraph 182 of the NPPF states the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site<sup>4</sup> (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.
- 5.75 In relation to bats, the ecologist has objected on the grounds that recent bat 'activity' surveys have not been undertaken despite all the evidence indicating that the site and access track is used by for foraging and commuting. The last set of surveys was undertaken in 2016. The justification provided for not needing recent surveys is not accepted. Government guidance (ODPM Circular 06/2005) states that it is '*essential*' to establish effects on protected species before planning permission is granted and that leaving surveys to planning conditions should only occur in '*exceptional circumstances*'.

---

<sup>4</sup> Habitats site: Any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites.

- 5.76 The lighting strategy for the temporary road shows a series of standard 6m lighting columns (required for suitable highway lighting) which would not be compatible with keeping the track as a dark corridor for bats. If these columns were to remain in the downgraded scenario the corridor would be permanently lost as foraging and community habitat. In responding to these concerns, the applicant's ecologist has said that a sensitive lighting scheme for the downgraded could be secured via condition, thus acknowledging that mitigation is required in this regard. However, no mitigation measures preventing harm to bats for the uncertain period of time that the temporary road is in place have been proposed.
- 5.77 The previous ecology assessment by All Ecology for this site that accompanied the 2019 application (later withdrawn) included more detailed survey results and stated that:
- "The open field is poor foraging habitat but the boundary hedges and trees provide good foraging and commuting habitat and it is a given that at least some bats will forage along these features which may also be used as flight lines by bats moving through the landscape between roosting and foraging areas."*
- 5.78 This report recommended that *provided a suitable lighting strategy is implemented along the access track with proposed buffers to the hedges, there is no reasonable likelihood of any significant impacts on bats and no further surveys for bat activity would be required.* The report provided recommendations as to the type of sensitive lighting that should be used. It also stated that boundary hedges and trees should remain unlit.
- 5.79 Up to date surveys have been undertaken for bat roosts and the recommendations in the assessment for further roost surveys by condition are accepted.
- 5.80 For GCN, a Design Strategy has been approved for the overall new neighbourhood. An Impact Conservation Payment Certificate (IACPC) has been submitted which demonstrates the applicant's commitment to making compensation payment to mitigate for impacts on GCN. Given the importance of hedgerow retention as GCN habitat, the Council's Ecologist has raised concerns as to whether the proposals for the temporary access should be considered to meet with the legal tests under the Habitat Regulations that there are no reasonable alternatives to the development that are less harmful to the species. Seeking an alternative access arrangement for the site is likely to be less harmful to GCN habitat.
- 5.81 A Biodiversity Net Gain assessment has been undertaken with the results stating that there would be a: 26.25% (habitat gain) and 37.43% (hedgerow gain) in the interim period and 38.4% (habitat gain) and 52.7% (hedgerow gain) in the permanent downgraded scenario. These potential net gains are positive and could weigh in favour of the proposals. However, plans of the habitat units to accompany the assessment were requested but not provided (in a suitable format) to enable proper scrutiny of the assessment. Also, as a linear feature the calculator measures the hedgerows in terms of length in km only, therefore the reduction in width due to the temporary access road is not reflected.
- 5.82 The first of the Biodiversity Net Gain good practice principles (IEMA) is to 'apply the mitigation hierarchy' which is to *'do everything possible to first avoid and then minimise impacts on biodiversity'*. The submitted BNG and Ecological Assessment focus on the benefits in the long term once the road has been downgraded but are both limited in their commentary of the harm before this takes place or indeed if it did not take place. The removal/cutting back of the hedgerow in the first place is not accounted for in the calculation.

- 5.83 A series of conditions could be secured in relation to mitigation strategies for the protected species present on the site as well as Landscape Ecological Management Plan (LEMP). However, a suitable mitigation strategy for impacts on foraging and commuting bats is considered to be incompatible with the temporary road proposals.
- 5.84 Overall, Officers consider that the biodiversity harm associated with the construction of the temporary road has not been fully explored or justified in the assessment work and that impacts on biodiversity are not being sufficiently avoided or minimised in accordance with Paragraph 180 of the NPPF. Significant weight is afforded to this consideration weighed against the proposal in the planning balance.

### **Drainage & Utilities**

- 5.85 The development falls within Flood Zone 1 and as such it is at the lowest risk of flooding. A Flood Risk Assessment and Drainage Strategy has been submitted. The principle of the drainage strategy for the main part of the site, including the SuDs basin and piped connections into the off-site drainage network has now been agreed with the LLFA.
- 5.86 For foul drainage, the application proposes to lay a new 640m foul water rising main for foul sewage disposal under the temporary road. A pumping station would be located on the main part of the site to pump the sewage back up to Hambrook Lane. The Drainage strategy proposes connecting into a 'newly constructed' foul sewer on Hambrook Lane. However, this sewer connection is not yet complete and is to be constructed by Crest which will then connect to a new foul pumping station to the south, also being delivered by Crest. On completion these upgraded sewers would be adopted by Wessex Water as part of a strategic scheme that has already been agreed to support the wider allocation. The applicant has not been able to confirm when these works would be complete and what agreement is in place with Crest to use this infrastructure prior to its adoption by Wessex Water. Wessex Water have made it clear that connecting into the existing sewer system in advance of these strategic upgrades, is not possible due to lack of capacity. This raises uncertainty over the timeframes as to when homes could be occupied on the Hoodlands site as a suitable foul drainage connection, approved by Wessex Water, would need to be in place.
- 5.87 The applicant has said that when suitable infrastructure is put in place for the wider Crest site, the foul pumping station on the main part of the site could potentially be removed and reverted to POS. This would be welcomed however details of timeframes and level of commitment to this removal are uncertain.
- 5.88 Crest are in the process of upgrading the surface water highway drain capacity along Hambrook Lane. However, these works will also not be completed for the Hoodlands section for some time. In the interim it is not possible for surface water from the new road to drain in to the existing highway drain as it doesn't have sufficient capacity. Reliance on infiltration is not possible due to ground conditions and because of this the applicant is proposing to lay a 45m long attenuation tank underneath the temporary road and pump surface water run-off back up to the basin on the main part of the site.
- 5.89 Once the permanent highway access is in place, the surface water drainage infrastructure under the access track would be decommissioned and abandoned in the ground. The LLFA have agreed to the strategy in principle however they have raised concerns that no-dig

technology will need to be used in the laying of the drainage infrastructure within the RPAs of the trees along the access track. Full details would need to be submitted for approval prior to commencement.

- 5.90 Concerns have been raised in relation to the position of the attenuation tank underneath the children's play area and also two of the proposed tanks being underneath private parking spaces which would not be adoptable by the Council. At detailed design stage the LLFA would require an Ownership and Maintenance Responsibility document to ensure features are to be managed by a management company and not by home-owners.
- 5.91 An electricity supply underneath the temporary access would also be required. The Utilities Assessment states that a new high voltage connection would be taken from the existing Western Power network in Hambrook Lane some 230 metres east of the site entrance. However the full details of this have not been provided.

### **Heritage and Archaeology**

- 5.92 The application is within an area of broader archaeological activity, with prehistoric and Romano-British activity in the vicinity and as such considers there is sufficient archaeological interest to warrant further investigation. Two conditions would be secured for a programme of archaeological investigation and mitigation strategy.
- 5.93 The Archaeology Officer has assessed the Heritage Assessment submitted with the application. He is satisfied that if only small sections of hedgerow are to be removed the overall significance of the hedgerows as a heritage asset should not be unduly impacted.

### **Sustainability and Climate Change**

- 5.94 The scheme will meet with the requirements of current Local Plan Policy PSP6 standards to reduce greenhouse gas emissions by a minimum of 20% on current building regulation standards via renewable and/or low carbon energy generation sources. Air-source heat pumps are going to be included as standard, thereby future-proofing the homes for when gas boilers are phased out.
- 5.95 The delivery of the various carbon reduction features would be secured by way of a series of planning conditions which will include requiring the developer to submit a compliance statement to demonstrate that all features have been installed as per the approved Energy Strategy.
- 5.96 The Sustainable Energy Statement concludes that in terms of embodied carbon, the modular buildings offer a reduction of over 55% compared with traditional build and also reduce waste from the construction process.
- 5.97 In terms of waste, the Sustainable Energy Statement states that "*the new development aims to minimise waste throughout construction*". The statement acknowledges the downgrading of the road however provides no details as to whether or how the removed material will be able to be reused or recycled in a sustainable way. The report also does not state whether or how the demolished materials from the dwelling and garage are to be reused or recycled.
- 5.98 The sustainability credentials of the modular build weigh in favour of the proposals however the nature of the proposal will create significant construction waste in terms of the removal of

the road and temporary infrastructure which would be avoided if the temporary road is not provided.

### **Noise and Vibration**

- 5.99 The Environmental Health Team have assessed the submitted reports in relation to the noise and vibration impacts of proximity to the noise generators in close proximity of the motorway and the mainline railway. The proposed technology of the build-structure are noted to achieve the internal required noise levels. No objections are raised in this regard.

### **Air Quality**

- 5.100 The Environmental health Team have assessed the submitted air quality assessment which shows the development to be of medium risk for dust impacts during the construction phase. A dust management plan could be covered by a Construction and Environmental Management Plan (CEMP) condition and electric vehicle charging points will be provided to all dwellings. No objections are raised in this regard.

### **Contamination Land**

- 5.101 The submitted report identifies a number of significant pollutant linkages with results suggesting gas protection measures will be required. The Contaminated Land officer has not objected but has requested that firstly further monitoring is undertaken and then an investigation and remediation strategy is prepared and finally verification report submitted prior to first occupations.

### **Planning Obligations**

- 5.102 The following matters could potentially form obligations in a Section 106 agreement:

### **Affordable Housing**

- 5.103 The NPPF sets out that the need for different tenures, including affordable housing, should be assessed and reflected in planning policies (paragraph 61) and that where a need is identified this is expected to be met on site (paragraph 62). Policy CS18 of the Core Strategy requires developers to achieve 35% on-site affordable housing on new housing developments.
- 5.104 The Affordable Housing Supplementary Planning Document (SPD) sets out more detail regarding how the affordable housing will be delivered to meet the needs of the community, including that an appropriate percentage of affordable housing will be wheelchair accessible accommodation (as determined by the Strategic Market Housing Assessment (SHMA)).
- 5.105 35% of 48 dwellings generates an affordable housing requirement of 17 affordable homes, to be provided without public subsidy, on-site and distributed throughout the development. It is considered that this should be split between 76% being provided for social rent and 24% being provided for shared ownership. 2 of the affordable homes would be wheelchair accessible homes.
- 5.106 Concerns were raised by Housing Enabling about the lack of provision of flats, 4 bed houses and 3 bed 5 person houses on this site. After discussions it has been accepted that in this instance the constraints of the modular construction mean these types are not feasible on this site.

5.107 The level of affordable housing proposed is now considered policy compliant after changes were made to the tenure mix. A letter has been submitted by registered provider Abri stating that they will be delivering out the affordable housing element and 'potentially' also the remainder of the site as 100% affordable housing under their collaboration agreement with Boklok.

### **Public Open Space**

5.108 Policy CS27- East of Harry Stoke New Neighbourhood requires development proposals within the New Neighbourhood to positively facilitate and not prejudice the development of the new neighbourhood and meet the overall vision for the area including well planned and integrated green infrastructure.

5.109 Policy CS24- Green Infrastructure, Sport and Recreation Standards seeks provision of green infrastructure, outdoor space, sport and recreation facilities. Under this policy, environments for play are required to be delivered as an integral part of site design within both public and semi-private communal open space areas.

5.110 The following table provides a summary of the minimum POS requirements based on one estimated occupancy figures and any associated contributions that would be sought:

<b>Category of open space</b>	<b>Minimum spatial requirement to comply with policy CS24 (sq.m.)</b>	<b>Spatial amount proposed on site (sq.m.)</b>	<b>Shortfall in provision (sq.m.)</b>	<b>Contributions towards off-site provision and/or enhancement</b>	<b>Maintenance contribution</b>
Informal Recreational Open Space (IROS)	1,324.8	215	1,113	£32,520.36	£57,322.95
Natural and Semi-natural Open Space (NSN)	1,728	2,049 + 1,023 (at later date)	0	N/A	N/A
Outdoor Sports Facilities (OSF)	1,843.2	0	1,843.2	£107,412.30	£32,510.18
Provision for Children and Young People (PCYP)	288	288	0	N/A	N/A
Allotments	230.4	0	230.4	£2,462.17	£3,139.43

- 5.111 The application will result in a shortfall of informal recreational open space of 1113sqm against Policy CS24 and as such off-site financial contributions would need to be secured. As the Officer recommendation is to refuse then this shortfall has not been investigated further. But the Council would have otherwise need to be satisfied that the shortfall mitigation sum in the table above can be spent on a suitable scheme which would benefit the future residents of the scheme.
- 5.112 Policy compliant natural and semi-natural open space is proposed with additional natural open space in the downgraded scenario. Given the relatively small scale of the development, outdoor sports facilities have not been accommodated on-site therefore off-site financial contribution would be sought. Allotments have not been provided however a community style grow zone is incorporated.
- 5.113 A play area is proposed that meets the minimum size requirement. Officers have raised concerns about the delivery of the play area being placed over the top of the attenuation tank. Further details have now been submitted to demonstrate how this should not compromise the play area. Full details of how the children's play area is to be laid out including final specifications for equipment would need to be required via condition.
- 5.114 The areas of public open space are to be retained for private management by a Management Company as opposed to being adopted by the Council. A S106 would include an obligation to submit a scheme for future management and maintenance arrangements in perpetuity for the POS areas.

### **Travel Plan**

- 5.115 All sites of a sufficient scale in EOHSNN are expected to provide a travel plan, to reduce car journeys, particularly single occupancy car journeys, and encourage active travel and travel by public transport. A sum of £315 per dwelling is recommended, which includes for the provision of vouchers for each dwelling as an incentive to use public transport when the occupiers arrive, with the aim of putting these habits in place for future travel.
- 5.116 There are two options for securing the delivery of the Travel Plan: either the Developer pays the Council a sum equivalent to £315 per dwelling and the Council implements, manages and monitors the Travel Plan; or the Developer implements and manages the Travel Plan and pays the Council an annual monitoring cost. It is proposed that the Travel Plan is secured through a Section 106 Agreement, and the above options are included in the recommended Heads of Terms below.
- 5.117 A Framework Travel Pan has been submitted and this is considered acceptable.

### **Tariff**

- 5.118 The New Neighbourhood allocations in the 2013 Core Strategy were removed from the CIL charging tariff when the Council adopted the CIL charging schedule in March 2015. These areas including the EoHSNN are therefore zero CIL charged and are subject to the traditional s106 mechanism for securing infrastructure as mitigation for the impact of the development.
- 5.119 The EoHSNN has a number of different landowners within the allocation land. This posed a challenge for securing delivery of community and transport infrastructure as mitigation for the whole New Neighbourhood (at 2000 units). As such a tariff system has been developed as an appropriate means of securing infrastructure for the allocation as a whole. The mechanism

involves, in its most simple terms, dividing the overall cost of delivering the required infrastructure for the allocation by the number of dwellings to be provided, to determine a “roof tariff” for each dwelling unit to be delivered.

- 5.120 Officers identified all of the infrastructure required to deliver the allocation in its entirety within an infrastructure delivery plan (IDP). This IDP was then costed by the Council to create a fully costed position from which the roof tariff was calculated. A delivery mechanism paper was drawn up by Officers before the first application within the EoHSNN was determined and this went through consultation with the relevant parties, developers/landowners. The developers/landowners at the time raised no significant objections to the mechanism presented. No objections have been received since this consultation to the current time. As such this is the chosen mechanism adopted by Officers for delivery of infrastructure for the allocation. This has been approved through a number of applications being approved by the Council since this time.
- 5.121 The roof tariff relates to community, education and transport infrastructure. Public Open Space, in line with Policy CS24 of the adopted CS, will be secured separately for each application, along with affordable housing, individual travel plans and public art scheme (public art will be secured by condition).
- 5.122 As there are a number of sites likely to come forward within the allocation, with a number of section 106 agreements, previous pooling restrictions under the CIL Regulations would not allow all applications to simply pay an overall amount towards the overall infrastructure package. Therefore, the total sums required from the roof tariff are to be designated to specific infrastructure projects within the infrastructure package, also referred to as “apportionment”. The roof tariff calculated is currently £12,871 per dwelling accounting for indexation, and the total infrastructure package is £604,937, (£12871 x 47 new dwellings excluding replacement of the existing dwelling) excluding the items described separately above.
- 5.123 The infrastructure package and the apportionment of this has already been presented to Committee in the consideration of the planning applications for land north and south of the railway (PT16/4782/O and PT16/4928/O), which proposed up to 1,617 dwellings and thus the bulk of the dwelling numbers on the site, and a number of other applications for sites within the EoHSNN. These applications have permission and Section 106 Agreements have been signed on the basis of the roof tariff calculated and the apportionment exercise carried out. It is therefore considered appropriate and consistent that this work should be used as the basis for contributing towards infrastructure provision for this application.
- 5.124 The apportionment exercise has identified that this proposal should contribute towards the following infrastructure items through a Section 106 Agreement:
- i) 2.5FE Primary School
  - ii) Secondary school places
  - iii) 138 place nursery (or nurseries) within the EoHS NN allocation boundary
  - iv) Community Hub measuring a minimum of 1,280 sq.m internal floorspace, to include but not exclusively, a main hall for indoor sport, cultural performances and community and social events, changing for clean footwear outdoor sports, indoor sports and main hall use, a café, library, youth and children’s spaces, kitchen, WCs, storage, neighbourhood office plus circulation and external space including parking
  - v) Community Development Worker (alternatively, if Crest wish to take on the role through their management company rather than providing the financial

contribution, they will need to receive approval from the Council that the role is filled by a CD worker who meets a specific job description provided by the Council)

- vi) Police Community Support Officer post
- vii) Contribution towards GP surgery or extension to Stoke Gifford GP Surgery
- viii) Gypsy & Traveller Pitches
- ix) The SGTL
- x) MetroBus Stops
- xi) Footway/ Cycleway along SGTL
- xii) Hambrook Lane East Traffic Calming
- xiii) Hambrook Lane West Traffic Calming
- xiv) Hambrook Lane Footway
- xv) Toucan Crossing SGTL/ Hambrook Lane
- xvi) Old Gloucester Road/ Beacon Lane Cycle Link
- xvii) Footway/ Cycleway along Old Gloucester Road
- xviii) Beacon Lane Cycleway Improvements
- xix) Toucan Crossing South of Parkway Roundabout
- xx) Great Meadow Roundabout Capacity Improvements
- xxi) PROW Improvement at Hambrook
- xxii) Broom Hill/Frenchay Park Road Improvement
- xxiii) Contribution to new SORT IT Centre

### **Consideration of likely impact on Equalities**

5.125 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. Considerations of the needs of less physically able users in accessing the site, using the accesses, public open space areas and children's play area have been taken in account. With regards to the above this planning application is considered to have a neutral impact on equality.

## **6. PLANNING BALANCE AND 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 NPPF is a material consideration. Paragraph 11 of the NPPF states that where the policies which are most important for determining the development plan are out of date the tilted balance in paragraph d) ii) applies unless the application of policies in the NPPF that protect assets of importance provides a clear reason for refusing the development proposed. This includes policies in the NPPF that protects designated assets including paragraph 202.
- 6.3 The most important policies are deemed to be out of date if there is no five year supply but that is not the case here as the Council has a healthy five year supply of 6.14 years including 5% buffer and accounting for the Jan 2022 HDT. The NPPG also identifies reasons where policies may become out of dates, such as where they conflict with more up to date policies or

where they have been in force for a long period of time and other material considerations outweigh them.

- 6.4 The report has considered the most important policies for determining this application and concluded that overall, these are up to date and therefore the tilted balance is not engaged. The proposal must therefore be considered on an un-tilted balance applying the policies in the development plan.
- 6.5 The report has acknowledged the various benefits of this proposals, as listed in Par.1.23-1.27 above, which include the delivery of housing including affordable housing as well as a new children's play area, new highways and walking/cycling connections and the various landscaping enhancements proposed which weigh in favour of the proposal.
- 6.6 A number of objections have been raised by Officers in relation to the principle of the temporary access road in this location which is being proposed to accelerate the delivery of housing and to limit the extent of dependence on a third party for access. In simple terms, the acceptability of the proposal is broadly focused on the benefit to be derived from early delivery weighed against the harm caused by departing from a permanent access strategy which would be acceptable in planning terms and having regard to the comprehensive approach to delivering the EoHS strategic site. The harm identified could largely be avoided without the temporary access route proposed. This has been given significant weight in opposition to the development.
- 6.7 This accelerated delivery could potentially be considered a benefit of the proposal. However this benefit is tempered by its chronology. Officers consider that if this acceleration had been demonstrated to be in place for a reasonable period of time it could be afforded greater weight. Or, if there were a pressing need to deliver housing to meet short term requirements, the beneficial effects could also be afforded greater weight, even for a shorter period of time. However, given the reliance on completions of third party highways and drainage infrastructure, reliance on third party permissions, the extent of technical site investigations still required and the advanced stage that the permanent scenario has now reached with the Crest Parcel 2.1 phasing, following submission of an application for Reserved Matters Approval, the time advantage/benefit achieved by approving a temporary solution is limited.
- 6.8 Furthermore, the impacts of this acceleration in terms of harm to priority habitats, landscape character, trees and protected species are considered to outweigh the benefits of potential early delivery.
- 6.9 The temporary road can only be constructed once Crest have completed the highways works connecting Hambrook Lane to the SGTL. Then the downgrading of the temporary road can only take place once Crest have delivered the permanent access road on Parcel 2.1. According to Crest's latest phasing plans this road could be delivered within the next 3 years which shows the development would be likely to be implemented within the Council's 5yr period in any event. As such the applicant's assertion of early delivery being weighed in favour of the development is considered to carry limited weight.
- 6.10 Officers have worked closely with the applicant in an attempt to ensure the development could be made compatible with future surrounding development in terms of vehicular connections, infrastructure delivery and ground levels. However, a number of outstanding objections remain as discussed in this report and these carry significant weight against the development.

- 6.11 It is acknowledged that there are alternative ways in which the allocation's various masterplans can be delivered and flexibility is key. However, the purpose of establishing the policy requirement via the Local Plan for comprehensive planning and phasing was to ensure that the environment of the area is not unduly harmed through the process of delivering such a large development. In this regard the acceleration of this application and associated identified harm, is considered to undermine the requirement of Policy CS27 for comprehensive planning and phasing of the allocation, a consideration which carries significant weight against the development.
- 6.12 In ecological terms, the rural lane currently functions as a dark wildlife corridor used by foraging and commuting bats amongst a variety of wildlife that rely on the hedgerows and their banks. The lighting of the temporary highway as well as the disruption of construction works will clearly have an adverse effect for an uncertain length of time until a more sensitive lighting scheme could be secured, a consideration which carries significant weight against the development.
- 6.13 The extent of construction material and waste from removing a fully engineered temporary highway within a 3–5-year period as well as the redundant drainage infrastructure that will be left in situ and the abortive construction works along Hambrook Lane does not appear to be a sustainable approach and this has been afforded moderate weight against the development in the planning balance
- 6.14 Although the Design Code is for the Crest parts of the Hoodlands area, it is considered appropriate that the same principles should be applied to the Hoodlands site immediately adjacent to ensure character consistency. The use of the traffic calmed section of Hambrook Lane to provide a new vehicular access is not considered conducive to preserving the route's countryside character. This has been afforded moderate weight in the planning balance against the development.
- 6.15 It is acknowledged that for commercial reasons it is always preferable to retain control over a main site access rather than depend on a third party. However, this commercial objective is not considered to outweigh the landscaping and ecological harm and highway safety concerns.
- 6.16 The public benefit of this proposal is the potential acceleration of bringing forward the delivery of 48 new homes. However, this needs to be weighed against the permanent damage that will be caused by construction of the temporary access road. The extent to which the site can be delivered in advance of Crest Parcel 2.1 is by no means certain.
- 6.17 In the context of the Council having a five year land supply in place, which is not reliant on this site coming forward, and housing already being delivered currently in this location; the benefit of possible accelerated delivery is not considered to outweigh the actual landscape and ecological harm and risks.
- 6.18 In conclusion, for the reasons set out above and within this report, this application is recommended for **refusal**. The recommendation to refuse has been taken having careful regard to the development plan policies, national planning policy and guidance and to all the relevant material considerations set out in this report.

## 7. **RECOMMENDATION**

7.1 That authority be delegated to the Director of Environment and Community Services to refuse permission for the reasons set out above.

1. In the absence of sufficient evidence to demonstrate that a safe and suitable access road can be provided having regard to the landscaping, arboriculture and ecological constraints on the site, the Local Planning Authority is unable to confirm that the proposal will be able to satisfactorily provide an appropriate, safe, accessible, convenient, and attractive access contrary to Policy PSP11 of the South Gloucestershire Policies Sites and Places Plan.
2. In the absence of sufficient information in respect of impacts on protected species (bats), the Local Planning Authority is unable to confirm that the proposals will be able to satisfactorily accord with Policy PSP19 of the South Gloucestershire Policies Sites and Places Plan.
3. The development is contrary to Policy CS27 of the South Gloucestershire Core Strategy in that it undermines the requirement for the East of Harry Stoke New Neighbourhood allocation to be comprehensively planned and phased.
4. The development is contrary to policies PSP2 and PSP3 of the South Gloucestershire Policies Sites and Places Plan and Policy CS2 of the South Gloucestershire Core Strategy. The development will result in the loss of and harm to native species-rich hedgerows (UK priority habitat), the loss of which is not considered to be sufficiently compensated for by the proposed remedial measures. The benefits of the development have not been demonstrated to clearly outweigh the loss and harm.
5. The development is contrary to policies PSP2 and PSP3 of the South Gloucestershire Policies Sites and Places Plan and Policy CS2 of the South Gloucestershire Core Strategy. The development will result in harm and risk of harm to mature category A and B trees. In the absence of sufficient information, the harm and risk of harm is considered not to be sufficiently compensated for by the proposed remedial measures. The benefits of the development have not been demonstrated to outweigh the harm.
6. In the absence of a Section 106 legal agreement to secure the following:
  - On-site public open space and a contribution towards off-site informal recreational open space, allotments and sports facilities
  - Affordable housing of a suitable tenure mix and unit types
  - Site Specific highway works and Travel Plan

And contribution towards the delivery of:

- i) 2.5FE Primary School
- ii) Secondary school places
- iii) 138 place nursery (or nurseries) within the EoHS NN allocation boundary
- iv) Community Hub measuring a minimum of 1,280 sq.m internal floorspace, to include but not exclusively, a main hall for indoor sport, cultural performances and community and social events, changing for clean footwear outdoor sports, indoor sports and main hall use, a café, library, youth and children's spaces, kitchen, WCs, storage, neighbourhood office plus circulation and external space including parking
- v) Community Development Worker (alternatively, if Crest wish to take on the role through their management company rather than providing the financial contribution, they will need to receive approval from the Council that the role is

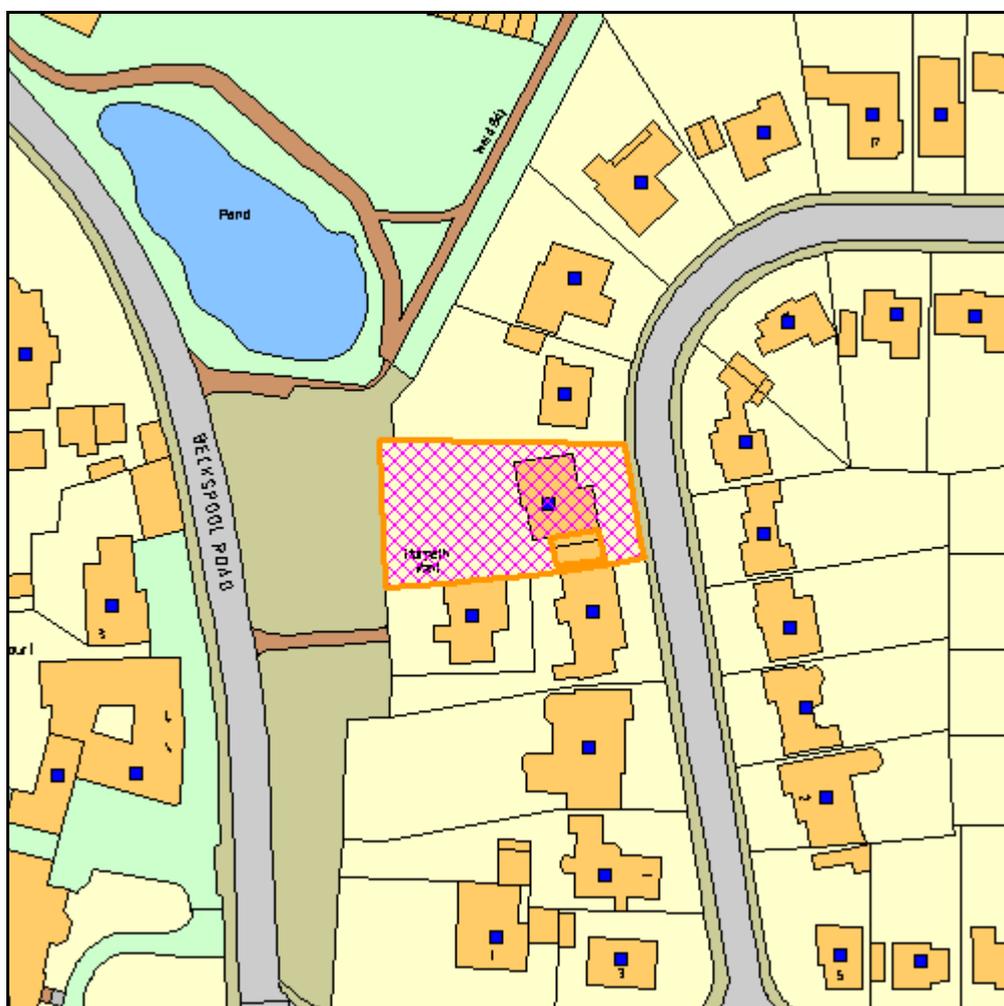
- filled by a CD worker who meets a specific job description provided by the Council)
- vi) Police Community Support Officer post
  - vii) Contribution towards GP surgery or extension to Stoke Gifford GP Surgery
  - viii) Gypsy & Traveller Pitches
  - ix) The SGTL
  - x) MetroBus Stops
  - xi) Footway/ Cycleway along SGTL
  - xii) Hambrook Lane East Traffic Calming
  - xiii) Hambrook Lane West Traffic Calming
  - xiv) Hambrook Lane Footway
  - xv) Toucan Crossing SGTL/ Hambrook Lane
  - xvi) Old Gloucester Road/ Beacon Lane Cycle Link
  - xvii) Footway/ Cycleway along Old Gloucester Road
  - xviii) Beacon Lane Cycleway Improvements
  - xix) Toucan Crossing South of Parkway Roundabout
  - xx) Great Meadow Roundabout Capacity Improvements
  - xxi) PROW Improvement at Hambrook
  - xxii) Broom Hill/Frenchay Park Road Improvement
  - xxiii) Contribution to new SORT IT Centre

the proposal fails to provide sufficient mitigation to address the impacts of the development and is contrary to policies CS1, CS6, CS8, CS18, CS21, CS23, CS27 and CS24 of the South Gloucestershire Local Plan Core Strategy adopted 2013, the Affordable Housing and Extra Care SPD 2014, and Policy PSP10, PSP 11, PSP44, PSP47 of the Policies Sites and Places Plan adopted 2017.

**Authorising Officer: Sean Herbert**

**CIRCULATED SCHEDULE NO. 16/22 - 22nd April 2022**

<b>App No.:</b>	P21/06458/F	<b>Applicant:</b>	Mr Mohammed
<b>Site:</b>	7 Park Crescent Frenchay South Gloucestershire BS16 1PD	<b>Date Reg:</b>	8th October 2021
<b>Proposal:</b>	Erection of two storey side and single storey rear extension to form additional living accommodation. Erection of front porch. Installation of front dormer, alteration to existing rear dormer, plus roof terrace.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	364213 178187	<b>Ward:</b>	Frenchay And Downend
<b>Application Category:</b>	Householder	<b>Target Date:</b>	2nd December 2021



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

**N.T.S.**

**P21/06458/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.

This application has been deferred to Circulated Schedule as it has received 7 neighbour objections and an objection from Winterbourne Parish Council, contrary to the Officer recommendation.

## **1. THE PROPOSAL**

- 1.1 Planning permission was initially sought for the erection of a two-storey side and rear extension, a single storey rear extension with roof terrace at first floor level, a front porch, the installation of a front dormer, alterations to the rear dormer and various additional windows.

These plans have since been significantly amended. The revised scheme, which is the subject of this assessment, seeks to secure planning permission for a two-storey side extension, a single storey rear extension with roof terrace at first floor level, a front porch, the installation of a front dormer, alterations to the rear dormer and various additional windows.

This revised proposal is a resubmission of the previously refused application P21/04490/F, which is itself an amendment to the previously approved P20/05475/F.

- 1.2 The primary feature of the application site comprises of a detached chalet style dwelling house finished in Cotswold stone within a generous sized plot. The dwelling is currently undergoing significant alteration as the previously approved P20/05475/F is in the process of being implemented. Other notable features include the presence of mature trees lining the northern and eastern boundaries, whilst to the southwest the side elevation of a bungalow, Morpeth Rant, forms the shared boundary. This irregular back land development is orientated in an opposite direction and accessed separately off Beckspool Road. The wider context is primarily residential in nature, with the consistency of built form and external materials within the crescent affording a distinctive and charming local character.
- 1.3 The application site is situated within the eastern fringe of Bristol's urban area and is designated as a mineral safeguarding area. The site is also in close proximity to the Frenchay Conservation Area, situated approx. 50 metres to the west of the proposed development.

## **2. POLICY CONTEXT**

- 2.1 National Guidance
- i. National Planning Policy Framework 2021
  - ii. National Planning Practice 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
- CS29 Communities of the Eastern Fringe of Bristol's Urban Area

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

- PSP1 Local Distinctiveness
- PSP8 Residential Amenity
- PSP11 Transport Impact Management
- PSP16 Parking Standards
- PSP17 Heritage Assets and the Historic Environment
- PSP38 Development Within Existing Residential Curtilages, Including New Extensions and New Dwellings
- PSP43 Private Amenity Space Standards

2.3 Supplementary Planning Guidance

- i. Design Checklist SPD (Adopted 2007)
- ii. Technical Advice Note: Assessing Residential Amenity 2016
- iii. Residential Parking Standards SPD (Adopted 2013)
- iv. Householder Design Guide SPD (Adopted 2021)
- v. Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD – (Adopted 2015)
- vi. South Gloucestershire Council Waste Collection: Guidance for new developments SPD (Adopted 2015)

**3. RELEVANT PLANNING HISTORY**

- 3.1 **P20/05475/F** Erection of two storey side and single storey rear extension to form additional living accommodation. Erection of front porch. **Approved with Conditions** 10<sup>th</sup> July 2020.
- 3.2 **P21/04490/F** Erection of front porch and two storey side and rear extension to provide additional living accommodation. Installation of front dormer window and rear balcony (Amendment to previously approved scheme P20/05475/F). **Refused** 23<sup>rd</sup> August 2021.

This application was refused for the following reasons:

*01. The proposed development would result in a poorly designed addition with inappropriate scale, massing, proportions and form that would not sufficiently reflect the existing characteristics of the host property or that of the surrounding context. Due to this, it is therefore considered the development is contrary to policies CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013), Policies PSP1 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan*

*(Adopted November 2017), and, the South Gloucestershire Householder Design Guide (Adopted March 2021).*

*02. The proposed extension, by reason of its two-storey size and proximity to the neighbouring property of No 7 Park Crescent, Frenchay would have an overbearing negative impact to the detriment of the amenity of the occupiers of this neighbouring dwellinghouse. The proposal is therefore considered contrary to Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies PSP8 and PSP38 of the Policies Sites and Places Plan (Adopted) 2017; the South Gloucestershire Council Householder Design Guide (Adopted) 2021 and the National Planning Policy Framework.*

#### **4. CONSULTATION RESPONSES**

##### **4.1 Winterbourne Parish Council**

*Initial response* - Objection. The Parish Council have concerns regarding the roof terrace and the possible impact overlooking neighbouring properties.

*Upon receipt of amended plans* - Objection. This is still massive overdevelopment and although as a parish we had no objection to the previous application P21/04490/F submitted 28-06-21, SGC did refuse it on 23/08/21. The reasons for refusal were overdevelopment and impact upon neighbours amenity, three neighbouring properties objected on the planning portal. Some work also seemed to have been done without prior planning permission (garage velux window), the original planning application on 15/04/20 ref P20/05475/F was a far more modest and sympathetic design.

##### **4.2 Listed Buildings and Conservation Officer**

In accordance with paragraph 190 of the NPPF, this application has the potential to affect the significance of the Frenchay Conservation Area which forms the western side boundary and the setting of the grade II\* Manor House, its grade II listed stables and walls. On the basis of the information reviewed to date, we do not wish to offer any comments on this scheme. We defer, therefore, to the view of the case officer in assessing the impact of the proposed development on the significance of the above heritage asset, taking into account guidance such as the adopted Conservation Area Appraisals, the Householder Design Guide SPD and the Traditional Rural Buildings SPD.

##### **4.3 Transportation Development Control**

No objection.

##### **4.4 Neighbouring Residents**

There have been four letters received in support of the proposals, a further two which offer support subject to the imposition of obscure glazed privacy screens upon the roof terrace and seven letters of objection. These sought to raise the following concerns:

### **Privacy**

Raised by a succession of respondents, these concerns extend to various elements of the scheme but can be summarised in the following bulletpoints:

- The introduction of a first floor rear terrace would afford an unacceptable loss of privacy to the residents of No. 5 Park Crescent, No. 9 Park Crescent and Morpeth Rant on Beckspool Road.
- The windows proposed for the side of the property will overlook No.9 including their patio. If it is imperative to install them we would only consider them acceptable if they are just utilised as a means of light with no openings and are fitted with obscure glass.
- The insertion of a window or porthole at first floor level in the existing gable end facing Park Crescent, is in my view, a deviation from the dominant design of adjacent bungalows in Park Crescent. If fitted with clear glass now or later it would reduce our privacy by providing a clear view into our dining room, hallway and front bedroom.
- The ground floor office space of the 2 storey extension has not been reduced. Removing hedge/tree to extend this area into the rear garden makes the loss of privacy from the balcony worse. It would introduce views into and out of the east/west facing property windows. With reference to the 45 degree test this enlarged office space may still be violating these criteria. Please note, we have a ground floor north facing window about 14 feet from the south facing wall of the proposed extension. There are east and west facing windows in the adjacent properties, which are next to this south facing extension wall.
- The two shower room windows in the south facing wall of this proposed extension will be very close to our roof bedroom velux window. Even with obscure glass in these shower room windows we feel they are too close and are unacceptable.
- The forward facing gable feature on the side extension would bring the window forward considerably from the recently built bonnet-type dormer window thus reducing our privacy by providing line of sight into our dining room, hallway and front bedroom.

### **Scale / Massing / Overdevelopment / Character**

This latest proposal for an extension remains a two-storey, gable fronted build. The front line remains moved forward so that the extension would be in line with the main building frontage. The proposed extension is therefore oversized, too far forward and becomes the dominant feature of the property. In short, it is not a subservient extension to the property. Further, the design, scale and massing of the proposed scheme, particularly with reference to the addition of the balcony, would give rise to a structure that would be at odds with the character of Park Crescent to the detriment of visual amenity. In my view the proposed new extension of 7 Park Crescent will be an overdevelopment of the site and be out of keeping with other bungalows in Park Crescent.

### **Current construction deviating from approved plans**

This proposal is the latest incremental change in what amounts to a significant enlargement of the originally approved application (P20/05475/F). This application did not include a balcony or dormer windows. The terrace (previously called a balcony) is already constructed, two dormer windows have been installed and other differences have been completed. Application

P21/04490/F, which would have permitted work to proceed on the front porch, side and rear extensions, ONE front dormer window and a rear balcony, was REFUSED but work has continued.

***Failure to address previous reason for refusal***

This application does not make sufficient changes to overcome the policies and reasons for refusal referred to in the previous P21/04490/F Delegated Report paragraphs 5.20, 5.25, 5.26, 5.27, 5.28, 5.29, 5.30, 5.31, 5.33 and the Notice of Decision. Paragraph 5.20 ((this is with reference to (paragraph 5.17) the single storey rear extension, rear balcony and changes to the fenestration)) reads "HAD THE SCHEME BEEN ACCEPTABLE in all other ways the two gabled openings would have been discussed with a view to a more sympathetic design being employed". The delegated report also used the word subservient; we feel this has not been achieved.

***Property Values***

The adjoining property could be considered less attractive and valuable if put on the market for the reasons given in P21/04490/F Delegated Report.

4.5 Case Officer Comment

For the purposes of clarity, it should be noted that some neighbouring residents have submitted more than one comment and that some of the concerns raised above pertain to elements that have been subsequently addressed via the amendments to the proposals.

All matters that are material to the outcome of this application will be fully addressed in the analysis of the proposal. This however necessarily excludes consideration of any impact upon house prices or the legal status of the existing building works, as these are not material considerations that can inform the acceptability of this planning proposal.

5. **ANALYSIS OF PROPOSAL**

Principle of Development

- 5.1 The application site is situated within Frenchay, part of the northern fringe of Bristol's urban area and is currently utilised as a C3 dwellinghouse. The proposed development would introduce a first floor roof terrace and extend the area of living accommodation at the expense of a strip of the rear garden. This minor intensification of the existing residential use is a form of development that is supported by PSP38 subject to considerations of visual amenity, residential amenity and highway safety. In addition, Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. As such, the proposal raises no issues in principle subject to the various material considerations addressed below.

## Design, Character & Appearance

- 5.2 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 be informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.
- 5.3 The proposed works incorporate elements that have been previously approved under application P20/05475/F. Since this initial approval was determined there has been supplementary design guidance adopted, but no relevant changes to local or national planning policy and consequentially all the elements of this proposal that are unaltered from this previous approval have already been assessed against the current policies and deemed to be acceptable, subject to the conditions of the original permission.
- 5.4 As a consequence, integral elements of this proposal such as the front porch, the front dormer, the two-storey side extension and its associated front and rear dormers, as well as the single storey rear extension are all necessarily acceptable. The extant planning permission for P20/05475/F has enabled these previously approved elements to be legitimately implemented. The elements that distinguish this revised proposal from the previous scheme relate to the introduction of a first-floor rear roof terrace with privacy screens and enabling alterations to the rear dormer, as well as additional fenestration to the principal elevation and to the northern side elevation. These elements shall be considered in turn, before appraising any cumulative impacts.
- 5.5 The proposed rear terrace would repurpose the flat roof of the previously approved rear extension as an area of private amenity space. To enable this adaptation, the eaves level of this rear dormer is to be nominally raised such that two sets of the bedroom windows can be replaced with French doors to provide access, and a 1.1m parapet wall is proposed to be constructed around its perimeter. In addition, two pairs of obscure glazed privacy screens are to be situated on top of this parapet wall on either side of the terrace. The plans are not clear as to the precise finish proposed for these screens and to ensure a satisfactorily high-quality appearance, the detailed design of these screens would need to be conditioned. The greater bulk and physical presence afforded to this rear extension on account of the addition of the parapet wall is considerable, yet this would not significantly alter its relationship to the host dwelling, which despite the additional mass would nevertheless remain as a subservient addition. Moreover, the location of this roof terrace to the rear of the dwellinghouse would ensure its addition would have no impact upon the street scene and little bearing on the overarching character of the area. As such, notwithstanding that the Householder Design Guide SPD specifies that the introduction of balconies are only likely to be acceptable in areas where these features are part of the established character of the area, and the only balconies currently exhibited within the locality are Juliet balconies, the introduction of this unique design feature is not considered to incur any harms to the character of the host dwelling nor that of its surrounding context. Furthermore, it is also noted that the design of this roof terrace was not raised as an issue in the Officer Report or included in the refusal reasons given for the

previously refused application P21/04490/F. As such, subject to any amenity considerations, the proposed roof terrace is considered an acceptable alteration to the property in terms of its design, character and appearance.

- 5.6 The only change to the principal elevation from the previously approved scheme that is included on these revised proposals relates to the introduction of a first-floor circular window within the existing gable. This was originally proposed to feature a dual pane rectangular window, but as this would not correspond to the alignment of first floor windows upon the host dwelling nor correspond to those exhibited within gables of other properties within the street scene, it would have appeared notably inconsistent to the detriment of both the host dwelling and the wider street scene. This is primarily on account of the projecting gable end featuring a height of only 5.6 metres whereas the first-floor windows that are exhibited upon forward facing gables elsewhere within the street scene are all in excess of 6 metres. The adoption of a circular design, whilst also novel within the street scene, is considerably substantially less visually abrasive as this would not highlight the disparity in the strong horizontals formed by rectangular windows at differing heights. Further, the positioning and circular window design corresponds with circular brick motifs featured on other properties that also have 5.6 metre tall front gables. As such, this revised window design is considered acceptable with respect to its impact on the appearance of the host dwelling and is clearly informed by the presence of similar flourishes to the gables of other properties in the vicinity. Therefore, notwithstanding its novel circular nature, this element of the proposal would not sustain a reason to refuse the scheme.
- 5.7 A final series of alterations detailed in this proposal that were not previously approved under P20/05475/F relate to the additional ground floor fenestration. This includes a doubling of the breath of the existing window upon the southern elevation of the forward projecting cross gable feature and a further three new windows upon the northern side elevation. Subject to a condition requiring the use of matching fittings and surrounds, these raise no concerns in terms of their design.
- 5.8 In summation of the above, the various additional works detailed in this proposal that have not already been deemed acceptable in the determination of P20/05475/F, would broadly accord with the design requirements set out in CS1 and part 1) of PSP38. As such, subject to the aforementioned conditions and any amenity considerations, these proposals would be acceptable in terms of their design, character and appearance.

#### Residential Amenity

- 5.9 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.

- 5.10 The primary neighbouring amenity concerns with these proposals relate to privacy and the potential for overbearing. These issues are both most apparent in the introduction of the first-floor rear terrace and the accompanying privacy screens. The terrace itself is in effect a large balcony, for which the Assessing Residential Amenity: TAN provides clear guidance:

*“Where a projecting balcony would allow a direct sideways view over land immediately to the rear of another dwelling, the balcony may be resisted due to its impact on residential amenity.”*

- 5.11 The conversion of the roof of the single storey rear extension to a balcony without including privacy screens would undoubtedly afford elevated vantage points with direct sideways views over the rear of No. 5 and Morpeth Rant to the south and across the rear of No. 9 to the north. Whilst the presence of mature trees along the northern boundary would provide some screening during the summer months, the deciduous nature of the trees would not afford such screening during the winter. As such, the introduction of this roof terrace without the provision of privacy screens would certainly result in an unacceptable loss of privacy to all three of these neighbouring properties.
- 5.12 To overcome this issue, two pairs of 2.0 x 0.9 metre screens of obscured glass are proposed to sit upon the parapet wall on either side of the terrace. These would form a 2.1 metre tall barrier from the floor level of the balcony, restricting the aforementioned sideways views over the most defensible space to the rear of No. 5 and No. 9 entirely in favour of an outlook that accords with best practice orientated across the host dwellings rear garden. With regards to Morpeth Rant, its irregular siting makes for an awkward assessment as the rearward projection of the terrace would align 0.6 metres distant from the alignment of the rear elevation of this adjacent yet inversely orientated property. As such, the outlook afforded from both the host dwelling’s terrace and the rear elevation of Morpeth Rant would effectively look past each other in opposite directions. Further, on account of the 5.5 metre distance between them and the breadth of the parapet wall, the only means of affording intrusive views across its most defensible space would necessitate leaning dangerously over the parapet and around the privacy screen. To the north, as expressed in the previous report for P21/04490/F, which included an identical relationship, there would be no adverse impact to No. 9. As such, the proposed privacy screens are considered to be sufficient to ensure that the outlook gained from the roof terrace would not incur an unacceptable loss of privacy to the rear gardens of these three neighbouring properties.
- 5.13 In the case of Morpeth Rant, there is also a single window upon its otherwise blank northern elevation which is currently concealed by the presence of an evergreen shrub/hedge. Should this vegetation be removed, as was proposed in previous iterations of this revised scheme, the roof terrace would afford limited views at an acute angle, yet this impact would be significantly surpassed by the views gained from across the entirety of the rear garden including the defensible space to the rear of the host dwelling. As such, the impact from the proposed roof terrace could not reasonably be described as a loss of privacy on account of the more egregious privacy concerns afforded from and to the rear garden, which is an existing arrangement. It is therefore in the interests of

- the amenity of both the host dwelling and Morpeth Rant for this screening vegetation to be retained in situ.
- 5.14 A secondary, but just as valid neighbouring amenity concern relating to the terrace is the potential for the combination of the parapet wall and privacy screen to result in an oppressive or overbearing presence. This would be most keenly experienced from the compact rear gardens of No. 5 and Morpeth Rant where the 4.85 metre total height would be clearly legible over the existing boundary treatments. Despite this, the lightweight and translucent nature of the proposed screens serving as the top 0.9 metre would reduce its impact whilst the 5.5 metre recess between the terrace and the site boundary is ultimately considered to be sufficient distance to ensure that the physical bulk and presence of the terrace would not incur a detriment to amenity. Previous iterations of this proposal had sought to infill this recessed area with a further two-storey, then single-storey, rear extension which would have not only been overbearing but also detrimental to the light and outlook afforded to both No. 5 and Morpeth Rant. Following negotiations with the applicant and the applicant's agent, these elements were subsequently removed in favour of a return to the original P20/05475/F building footprint. As such, the resultant level of light afforded to these rear gardens would be largely unaffected by the revised proposal and the already constrained outlook afforded from the nearest habitable room windows of each of these properties would not be adversely impacted.
- 5.15 Moving from the rear terrace to address other aspects, the first-floor circular window proposed for the forward facing gable has raised further privacy concerns. Specifically, residents opposite consider that this would afford a vantage point offering views into their dining room, hallway and front bedroom. Situated 2.65 metres further forward than the first-floor dormer windows, the potential for a loss of privacy is acknowledged to be greater on account of its closer proximity, yet the Assessing Residential Amenity: TAN is clear that there are no minimum separation distances for facing windows across the public realm. Instead, consideration is to be given to the prevailing separation distances within the locality. Considered through this lens, the 22 metre distance between this non-habitable room window and the windows upon the forward elevation of the property opposite are consistent with the established norms of the area. Therefore, the introduction of such a window would be broadly acceptable for a habitable room, where the potential for loss of privacy would be greater than the bathroom that is proposed in this instance. A final factor relates to the positioning of the window immediately adjacent to a shower cubicle. This would indicate that to secure the modesty of the occupants, obscure glazing would likely be utilised, yet this is not specified anywhere in the submitted documents and the relevant planning policies and supplementary guidance would not sustain a planning condition specifying the use of obscure glazing.
- 5.16 The proposed first floor bathroom windows situated on the side elevation of the two-storey side extension are also the focus of much neighbour consternation. These are, however, identical to those previously approved under P20/05475/F. As such, notwithstanding the officer comments that have been referenced in the refusal of P21/04490/F, they neither require a further planning

- permission nor, in this case, do they provide any neighbouring amenity grounds upon which planning permission could be refused.
- 5.17 The addition of three ground floor windows onto the northern elevation also raise privacy concerns regarding the impact on No. 9. Both in relation to potential inter-looking with the existing habitable room windows on their side elevation, only 4.7 metres distant, but also with regard to their most defensible private amenity space immediately to the rear of the dwellinghouse. The current boundary wall between these properties is principally decorative and affords little screening potential that would obstruct the intrusive views gained from these windows. Whilst it is acknowledged that because the previous permission did not include a condition restricting the introduction of additional openings on the northern elevation, these three windows would qualify as permitted developments. Nevertheless, as they are included in this planning application, they are also required to be considered against the relevant policies. In this instance, to satisfy PSP8 by ensuring against an unacceptable loss of privacy, these windows would need to be fixed shut and obscure glazed. Mindful that these windows only serve as a secondary source of outlook to the lounge and dining room, this could be conditioned without compromising the amenity of the occupants of the host dwelling.
- 5.18 With regard to the amenity afforded to the host dwelling, all of the habitable rooms are afforded sufficient natural light and outlook whilst in terms of usable private amenity space retained within the curtilage, the rear garden alone provides in excess of 450 sq. metres and this is more than sufficient to satisfy the minimum provision detailed in PSP43.
- 5.19 In light of the above, subject to the aforementioned conditions, the additional works detailed in this proposal that have not already been deemed acceptable in the determination of P20/05475/F, would accord with the amenity requirements detailed in PSP8, parts 2) and 4) of PSP38 and PSP43.

#### Sustainable Transport & Parking Provision

- 5.20 The proposed would provide additional living accommodation within the property, increasing the provision of bedrooms from three to four. Over the lifetime of this property this is likely to expand the degree of occupancy within the dwelling, resulting in additional pressure for parking. To address this, PSP16 stipulates a minimum provision of off-street parking contingent upon the number of bedrooms within a property. For this four bedroom property, the minimum provision would be for two spaces.
- 5.21 The proposed side extension would necessitate the demolition of the existing garage and would be constructed over much of the driveway. Whilst the design incorporates an integrated double garage, this would nevertheless reduce the existing parking provision available within the site. The submitted plans clearly indicate that the retained area of driveway would be able to accommodate at least three off-street parking spaces. This is more than sufficient to accord with PSP16 and on this basis the Transportation Development Control Officer has raised no objections. As such, the proposed works would satisfy the requirements of CS8, PSP16 and part 3) of PSP38.

## Historic Environment

- 5.22 Policy PSP17 of the Policies, Sites and Places Plan explains that the historic environment is a finite resource, which cannot be replaced once it is lost or altered. It should, therefore, be preserved for this and future generations for its intrinsic historic, architectural, archaeological or artistic interest, as well as its ability to contribute to the character and distinctiveness of a place and its role in creating a sense of local identity.
- 5.23 Frenchay Conservation Area is noted to the west of the site off Beckspool Road at around 50 metres away. Taking into account guidance such as the adopted Conservation Area Appraisal and the Householder Design Guide SPD and given the presence of mature trees and the distance separating the site from the Conservation Area and other heritage assets, in this respect it is considered there would be no negative impact resulting from this scheme.

## Consideration of likely impact on Equalities

- 5.24 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.
- 5.25 With regards to the above this planning application is considered to have a neutral impact on equality as it would neither advantage nor disadvantage any persons exhibiting protected characteristics.

## **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 subject to the conditions detailed 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 materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

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. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed windows on the south elevation shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason

To protect the privacy of the neighbouring occupiers and to accord with Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

4. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed windows on the northern elevation shall at all times be of obscured glass to a level 3 standard or above and be permanently fixed in a closed position.

Reason

To protect the privacy of the neighbouring occupiers and to accord with Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

5. Prior to the first beneficial use of the roof terrace, the detailed design of the proposed privacy screens shall be submitted and approved in writing by the local planning authority. The details shall be submitted via elevation and section drawings at a scale of 1:10 and the development shall be completed in strict accordance with these agreed details and retained for the lifetime of the development.

Reason

To ensure a satisfactory standard of external appearance in accordance with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and to ensure that the detailed design is in fact effective at protecting the privacy of neighbouring properties for the duration of the roof terrace as required by Policy PSP8 of the South Gloucestershire Local Plan: Policies Sites and Places Plan.

6. This permission shall be implemented in strict accordance with the following plans:

Site Location Plan

Received by the Local Planning Authority on 1st October 2021; and

Proposed Plans - Drawing No: 806506-2 Rev: C

Proposed Elevations - Drawing No: 806506-2 Rev: C

Received by the Local Planning Authority on 31st March 2022.

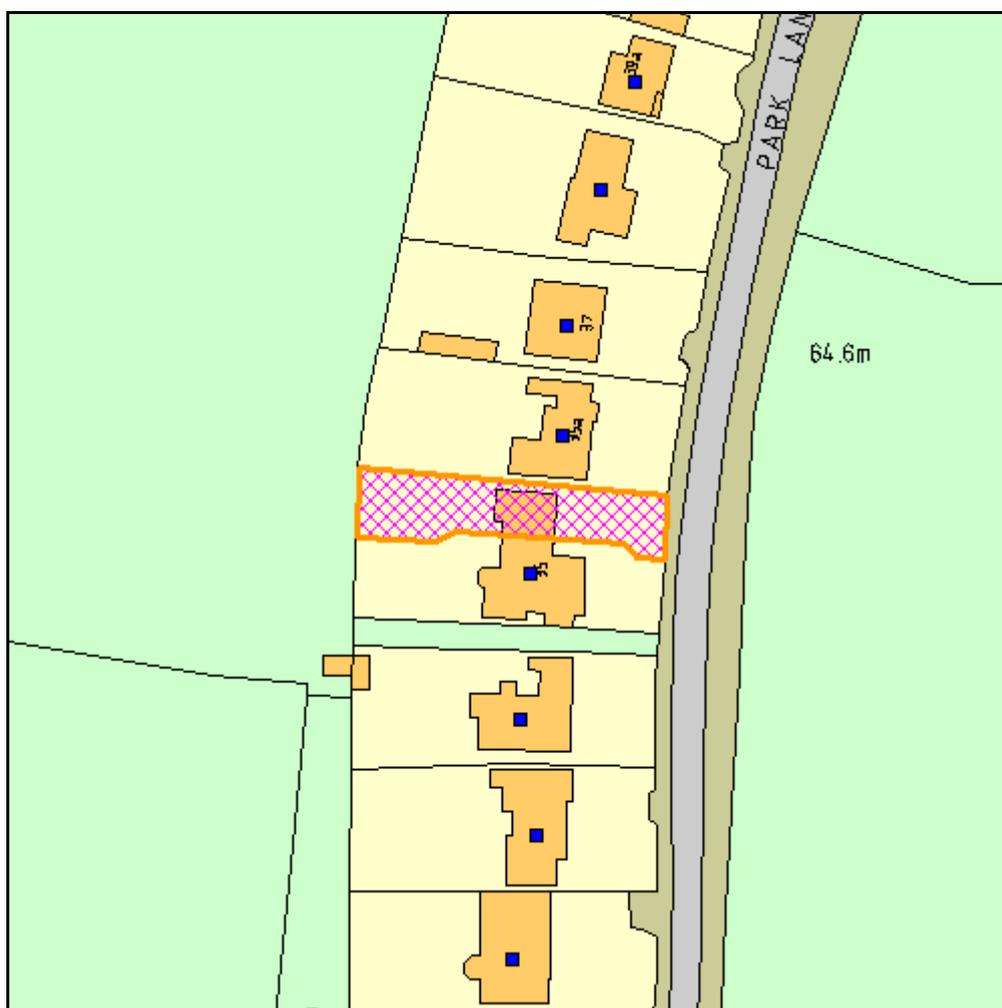
Reason

For the eradication of doubt as to the parameters of the development hereby permitted, ensuring a high quality design in accordance with policy CS1 of the South Gloucestershire Local Plan, Core Strategy 2013.

**Case Officer: Steffan Thomas**  
**Authorising Officer: Marie Bath**

**CIRCULATED SCHEDULE NO. 16/22 - 22nd April 2022**

<b>App No.:</b>	P21/06772/F	<b>Applicant:</b>	Mr Robert Lavis
<b>Site:</b>	Land To The North Of 35 Park Lane Winterbourne South Gloucestershire BS36 1AT	<b>Date Reg:</b>	27th October 2021
<b>Proposal:</b>	Demolition of existing garages and erection of 1no 1.5 storey dwelling with access and associated works.	<b>Parish:</b>	Westerleigh Parish Council
<b>Map Ref:</b>	366356 180416	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Minor	<b>Target Date:</b>	20th December 2021



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

P21/06772/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, as a result of comments received, from the Parish Council, contrary to Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application is for the demolition of existing garages and erection of 1no 1.5 storey dwelling with access and associated works.
- 1.2 The host property is a detached dwelling located along Park Lane, Winterbourne. The site is located within the Green Belt.
- 1.3 Revised Plans have been received during the course of the application, principally removing two side rooflights from the northern elevation. The plans are discussed in more detail below.

### **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
CS5	Location of Development (Inc. Green Belt)
CS8	Access/Transport
CS16	Housing Density
CS17	Housing Diversity
CS34	Rural Areas

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

PSP1	Parking Standards
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP38	Development within Existing Residential Curtilages
PSP40	Residential Development in the Green Belt
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007.  
South Gloucestershire Parking Standards SPD  
South Gloucestershire Householder Design Guidance SPD (Adopted 2021)

### 3. **RELEVANT PLANNING HISTORY**

N2532/2 - Erection of single storey rear extension to provide living room; erection of dormer extension and alteration and extensions to the front of the dwelling. Approved 08.03.1979.

### 4. **CONSULTATION RESPONSES**

#### 4.1 Westerleigh Parish Council

The Parish Council decision is to object on the basis of overdevelopment, impact on neighbours either side, and amenity space due to the tight squeeze of this building. Therefore against CS1, and PSP 8 & 38.

Also there is disappointment at the inclusion of a tarmac drive a more sustainable drainage option (SuDS) should be used.

#### Sustainable Transportation

No objections in principle, recommend use of porous material for surfacing and electric charge point

#### Landscape Officer

No objection in principle, condition recommended

#### Tree Officer

No objections, replacement planting recommended

#### Lead Local Flood Authority

Clarification on the nature surface water drainage sought

### **Other Representations**

#### 4.2 Local Residents

One letter of objection has been received, raising the following points:

*1. The proposed house is too large and too high for the proportion of the plot and is located extremely close to our boundary and therefore believe it will negatively impact upon the natural streetscape which has a rhythm of large spaces between dwellings. The DAS references other houses which are more congested at the far end of Park Lane, but we do not believe that these are relevant nor representative of the proposals as they are remote from our property and are of a different design and roofscape than the proposal.*

*2. We believe that the new house is an over development and would have a negative impact to our property given the impact on openness of the green belt.*

*3. The design of the proposed house positions the roof apex closer to our property (rather than centrally located) which impacts on our house greatly, increasing the height adjacent to our house and not at all sympathetic to us, whilst having considerably less impact to existing house no 35, the consequence being the appearance of unnatural spacing to our property than*

necessary.

4. *The close proximity and height of the building will impact on the amount of day light and sun light that we currently enjoy in our living accommodation and garden, particularly given the southerly facing direction. The proposals will impact on our property and the natural light and sun light to our ground floor rooms; our home office which is located in the front living room is used daily and is already the darkest room in the house given the deep floor plan and small window relative to the room size at the front of the property hence why the side windows were installed when it was originally built in late 1940's. We currently have good views of the clear sky and sunlight from our desk which is incredibly important to personal health and wellbeing. Using the metrics within BRE 209 sunlight and daylight guidance document, it appears that the development will adversely impact on our property.*

5. *Our rear bedroom window closest to the boundary is not shown on the existing site plans and we are understandably concerned regarding privacy in our bedroom given the proposal for roof lights facing our property from the proposed master bedroom to the rear.*

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Development within residential curtilages, including extensions and new dwellings, in the urban areas and rural settlements with defined settlement boundaries are acceptable in principle subject to detailed development control considerations in respect of local amenity, design and transportation; as set out in policy PSP38. The site is located just outside of the designated settlement boundary, along what is essentially a 'ribbon' development of dwellings along Park Lane, located between existing dwellings. The site is also located within the Green Belt. The issues for consideration in this respect therefore are the impact and acceptability of the location of the proposals, whether the proposals have an adverse impact on the amenities of nearby occupiers and whether the design of the proposal is sufficiently in keeping with the site and surroundings.

5.2 Policies CS5 and CS34 of the Core Strategy and PSP40, for the purposes of housing provision; seek to guide residential development towards existing residential and settlement boundaries. In the Green Belt infill development may be permitted within settlement boundaries, other proposals for development in the Green Belt will need to comply with the provisions in the NPPF or relevant local plan policies. This is assessed further in the relevant Green Belt section below.

5.3 The NPPF emphasis is on sustainable growth, including boosting housing supply and building including through windfall development. The NPPF indicates a presumption in favour of sustainable development except where adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the framework indicate development should be restricted.

- 5.4 The main concerns regarding development outside of defined settlement boundaries are sustainability, and impact upon the open countryside. Notwithstanding the above references to the NPPF, it also states that isolated homes in the countryside should be avoided. Further to this, PSP11 provides criteria for assessing what may be considered sustainable locations in terms of availability or proximity to services or proximity to public transport services connecting to key services. In this respect it is stated that development proposals which generate demand for travel should be located within 400m from a suitable bus stop facility. In these respects the circumstances of the site and surroundings and any mitigating effects may be considered and given weight. The site is in close proximity to the defined settlement boundary, in between existing dwellings, with dwellings further out beyond the settlement boundary, and benefits from the same services and facilities within the area as other properties in close proximity and beyond.
- 5.5 Policies CS16 and CS17 of the Core Strategy seek to achieve an efficient use of land, maximise housing supplied at locations where there is good pedestrian access to frequent public transport services, and provide a mix of housing types.
- 5.6 Taking into account the above and given the site's location relative to the existing settlement, other properties, its relationship and proximity to dwellings immediately on either side, and its accessibility from the road and to services, it is not considered that the site could reasonably be argued to be within an unsustainable location or that a dwelling would have an unreasonable impact upon the open countryside in visual amenity terms. The proposals would not be considered isolated development. On this basis no harm has been identified that would significantly and demonstrably outweigh the benefits of providing the dwelling, in principle, at this location.
- 5.7 Green Belt  
The site is located within the Green Belt and outside any defined settlement boundaries. Strict controls exist to guard against inappropriate development, which is harmful to the Green Belt by definition. Inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and all other harm resulting from the proposal, is clearly outweighed by other considerations. The NPPF sets out the forms of development that are not considered to represent inappropriate development. Policies CS5 and PSP7 reflect the guidance within the NPPF in terms of development in the Green Belt. When considering development within the Green Belt, the first consideration is whether the proposed development would represent inappropriate development. Consideration must then be given to the impact of the development on the openness of the Green Belt. The NPPF states that local planning authorities should give substantial weight to any harm within the Green Belt.
- 5.8 Inappropriate development?  
The NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are

their openness and their permanence. The Framework sets out that the construction of new buildings in the Green Belt should be regarded as inappropriate development, unless the development is one or more of a list of exceptions. These exceptions include the following:  
*e) limited infilling in villages;*

- 5.9 The Framework does not provide a definition of ‘limited’, ‘infill’ or ‘villages’. Policy CS34 of the South Gloucestershire Core Strategy, relating to development in rural areas indicates, amongst other things, that the designated Green Belt will be protected. CS Policy CS5 indicates that within the Green Belt, small-scale development may be permitted within the settlement boundaries of villages shown on the Policies Map. The Local Planning Authority is able to demonstrate that it has more than a five year supply of deliverable housing sites. Accordingly, the key policies CS5 and CS34 of the Core Strategy are up to date for the purposes of this planning application and as such can be attributed full weight in the consideration of this application.
- 5.10 Policy PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (2017) sets out that “inappropriate development is harmful to the Green Belt and will not be acceptable unless very special circumstances can be demonstrated that clearly outweigh the harm to the Green Belt, and any other harm”. Both Policy CS5 of the Core Strategy and Policy PSP7 of the PSPP are therefore consistent with the Framework in their approach to development within the Green Belt.

Policies CS5 and PSP7 relating to the Green Belt require proposals within the Green belt to comply with the Framework, which states as follows:

*A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*

*e) limited infilling in villages;*

Similarly, Policy CS5 states that ‘*Small scale infill development may be permitted within settlement boundaries of villages shown on the Policies Map*’

The South Glos Green Belt SPD states that: *Infill development is development that is small in scale and which fits into an existing built up area in a defined settlement boundary, normally in-between existing buildings, in a linear formation.*

- 5.11 It is acknowledged that the site falls outside any settlement boundary, hence could not be said to be comply with the SGC Development Plan policies which require infill to be within a settlement boundary. However, the NPPF is not quite this specific, and requires simply for development to constitute limited infill within a village. Whilst the site is not strictly speaking part of a village, it constitutes an area of Green Belt outside a town and within an established ribbon of dwellings along the Park Lane around the site and beyond. Furthermore, it is not in open countryside, which it could be reasonably construed is what this policy is seeking to avoid. As the development propose only 1no. dwelling, located immediately between existing dwellings it can be

reasonably described as 'limited' infill development. Despite being outside of the settlement boundary, the development is well associated with the residential area of Frampton Cotterell with associated properties immediately around and the access to associated services that this provides. Furthermore, the dwelling would be sited within a gap between an otherwise built up street of a linear development comprising an established number of dwellings on this side of the road. The proposed dwellings would continue this linear character of detached dwellings. To conclude, the proposal is accepted by officers as limited infilling and is therefore appropriate development in the Green Belt which is acceptable in principle. Therefore, there is no need for the applicant to demonstrate very special circumstances. Given the location, siting, scale and design the proposals would not impact upon the openness of the Green Belt and is an acceptable form of development.

5.12 Each application should be addressed on its own merits and in this respect this would not necessarily lead to widespread development beyond the settlement boundary and further into the Green Belt, as such proposals would need to be considered for their own individual impacts upon the Green Belt, and whether they complied with the limited forms of development permitted within it.

5.13 Design

The comments above are noted. In terms of the building being squeezed in, it is considered that there is adequate room/width in which to locate a dwelling without it appearing as an overtly cramped form of development. The side wall of the proposed dwelling would be up to the boundary with the host dwelling, at single storey level, and would remain detached, whilst set off the boundary on the neighbouring north elevation. The adjacent property itself extends to a large degree across the plot with a gabled end with small hips towards the ridge on either side in relative proximity to the shared boundary. In this respect it is not considered that there would be a material or significant impact upon the streetscene. There is a somewhat varied design, layout and form to dwellings along Park Lane. The proposal however does seek to integrate with its immediate setting and plot space in terms of form and design. There are a variety of designs, roof shapes, pitches, hips and dormers within the immediate vicinity and the proposed design takes various elements and incorporates them in the design, which is considered acceptable. Anthracite clay tiled roof and rendered upper level finish would integrate at this location. The proposals are considered to be of an acceptable standard in design and would be an acceptable addition, taking into account the site and surrounding area. Planting has been introduced in revised plans along the front boundary between no. 35 and the proposed dwelling, to help provide a more natural visual barrier between the two properties and towards the proposed dwelling from the street scape, satisfactorily addressing landscape considerations.

5.14 In terms of overdevelopment, this is a subjective consideration based upon a number of factors that determine whether a plot can reasonably accommodate a development. The design and layout considerations are referred to above. There is considered to be sufficient space such as the dwelling as proposed would not have significant impact upon the wider streetscene. Along with the existing dwelling itself, sufficient off-street parking is able to be provided at the front of the property. The provision of private amenity space to the rear would

satisfy the requirements of PSP43 in terms of the area available for this. On this basis the site and proposals is not considered to be overtly cramped and the development can be satisfactorily accommodated within the plot.

#### 5.15 Residential Amenity

The comment and concerns above are noted. The side wall of the proposed dwelling would be up to the boundary with the host dwelling whilst set of the boundary on the neighbouring north elevation. At essentially 1.5 storeys and given this the design the eaves have been kept relatively low. The adjacent property itself extends to a large degree across the plot with a gabled end with small hips towards the ridge on either side in relative proximity to the shared boundary. The height of the proposed dwelling, at the ridge is approximately the same height as the existing dwelling, and lower than the neighbouring dwelling. The proposed dwelling follows the building line frontage of properties on either side and infills the gap between them, facing the side elevation of both adjacent properties and as such secondary windows in the side elevation of the adjacent property to the north.

It is noted that there are rear facing dormers in the roof slope of the neighbouring house which are not indicated on the plans provided. Design guidance contained in the South Gloucestershire Householder Design Guidance SPD seeks to protect the amenity of surrounding properties. This includes through ensuring adequate levels of natural light and outlook from primary windows. To assess this a '45 degree' test is suggested. This is however a fairly basic test that would not take into account the relative heights of development and the higher the development the more material the impact is likely to be. In this instance it is considered that satisfactory outlook and natural light can be achieved/retained, in accordance with the guidance and tests. Notwithstanding this the 1.5 storey nature of the height of the proposed dwelling and the relatively low eaves should also be taken into account and combined with the roof sloping away from the boundary combine to further reduce the impact in this respect. This design and the proposed height, combined with the height and outlook of the dormer would not give rise to a boxed in, outlook directly into a blank side wall elevation or overbearing impact in this instance from primary windows. Given therefore the separation between the properties, the relative scales and heights and the remaining outlook to the rear it is not considered that natural light or outlook would be unreasonably impacted or would create a boxed in or overbearing impact to this rear elevation. The secondary windows face directly towards the side of the application property. The proposed dwelling is set off the shared boundary and approximately 2.75 metres from the side wall of the neighbouring dwelling. It is not considered that there would be an material impact on this side elevation that could be construed to unreasonably impact upon the amenity of the property.

- 5.15 Concern has been raised regarding rooflights in the side (northern) elevation and potential issues of intervisibility due to proximity and orientation with the dormers in the adjacent property. Revised plans have subsequently been received that remove the two first floor bedroom rooflights and eliminate any potential for overlooking or intervisibility with the adjacent property and the rear dormers.

- 5.16 Sufficient private amenity space would be available to the rear to serve the proposed dwelling as well as the existing dwelling, in accordance with the Councils adopted requirements.
- 5.17 It is not considered therefore that the location of the proposal, taking into account its scale and proximity, could be reasonably considered as materially overbearing, resulting in an overtly oppressive or enclosed environment. The 'right to light' is related to planning considerations on natural light but it is not distinguished as a consideration in its own right. The right to light is an easement established under common law. The planning system will seek protection, by resisting development with overbearing impacts, but does not grant a right to light. In planning terms, given therefore the distance, orientation and relationship with adjacent property in this direction, and the scale and position of the proposals relative to the existing houses, it is not considered that the proposal could be considered an unreasonable development and in this instance it is not considered that it would give rise to unreasonable, significant or material residential amenity impact by way of overbearing or overlooking impact, such as to warrant objection and sustain refusal of the application on this basis.
- 5.18 Transportation.  
Access already exists to the site to the frontage and garages, a further dropped curb also exists further along the properties frontage. Sufficient off-street parking provision will be available for both properties within the frontages, to meet the Councils' adopted parking standards. Any new driveway will be constructed with porous tarmac to aid with drainage.
- 5.19 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 is considered to have a neutral impact on equality, as it would not positively or negatively impact upon protected characteristics.

## **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 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:

Location Plan, Block Plan and Existing Plans and Elevations (Refs EC01, EX01, EX02, EX03 and SLP01 - all Rev 01), received by the Council on the 26th October 2021 and revised Proposed Plans and Elevations (Refs MNB.PR.01 - Proposed Site Plan (Rev 02) MNB.PR.02 - Proposed Plans (Rev 02), MNB.PR.03 - Proposed Elevations (Rev 02), MNB.PR.04 - Proposed Sections (Rev 02)), received by the Council on the 6th April 2021.

**Reason:**

To define the terms and extent of the permission.

3. The landscape, planting, surfacing and boundary details shown on the approved plans shall be implemented in the first season following completion of construction works and thereafter retained, and the hard surfacing on the driveway shall be of porous material and retained as such.

**Reason:**

In the interests of visual amenity and in accordance with CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013

4. Prior to the commencement of the development hereby approved, details of surface water disposal shall be submitted to the Council for written approval. Such details shall thereafter be implemented prior to the occupation of the dwelling.

**Reason:**

In the interests of adequate drainage provision and in accordance with CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

5. No windows other than those shown on the plans hereby approved shall be inserted at any time in the north elevation of the property.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with PSP8 and PSP38 of the South Gloucestershire Local Plan Policies Sites and Places Plan Adopted November 2017 and the National Planning Policy Framework.

6. Prior to the occupation of the dwelling hereby approved a 32amp/7kw electric vehicle charging point shall be provided for the dwelling and thereafter retained.

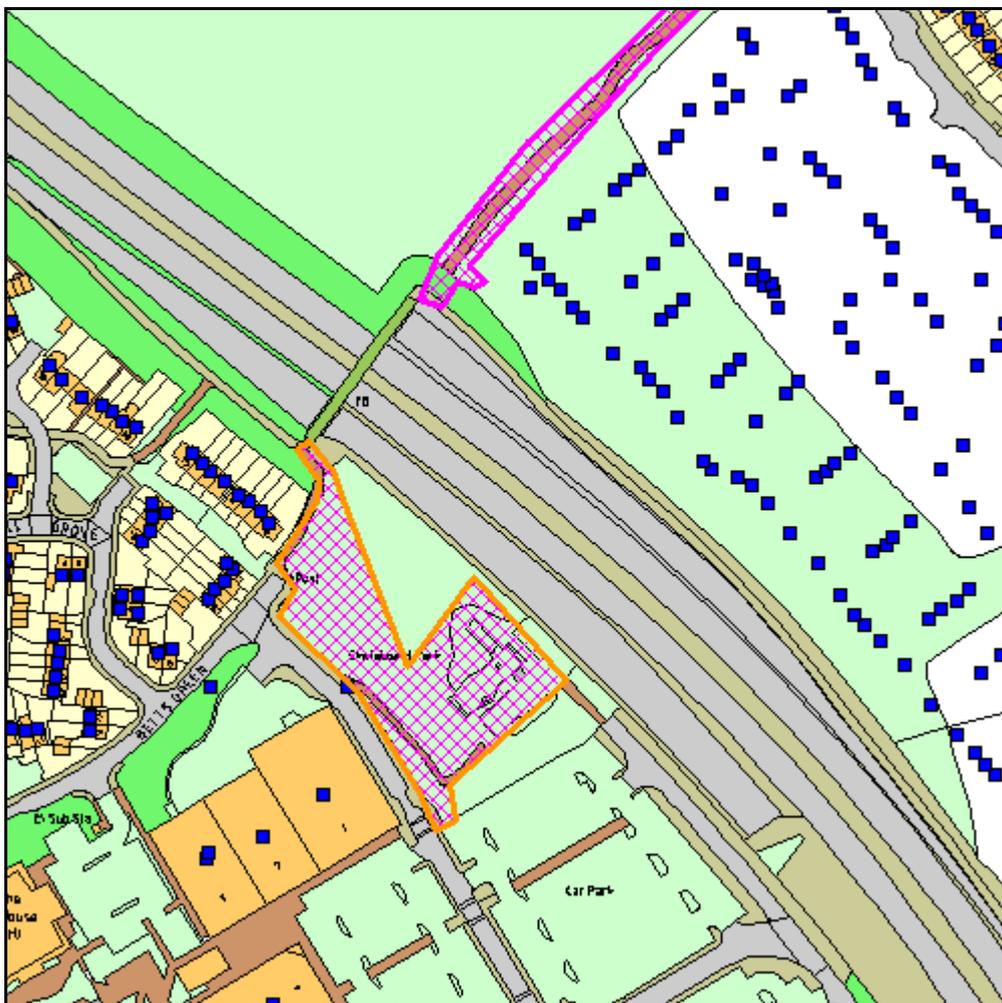
Reason:

In the interests of sustainability and transportation options and in accordance with CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

**Case Officer: Simon Ford**  
**Authorising Officer: Marie Bath**

**CIRCULATED SCHEDULE NO. 16/22 - 22nd April 2022**

<b>App No.:</b>	P21/06899/R3F	<b>Applicant:</b>	South Gloucestershire Council
<b>Site:</b>	Skate Park Emersons Green South Gloucestershire BS16 7GY	<b>Date Reg:</b>	5th November 2021
<b>Proposal:</b>	Creation of public open space, widening of paths, installation of public art, landscaping and associated works.	<b>Parish:</b>	Emersons Green Town Council
<b>Map Ref:</b>	367226 177463	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Minor	<b>Target Date:</b>	30th December 2021



© South Gloucestershire Council 2007.all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. N.T.S. P21/06899/R3F

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**

The application has been referred to the Circulated Schedule as South Gloucestershire Council is the applicant.

### **1. THE PROPOSAL**

- 1.1 Planning permission is sought for the creation of public open space and landscaped areas, widening of paths, installation of public art and other associated works on land linking Emersons Green and Emersons Green East (Lyde Green).
- 1.2 The application covers two areas. The first is situated to the north-eastern corner of the Emersons Green Retail Park, and partially includes the Emersons Green Skatepark. The area lies to the south-west of the A4174, and provides a pedestrian link from the retail park on to Betts Green, before connecting to a pedestrian footbridge (Newlands footbridge) across the adjacent A road. The second area comprises a thin parcel of land situated on the north-eastern, Lyde Green side of the adjacent A road. This area provides a pedestrian link from the footbridge across to Acorn Drive in the Lyde Green development.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework July 2021  
National Planning Policy Guidance (2014)

- 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
CS14	Town Centres and Retail
CS23	Community Infrastructure and Cultural Activity
CS24	Green Infrastructure, Sport and Recreation Standards
CS29	Communities of the East Fringe of the Bristol Urban Area

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

PSP1	Local Distinctiveness
PSP2	Landscape

PSP5	Undesignated Open Spaces within Urban Areas and Settlements
PSP8	Residential Amenity
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP31	Town Centre Uses
PSP44	Open Space, Sport and Recreation Standards

- 2.3 Supplementary Planning Guidance  
 Design Checklist SPD (adopted August 2007)  
 Revised Landscape Character Assessment (adopted November 2014)  
 Trees and Development Sites SPD (adopted April 2021)  
 Green Infrastructure SPD (adopted April 2021)

### 3. **RELEVANT PLANNING HISTORY**

#### 3.1 **PK16/6500/F**

Erection of a Composite pedestrian and cycle bridge linking Emersons Green East (Gateway) development and the existing district centre, across the A4174 Avon Ring Road. Previously outlined in outline application PK05/1009/O and PK04/1965/O.

Approved: 14.03.2017

#### 3.2 **PK06/3698/O**

Erection of single storey Multi-Modal Interchange (MMI) (approx. 240 car spaces, cycle and motorcycle parking) with roof-top community leisure facilities and associated highway and other works. (Outline application).

Refused: 23.07.2007

#### 3.3 **PK06/1423/O**

Erection of single storey Multi-Modal Interchange (MMI) (approx. 227 car spaces, cycle and motorcycle parking) with roof-top community leisure facilities, construction of new bus slip road onto the Avon Ring Road and associated highway and other works. (Outline application).

Refused: 03.10.2006

#### 3.4 **P98/4070**

Erection of 3no. non-food retail units, associated car parking and access/service road.

Withdrawn: 09.09.1998

### 3.5 **P96/4467**

Erection of non-food retail units, 2 No. restaurants (A3), public house and associated car parking.

Approved: 02.12.1997

## 4. **CONSULTATION RESPONSES**

4.1 Emersons Green Town Council  
No objection

4.2 Other Consultees

Archaeology Officer  
No comment

Arts and Development Officer  
No objection - fully supportive of scheme.

Ecology Officer  
Proposals largely acceptable in ecological terms and no significant objection provided the development is carried out in accordance with the recommendations, reasonable avoidance measures and recommended enhancements set out within the submitted preliminary ecological assessment. However some further measures required in respect of proposed lighting scheme and impact on bats, and suggest these are picked up through condition requiring sensitive lighting scheme to be submitted.

Environmental Protection  
No objection subject to informative relating to construction sites.

Landscape Officer  
The proposals, particularly the stone wall elements and the additional oak trees to the north side of the bridge are particularly welcome. Overall the scheme looks interesting and will help make an attractive route from Lyde Green to the district centre.

Lighting Engineer  
No objection

Open Spaces Society  
No comment

Public Open Space  
No comment as no link to policy CS24 nor a s106 POS schedule requirement.

#### Public Rights of Way

Following minor re-location of serpentine trellis and is of wild grass planting, no objection.

#### South Gloucestershire Ramblers Association

No comment

#### Sustainable Transport

No objection

#### Tree Officer

No objection subject to works being undertaken in accordance with Arboricultural Report.

#### Urban Design Officer

No objection and overall impression of proposals is very positive. However query whether additional seating can be proposed as this appears to be limited in current proposals. Also query future maintenance.

### **Other Representations**

#### 4.3 Local Residents

Two comments of support were received over the course of the application process. Full copies of comments are available to view on the Council website, with key points raised summarised below:

- Area of land felt neglected for some time, so proposals are welcomed.
- Whilst outside of proposal, would recommend that adjacent piece of land be developed into asphalt pump track as addition to skate park.
- Query what will happen in gap between red line and boundary fence of 31 & 33 Betts Green, once existing path is removed.
- Assume access to boundary fences will be retained for maintenance.
- Large cherry tree in need of attention.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Planning permission is sought for the creation of public open space and landscaped areas, the upgrading of existing and provision of new footpaths, and installation of public art. The proposals relate to an area of land to the north-eastern corner of the Emersons Green Retail Park (area one), and a footway on the opposite side of Newlands Footbridge connecting to Lyde Green (area two).

- 5.2 In terms of the principle of development, the proposals seek to upgrade existing ancillary areas connecting the retail park and Lyde Green, which are predominantly used to accommodate pedestrian and cycle movement. The proposals seek to improve the existing connections as opposed to altering the formal use of the land, with the existing skate park remaining in-situ.

- 5.3 Policies CS24 and PSP44 of the Local Plan are both supportive of the provision of and improvements to green infrastructure and outdoor community/recreational facilities. The proposals are consistent with the aims of the policies. The proposed upgrades would also significantly improve connectivity on either side of the A4171 for both pedestrians and cyclists. In this regard the proposals are consistent with the aims of policies CS8 and PSP10 of the Local Plan, in that they would help to promote sustainable travel behaviours in the locality.
- 5.4 On the basis of the above the proposals are considered to be acceptable in principle. It is acknowledged that area one does fall within the designated Emersons Green town centre as defined through policy PSP31 of the Local Plan. However given that the proposals seek to upgrade the existing landscaping and pedestrian/cycle connections, they are considered ancillary to the existing use, rather than seeking to introduce a new land-use.
- 5.5 Design, Visual Amenity and Landscaping  
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. Policy CS1 is fully compliant with design guidance in the NPPF.
- 5.6 Policy PSP2 of the Policies, Sites and Places Plan outlines that development proposals should seek to conserve and where appropriate enhance the quality, amenity, distinctiveness and special character of the landscape.
- 5.7 With the exception of the existing skate park, the area one site in its current form comprises an undeveloped and overgrown area of scrubland. The proposals seek to significantly upgrade this area to provide public open space in the form of a linear park with additional and improved landscaping, footpaths and public art. Improvements to landscaping and surfacing are also proposed to the existing footpath comprising area two. In terms of general visual amenity, the proposed works would result in notable improvements to both areas one and two. As such, the proposals are compliant with policies CS1 and PSP2.
- 5.8 Within their consultation response, the urban design officer queried whether additional seating could be provided within area one to provide more opportunities for rest for those moving through the area. However, it was highlighted that high levels of seating were intentionally avoided through the linear park, in order to reduce the possibility of anti-social behaviour given the proximity to existing residential units. Whilst there would be benefits to providing additional seating, the potential risk regarding anti-social behaviour is acknowledged. The proposed provision of two perch seats set away from neighbouring residential units is considered acceptable, and the applicant has outlined that they will continue to monitor the situation regarding seating, with the possibility of providing additional benches in the future.

## 5.9 Transportation

In terms of general highway safety, the proposals do not seek to make alterations to the vehicular highway network. The proposals seek to improve pedestrian and cycle connections between Emersons Green and Lyde Green, with the provision of additional dedicated footways.

5.10 At present, other than a footpath connecting to the skatepark, no dedicated footpath is provided through area one. In order to move between the retail park and Newlands Footbridge, pedestrians are required to either cut across unsurfaced and poorly lit areas or follow a longer route around the perimeter of area one adjacent to the vehicular highway. The proposals seek to provide a dedicated 3.6m wide principal path through the area, surfaced with asphalt. A secondary meandering path will also be created adjacent to the principal path. Overall, the provision of new dedicated footpaths would provide a significantly improved means of pedestrian and cycle connection across area one.

5.11 At present area two comprises an approximately 2.5m to 3m wide section of footway extending to roughly 160m. The footway is finished with a rough stone to dust surface, and is used by pedestrians, cyclists and occasionally by horse riders. The proposed upgrades would see the footway width increased to 4m, and a new surface laid down comprising a porous no dig, flexipave system. The improved surfacing and additional width would allow for the much safer use of the multi-user path. Improvements to streetlighting are also proposed. Overall, the proposed works would significantly improve the connection provided through area two.

5.12 On the basis of the above, the proposals are considered acceptable in transportation terms; with the proposed upgrades resulting in notable improvements to connectivity and legibility across the two sites. The scheme has been reviewed by highways officers with no concerns raised.

## 5.13 Ecology

Given the site's undeveloped nature and potential to support a range of species, a Preliminary Ecological Assessment was submitted in support of the application. This found that a number of species and habitats were present at the site and set out a number of mitigation and enhancement measures to limit effects on wildlife. The assessment has been reviewed by the ecology officer, and the overall recommendations, mitigation measures and enhancement features set out within the report are considered acceptable. As such, a condition requiring the development to proceed in accordance with the conclusions of the assessment is recommended.

5.14 Additional recommendations regarding light-spill and illumination as to avoid any negative impacts upon bats were also made by the ecology officer. As these recommendations were not included within the Preliminary Ecological Assessment, a condition requiring a sensitive lighting strategy to be submitted following determination is recommended for any decision. Subject to the aforementioned conditions, the proposals are considered acceptable from an ecological perspective and in accordance with policy.

5.15 Residential Amenity

Given the nature of the scheme and the absence of significant built form, it is not considered that the proposals would negatively affect the amenity of local residents through any overlooking, overbearing or overshadowing effects. Whilst the proposals may result in some increase in footfall in the vicinity of residential dwellings along Betts Green, the route is already utilised by pedestrians/cyclists, and it is not considered that the upgrade works would alter the situation significantly in respect of any disturbance. It is noted that any seating areas have been set away from residential properties to avoid disturbance. Overall, it is not considered that the proposals would result in any significant detrimental impact on residential amenity, and the application is acceptable in this regard.

5.16 Natural and Historic Environment

Given the nature and location of the proposals, it is not considered that the scheme would have any significant impact from a heritage perspective. Following review by drainage officers, the proposals are also considered to be acceptable in drainage and flood risk terms.

5.17 In respect of arboriculture, an Arboricultural Report was submitted in support of the application, and this has been reviewed by the Council's tree officer. The report is considered sufficient and the proposals are acceptable in this regard. A condition is recommended for any decision, requiring the development to proceed in full accordance with the report.

5.18 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.

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

5.20 Other Matters

The comments made regarding the potential provision of an asphalt pump track have been considered, however there would be no robust planning reason for requesting a feature of this nature. The concerns raised regarding the health of an adjacent cherry tree also fall outside of the scope of this application. The comments made regarding the gap between the site boundary and adjacent fences have been considered. It has been confirmed that the proposed grassland meadow will extend up to the property boundary, and access to the adjacent fence will not be impeded.

## 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 shall be implemented in accordance with the approved plans, as below:

Site Layout Plan - Emersons Green (Ref. LA/233/101 B)  
(Received by LPA 27th January 2022)

Existing Topographical Plan - Emersons Green (Ref. LA/233/107)  
Existing Topographical Plan - Lyde Green (Ref. LA/233/108)  
Proposed Levels Plan - Emersons Green (Ref. LA/233/203)  
Proposed Levels Plan - Lyde Green (Ref. LA/233/204)  
(Received by LPA 5th November 2021)

Site Location Plan (Ref. LA/233/100)  
Planting Plan - Emersons Green (Ref. LA/233/105)  
Site Layout Plan - Lyde Green (Ref. LA/233/201 A)  
Planting Plan - Lyde Green (Ref. LA/233/202)  
Steel Pergola Details (Ref. LA233-102)  
Steel Fruit Trellis Details (Ref. LA233-103)  
Natural Stone Walling (Ref. LA233-106)  
Newlands Steps General Arrangement (Ref. SGC-SC&T-SMN-67M099-DR-S-0005 P1)  
Street Lighting 1 (Ref. SLD-529-001)

Street Lighting 2 (Ref. SLD-530-001)  
Lighting and Electrical Requirements (Ref. SLD-531-001)  
(Received by LPA 27th October 2021)

Reason

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

3. The development shall be carried out in full accordance with the mitigation measures and biodiversity enhancements set out within the approved Preliminary Ecological Assessment (by Diversity dated October 2021).

Reason

To protect the 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.

4. Prior to the installation of any new lighting and notwithstanding the details shown on approved lighting plans (Ref. SLD-529-001, SLD-530-001, SLD-531-001), a Sensitive Lighting Strategy shall be submitted to the Local Planning Authority for approval in writing. The development shall then be implemented in accordance with the agreed details.

Reason

To protect the 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.

5. The development shall be carried out in strict accordance with the approved Arboricultural Report (Linking The Greens, Lyde Green, South Gloucestershire) produced by Silverback Arboricultural Consultancy Ltd dated October 2021.

Reason

To protect the health of trees in the interests of the visual amenity of the area and to accord with Policy CS1 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013 and Policy PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

6. 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.

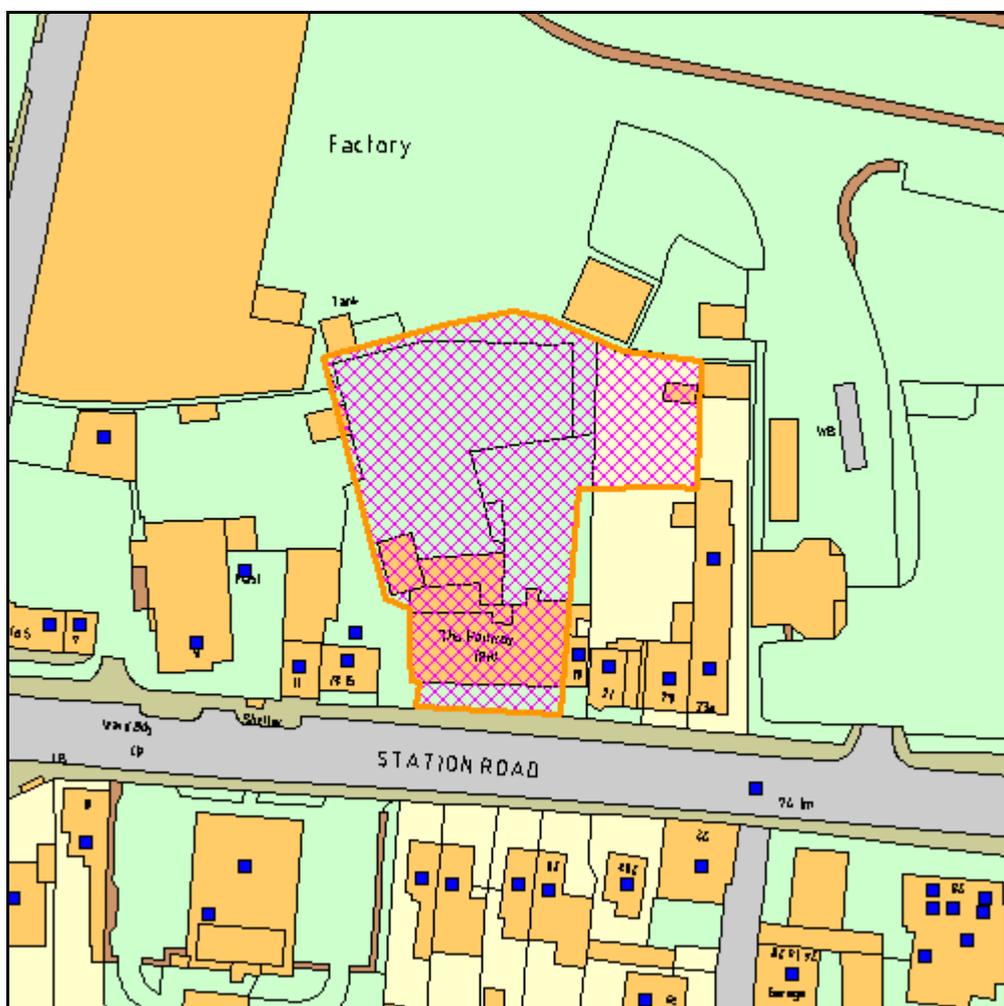
Reason

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.

**Case Officer: Patrick Jackson**  
**Authorising Officer: Jonathan Ryan**

**CIRCULATED SCHEDULE NO. 16/22 - 22nd April 2022**

<b>App No.:</b>	P21/07653/RM	<b>Applicant:</b>	The Railway Building Company
<b>Site:</b>	The Railway Inn Station Road Yate South Gloucestershire BS37 5HT	<b>Date Reg:</b>	4th December 2021
<b>Proposal:</b>	Erection of 40no. residential units with associated parking and hard/soft landscape works with appearance and landscaping to be determined (Approval of Reserved Matters to be read in conjunction with outline permission P20/19213/O).	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	370129 182564	<b>Ward:</b>	Yate North
<b>Application Category:</b>	Major	<b>Target Date:</b>	3rd March 2022



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

**N.T.S.**

**P21/07653/RM**

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 due to an objection received from Yate Town Council contrary to the officer recommendation below.

### **1. THE PROPOSAL**

- 1.1 The application seeks reserved matters consent for the erection of 40no. residential units with associated parking and hard/soft landscape works
- 1.2 The site was formerly occupied by the Railway Inn, a locally listed building. The Railway Inn, as the name suggests, has connections with the railway and first appears on the 1844-1888 1st edition Ordnance Survey map of the area. Along with being a building of local historic interest, it was also one of a few buildings in the immediate vicinity that was considered to be architecturally distinctive and be of aesthetic merit. However, following an application to the local planning authority for its prior approval, the building has since been demolished to facilitate the redevelopment of the site.
- 1.3 The site is within the settlement of Yate, within the defined Town Centre and sits on a secondary shopping frontage. Approximately 555 metres from the site to the east is the primary shopping area of the town centre. The site is also within an area safeguarded for economic purposes under policy CS12(53). Access to the site is provided from the A432 Station Road. This is one of the principal access routes to the town and connects Yate to the A4174 Avon Ring Road (including associated road connections) and beyond to Bristol City Centre. A number of bus routes run along the A432 and the site is located within 50 metres of an eastbound bus stop and 70 metres of a westbound bus stop. Yate Railway Station is approximately 190 metres to the west of the site providing to regional and commuter rail services as well as connections to cross country and mainline rail services.
- 1.4 The application has been revised since originally submitted in order to revise materials and landscaping details, and for the provision of recessed balconies to Block B.

### **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  |
| CS2 | Green Infrastructure |

CS3	Renewable and Low Carbon Energy Generation
CS4	Renewable or Low Carbon District Heat Networks
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
CS12	Safeguarded Areas for Economic Development
CS13	Non-Safeguarded Economic Development Sites
CS30	Yate and Chipping Sodbury

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

PSP1	Local Distinctiveness
PSP5	Undesignated Open Spaces
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
PSP37	Internal Space Standards
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) August 2007

Local List SPD (Adopted) March 2008

Residential Parking Standard SPD (Adopted) December 2013

Affordable Housing and ExtraCare SPD (Adopted) May 2014

Renewables SPD (Adopted) November 2014

CIL and S106 SPD (Adopted) March 2015

Waste Collection SPD (Adopted) January 2015 (updated March 2017)

**3. RELEVANT PLANNING HISTORY**

- 3.1 P20/19213/O - Erection of 40no. residential units with associated parking and hard/soft landscape works. (Outline) with access, siting and scale to be determined, all other matters reserved. – Approved 25.11.2021
- 3.2 P19/5548/O – Permit 09.03.2020 - Erection of 56 no. bed care home (Class C2) and 12 no. flats (Class C2) with associated works (in Outline) with access, layout and scale to be determined, all other matters reserved.
- 3.3 PK18/3578/O - Refused 01/05/2019 Erection of 10 no. dwellings (Outline) with access, appearance, scale and layout to be determined. All other matters reserved. (Re submission of PK17/2676/O).
- 3.4 PK18/1660/O - Refused 27/06/2018 - Erection of 43no apartments (Outline) with appearance, layout and scale to be determined. All other matters reserved.

- 3.5 PK17/2676/O - Non-determination 13/12/2017 - Demolition of existing building. Erection of 10 no. dwellings (Outline) with access and layout to be determined. All other matters reserved.
- 3.6 APP/P0119/W/17/3191394 - Appeal against non-determination of PK17/2676/O - Dismissed 09/04/2018
- 3.7 PK17/0888/PND - No objection 27/03/2017 - Prior approval of demolition of Public House and associated outbuildings.

#### **4. CONSULTATION RESPONSES**

- 4.1 Yate Town Council – *“We appreciate that outline consent has been granted. At outline stage we expressed a number of detailed concerns. This RM application does not address those concerns, so we OBJECT*

*Object to the change to a 4 story building in Block B which will dominate the landscape and dramatically affect the privacy of adjoining properties. There are no four story buildings in this area - the nearest is over a mile away, and this will dominate the locality changing its character and overbearing the existing victorian vernacular properties. It will undermine the work being done to revive the high street under the Old Yate identity.*

*Object strongly to the new materials, which are even worse than the original mock Georgian plan and bear no relationship to the local vernacular or the historic street scene. The built up section of Station Road dates from the 1840s, with the coming of the railways and is dominated by local vernacular buildings.*

*The western elevation of the rear block is too close to the adjoining industrial yard, which is a firm that does road markings, has chemicals and operates from early in the morning to get to site there will therefore be severe nuisance to the occupiers of flats built this close overlooking the business.*

*Where are the disabled parking bays? The South Glos parking standards would require 44 parking spaces and they are still only showing 40. As there is no on street parking in the vicinity how will the shortfall be met?*

*Front block extends beyond the building line, as ALL adjoining buildings along this side of Station Road are set back from the pavement.*

*Completely inadequate screening along the boundary to the east. From being a secure fenced area between two properties, this will become a single fence, with low shrubs and 3 trees none of which will deter people climbing the fence, with parking right up to the fence, and public access. This will have a dramatic effect upon the security of the property and yard to the east and requires the parking area to be set well back from the fence, a wall not a fence, and some robust landscaping in place to deter people climbing over the fence.*

*We continue to object to the proposing of habitable rooms at second, third and now 4th floor level with balconies along the northern and western boundaries overlooking busy industrial sites. These will have no noise screening and they are likely to lead to noise nuisance complaints about the industrial site.”*

- 4.2 Health and Safety Executive – Do not advise against.
- 4.3 Lighting engineer – Not clear whether areas would be offered for adoption.
- 4.4 Public open space – No comment.
- 4.5 Landscape – No objection.
- 4.6 Transport – No objection
- 4.7 Arts and development – Further information required
- 4.8 Drainage – Further details required
- 4.9 Ecology – No objection
- 4.10 Environmental Policy – Further details required
- 4.11 Crime Prevention – Amendments requested
- 4.12 Environmental Protection – No objection

### **Other Representations**

#### 4.13 Local Residents

2no. objection comments have been received, summarised as:

- Building too large for site
- Parking inadequate
- Lack of communal areas
- Access appears overcrowded
- Rear block out of character
- No parking in the vicinity
- No space for children to play
- Previous objections ignored
- Original building demolished without permission
- No trust in developers or planning system
- Overlooking
- Impact on security
- Overdevelopment

## **5. ANALYSIS OF PROPOSAL**

### Principle of Development

- 5.1 The principle of residential development at the application site has already been accepted by virtue of the previously approved outline application. The main issues to consider relate to appearance and landscaping. It is noted that there are objection comments relating to scale, massing and parking provision, however these matters have already been determined under P20/19213/O and cannot be re-considered as part of this reserved matters application.

#### Design and visual amenity

- 5.2 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. Policy CS1 is fully compliant with design guidance in the NPPF.
- 5.3 Layout and scale were determined at outline stage, with the fundamentals in terms of design and overall appearance considered.
- 5.4 The layout includes two blocks. Block A, located to the front of the development, has been positioned to continue the existing building line. Behind this is a communal car park area, and to the rear of the site is Block B, with a small garden area surrounding Block B.
- 5.5 Block A, along Station Road, has been designed to reflect the scale of the Victorian properties along the road. It would be of a two and a half storey design, mirroring the proportions of the existing terrace to the west, albeit with a slightly higher ridgeline. Block A will be rendered, to match adjacent buildings, with bath stone heads, cills and coping, with brown roof tiles. The building will appear as a terrace of four houses, with faux doors to the front. The traditional appearance is considered to be acceptable.
- 5.6 Block B to the rear is much greater in scale. The site is within the town centre, in close proximity to the railway station, and somewhere where more urban centred living would be appropriate. The 4 storey building has been accepted in principal under application P20/19213/O.
- 5.7 Block B has been designed with double gables to the rear and a single gable to the front. The proposal originally came forward with grey cladding and grey roof tiles due to the industrial sites to the rear and side of the site, this has now been amended to cream render and red brick, with brown roof tiles. As the site will be partially visible from Station Road, this is considered to be a more appropriate use of materials. The brickwork will run along the ground floor, as well as being used between windows in order to break up the elevations and add visual interest. The shallow roof pitch would make the building overall less dominant, and is considered an improvement upon the mansard roof proposals put forward previously.
- 5.8 Overall, the appearance of the proposals is considered to be acceptable.

### Landscaping

- 5.9 The submitted tree species and stock sizes have been amended since original submission, including trees within the car parking islands being taller growing species at 12m plus in height as they lie further away from buildings.
- 5.10 Lower level perimeter planting, native hedge mix species and planting density is considered to be acceptable. There is a mixture of shrubs, herbaceous, climber and bulb species. Although some herbaceous areas are on the large side, these are balanced by the inclusion of structural shrub planting.
- 5.11 All planting and grassing is to be watered and maintained by contractor up to Practical Completion and for a period of 12 months from that date. Any plant or area of turf which dies within 5 years, or is not thriving during this period is to be replaced. Wildflower conservation grass area to be cut to 75mm during June, July, August, September & October. Clippings to lay fallow for 3-5 days before being collected and taken to recycling facility. The site will be managed by the freehold landowner.
- 5.12 Plan GBU 2117 shows use of proprietary tree pit system, which is shown in greater detail on Structural Soil tree Pit Detail Plan, which is acceptable. The location of the different pit types is helpfully identified on Soft Landscape Proposals Plan – 01 Rev. D. No conflicts are shown between the drainage system and landscaping scheme.
- 5.13 The Council's Landscape Officer has raised no objection to the submitted scheme, and it is considered to be acceptable.

### Ecology

- 5.14 The soft landscaping scheme also includes enhancements in terms of ecology, including bat boxes, bird boxes, hibernaculas, bee posts and wildflower zones. This is considered to be an enhancement on the existing site, which is mainly hardcore, and is acceptable.

### Crime prevention and security

- 5.15 Policy CS1 – High Quality Design of the South Gloucestershire Local Plan: Core Strategy (December 2013) in Point 9 states that development proposals will be required to demonstrate that they take account of personal safety, security and crime prevention.
- 5.16 The Crime Prevention Design Advisor has commented on the application. They have pointed out that the D&A statement does not explicitly cover crime and safety implications of the design. This is correct, however the applicant is not required to do so.
- 5.17 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.

- 5.18 Concerns regarding open gaps to the rear of Block B have been noted, and the landscaping plan has been updated to address these. Similarly, the eastern boundary details have been updated to show a 1.8m palisade fence and 1.8m timber fence, following the recommendations of the Crime Prevention Design Advisor.
- 5.19 Secure cycle storage has been provided within Block B for all residents, although some additional cycle storage has been located outside. These are overlooked by active rooms, as well as balconies. The doors should be to a reasonable security standard such as PAS24:2016 or LPS 117f B3. The doors must also be on the same access control as the building entrances, a combination lock would not be acceptable.
- 5.20 External street lighting has been proposed to the car parking areas, as well as bollard lighting to the external doors. The internal areas are not proposed for adoption, and will be managed by the owner of the site.
- 5.21 Concerns raised by the Crime Prevention Design Advisor, as well as local residents, are considered to have been addressed.

#### Residential amenity

- 5.22 A residential planning noise assessment has been submitted due to the proximity of Station Road and the surrounding industrial units. Station Road (A432) is a primary route through Yate and runs broadly east / west across the southern boundary of the site. To the immediate north of the site is the Whirlpool factory which covers a large area to the north of Station Road. To the west of the site, there is a depot and workshop for a road works signage company and further west at approximately 150m from the site boundary, lies Yate train station and the train lines running between Bristol and the north. The train station and tracks are screened from the site by intervening buildings and structures.
- 5.23 The noise monitoring results, conducted during both daytime and night time hours, show that noise levels are not particularly high. The daytime ambient noise levels range between LAeq 56dB and 48dB, with the lower values generally occurring in the early evening period, from 19:30 onwards. The ambient noise climate during the night-time period drops to levels of around LAeq 45dB and 41dB until around 04:00 when noise levels increase as a result of the dawn chorus, particularly sea gulls. During the daytime period, noise levels would generally fall within the negligible / low band. During the night-time period noise levels would fall within the low to medium band.
- 5.24 The proposed development includes provision for balconies on all facades of Block B. The measured noise levels in the vicinity of Block B (M01) indicate that the daytime noise climate would fall between LAeq 52 and 53dB which are considered to be acceptable limits.
- 5.25 Building envelope calculations have been undertaken and specifications given for glazing and ventilation for Block B of the development. With the relevant façade treatments, providing the development is carried out in line with the

- noise assessment the proposal would be considered acceptable. No objection has been raised by the Council's Environmental Protection Officer.
- 5.26 The proposed outside amenity area was considered under application P20/19213/O and was considered acceptable.
- 5.27 PSP43 requires 5m<sup>2</sup> private amenity space to be provided for a flat. Out of the 9 flats within Block A, 4 flats are provided with balconies, however 5 are not. The balconies measure 5.7m<sup>2</sup>.
- 5.28 In Block B, all flats have been provided with recessed balconies. These balconies measure 5m<sup>2</sup>.
- 5.29 The balconies that have been provided are therefore policy compliant, however there is still the 5 properties that have not been provided with private amenity space. PSP43 does however state that *"The space standards are a guide and include the totality of balconies, front and back gardens and communal spaces etc., but not access paths. They should also be applied as an average across a development."* The rear garden area proposes around 110m<sup>2</sup> of usable space, although the total area is around 280m<sup>2</sup>. PSP43 also states that requirements may be required to be relaxed for higher density developments.
- 5.30 It is also noted that within a short walk of the site is Westerleigh Common, which provides good open space for a variety of uses, including general recreation, sport, and nature conservation.
- 5.31 The appearance of Block A makes it difficult for balconies to be provided for some flats; the siting of balconies on the front elevation would likely not be acceptable in design terms, the block abuts the boundary on the eastern elevation, and the already approved layout to the rear requires the external space to be used for parking, landscaping and bin storage.
- 5.32 On balance, the lack of balconies provided to Block A is not considered to justify a refusal in this instance, given the overall provision, high density development, nearby outside space and design restrictions.
- 5.33 The development would have most impact on the amenities of the adjacent properties on Station Road. The separation distances of between 25 to 30 metres from the eastern elevation of Block B reduce any perceived privacy impacts. The rear windows of Block A are at an oblique angle to the gardens of adjacent properties, however the two proposed balconies to the rear could potentially result in overlooking, although they are largely sited alongside the existing built form to the east. Screening details for these balconies will be required by condition, to ensure no overlooking could occur to the eastern side.

#### Drainage

- 5.34 Drainage details have been submitted as part of this application in order to discharge condition 10 of application P20/19213/O, however have been found

insufficient. An additional condition is not required under this application, however condition 10 will still require discharging.

### Environmental Policy

- 5.35 A sustainability statement has been submitted as part of this application. PSP6 states that development will “*be 1. encouraged to minimise end-user energy requirements over and above those required by the current building regulations through energy reduction and efficiency measures, and in respect of residential for sale and speculative commercial development offer micro renewables as an optional extra, and 2. be expected to ensure the design and orientation of roofs will assist the potential siting and efficient operation of solar technology. The Council will also take positive account of and support development that provides further energy reduction, efficiency, renewable and low carbon energy measures on or near site, where measures comply with other policies of the plan.*”
- 5.36 The units have been designed to reduce kW demands & subsequent CO2 production by 23.3 % & 15.5% respectively. This has been achieved by: 1. Significant Improvement to fabric U values over current building regulations, 2. Use of enhanced construction details for thermal bridging, 3. Designing to an air tightness target of 3 m<sup>3</sup>/m<sup>2</sup>.h, 4. Installation of MVHR systems, and 5. Enhanced heating & hot controls.
- 5.37 Mains electric wet underfloor heating has been selected with a 110 litre DHW tank. Systems are to be installed that will allow a simple conversion to a local heat network interface or indeed local air source heat pump connection if either become feasible in the future. PV panels have been found to be the only suitable sustainable energy provision within the site, and these have been provided on the southern roof slopes on both blocks within the development. In addition to the previously stated reductions through the fabric first approach, further reductions of 33.5% in CO2 emissions will be achieved through the installation of solar PV arrays. Total kWp of PV installed will be 60 kWp which equates to 1.5 kWp per unit.
- 5.38 It is noted that further information has been requested by the Council’s Climate Change officer in regards to CO2 reductions, however in accordance with the Council’s Guidance note on Energy in New Development, this information is only required on greenfield sites. As this is a brownfield site, the information is not required. Subject to details of the solar PV being submitted by condition, the proposal is considered to comply with PSP6.

### Public Art

- 5.39 Public Art is required as part of CS1. *Public Art should be viewed as an opportunity to enhance legibility, character, distinctiveness and civic pride. It should respond to the distinctive assets of the location and can form part of the landscape design, public realm and play opportunities. It can also be temporary or permanent and should seek to intrigue and delight, be robust and require*

*minimal maintenance. The scale and location of the art should be appropriate to the site and its surrounds.*

- 5.40 The public art is to be included in on the railings at the front of the site as shown on drawing 21.021-30. It was considered that the railings at the front of the site were the best position for the inclusion of some form of public art as this is the part of the site most visible to the wider public. The train motif is proposed to reflect the name of the site and the links to the railway.
- 5.41 It is noted that the Arts and Development officer has requested further information, however given the very limited part of the site that is visible to public view, it is not considered commensurate in this instance for further information to be submitted. A condition is considered necessary to ensure that the art is installed prior to occupation of the site.

#### Transport and highways

- 5.42 Application P20/19213/O required the submission of details for electric vehicle car charging points, which have been included within the proposed plans for the site.
- 5.43 Transport DC have also requested a condition requiring access, parking and cycle parking to be provided, however this is already required under conditions 16 and 17 of application P20/19213/O.

#### Conditions

- 5.44 This application includes information which is required under several conditions on application P20/19213/O. For the avoidance of doubt, the following conditions can be considered as discharged as part of this application:
- 5.45 *Condition 1 - Approval of the details of the appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.*
- 5.46 *Condition 2 - Plans and particulars of the reserved matters referred to in the condition above, relating to the appearance of any buildings to be erected, and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.*
- 5.47 *Condition 6 - The details of the appearance of the building shall - in relation to Block B - indicate measures taken to ensure the amenities and living conditions future occupiers are not adversely affected by noise.*
- 5.48 *Condition 7 - The details of the landscaping of the site shall include a scheme for the provision of electric vehicle charging facilities (1 per unit).*
- 5.49 *Condition 9 - The details of the landscaping of the site shall include a scheme for the provision of public art.*

- 5.50 Condition 17 - *The development hereby approval shall not be occupied until secure cycle parking has been provided, details of which will first have been submitted to and approved in writing by the Local Planning Authority.*

#### Consideration of likely impact on Equalities

- 5.51 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 permission be 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 occupation, the hard and soft landscaping shown on plans 1455-01C and 001 A shall be installed on site.

#### Reason

To ensure the provision of an appropriate landscape setting to the development in accordance with PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places (Adopted) November 2017.

3. The doors to the secure cycle storage will be installed to a reasonable security standard such as PAS24:2016 or LPS 117f B3. The doors must also be on the same access control as the building entrances, i.e. not a combination lock.

Reason

To encourage means of sustainable, low (and zero) carbon, transportation, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

4. The development shall be carried out strictly in accordance with the submitted residential planning noise assessment (ANC 2021).

Reason

In the interest of residential amenity and to accord with policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and the provisions of the National Planning Policy framework.

5. Prior to occupation, full screening details for the balconies on the rear elevation of Block A shall be submitted to and approved in writing by the Local Planning Authority. The screening shall be installed prior to occupation in accordance with the approved details, and retained in perpetuity.

Reason

In the interest of residential amenity and to accord with policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and the provisions of the National Planning Policy framework.

6. Prior to occupation, technical details for the solar PV panels shall be submitted to and approved in writing by the Local Planning Authority. The solar PV shall be installed prior to occupation in accordance with the approved details.

Reason

In the interest of sustainable development and to accord with policy PSP6 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and the provisions of the National Planning Policy framework.

7. Prior to occupation the public art shall be installed in accordance with 21.021-30, and shall remain in perpetuity.

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.

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

26 Nov 2021	19.016-001	EXISTING SITE PLAN
26 Nov 2021	21.021-30	PUBLIC ART PROPOSALS
26 Nov 2021	21.038-020	BLOCK A PLANS AND ELEVATIONS
04 Mar 2022	021 A	BLOCK B FLOOR PLANS

04 Mar 2022	022	A	BLOCK B FLOOR PLANS
04 Mar 2022	023	A	BLOCK B ELEVATIONS
15 Mar 2022			TREE PIT SECTION DETAIL
15 Mar 2022	001	B	SITE LAYOUT
15 Mar 2022	01	D	SOFT LANDSCAPE PROPOSALS
15 Mar 2022	GBU 2117	B	TREE PIT SYSTEM INSTALLATION

Reason

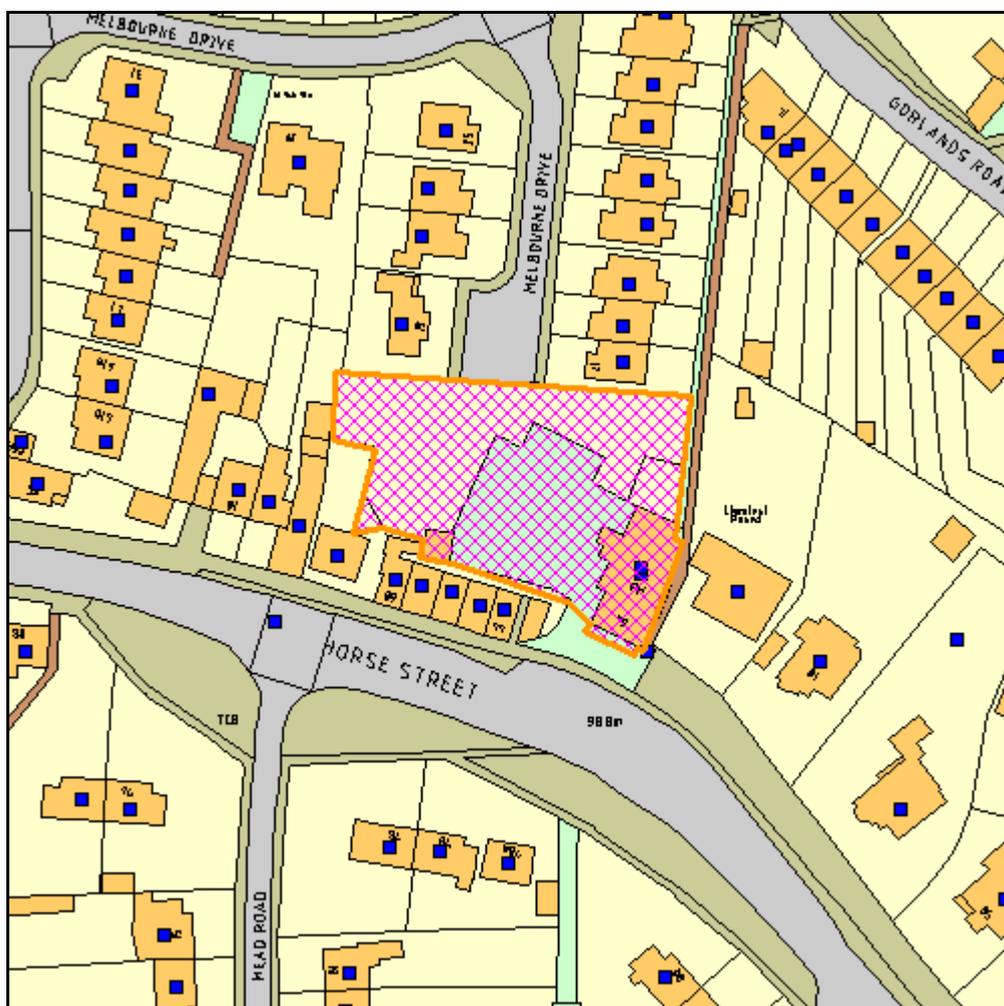
To define the terms and extent of the permission.

**Case Officer: Rae Mepham**

**Authorising Officer: Marie Bath**

**CIRCULATED SCHEDULE NO. 16/22 - 22nd April 2022**

<b>App No.:</b>	P21/07839/F	<b>Applicant:</b>	Cordage 37 Limited
<b>Site:</b>	The Boot Inn 79 Horse Street Chipping Sodbury South Gloucestershire BS37 6DE	<b>Date Reg:</b>	10th December 2021
<b>Proposal:</b>	Erection of 2 no. semi-detached dwellings with associated parking and landscaping, and reconfiguration of the public house car park and beer garden.	<b>Parish:</b>	Sodbury Town Council
<b>Map Ref:</b>	373175 182100	<b>Ward:</b>	Chipping Sodbury And Cotswold Edge
<b>Application Category:</b>	Minor	<b>Target Date:</b>	3rd February 2022



© South Gloucestershire Council 2007. all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

P21/07839/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.

## **CIRCULATED SCHEDULE**

This application is referred to the Circulated Schedule following objection comments from local residents and the Parish Council contrary to the Officer recommendation below.

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the erection of 2no. dwellings on land to the rear of The Boot Inn, Chipping Sodbury. The site currently forms part of the pub garden and car park of the public house.
- 1.2 The site is within the settlement boundary and adjacent to the Chipping Sodbury Conservation Area.
- 1.3 The application has been revised since originally submitted, to reduce the height of the dwellings, add dormer windows, and for the installation of additional landscaping. A full consultation has been undertaken.

### **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
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
CS30	Yate and Chipping Sodbury

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP5	Undesignated Open Spaces
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
PSP34	Public Houses
PSP43	Private Amenity Space Standards

### 2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) August 2007  
 Residential Parking Standard SPD (Adopted) December 2013  
 Affordable Housing and ExtraCare SPD (Adopted) May 2014  
 Renewables SPD (Adopted) November 2014  
 Landscape Character Assessment SPD (Adopted) November 2014  
 CIL and S106 SPD (Adopted) March 2015  
 Waste Collection SPD (Adopted) January 2015 (updated March 2017)

## 3. RELEVANT PLANNING HISTORY

- 3.1 P21/05454/F - Erection of 1 no. canopy to form covered external drinking area.  
 – Approved 21.01.2022
- 3.2 P85/1328 - Erection of single storey extension to provide additional bar and toilet facilities at ground floor level, re-arrangement of domestic accommodation at first floor level. – Approved 24.04.1985
- 3.3 N2033/1 - Erection of single storey extension to public house to form enlarged bar, new toilets and additional storage space; construction of extension to existing car park – Refused 15.09.1983
- 3.4 N2033 - Erection of two dwellings and formation of vehicular access. (Outline).  
 – Approved 11.12.1975

## 4. CONSULTATION RESPONSES

### 4.1 Sodbury Town Council -

*“Sodbury Town Council and the residents of Melbourne Drive are concerned about this application .The way the houses are planned it leaves wide open for the drive/apron if front of the houses with the removal of a small (yet to be planted hedge ) direct access into the pub car park .There has never been any access from the Drive into this land .*

*If the planned houses could be turned through 90degrees they would form an end to the drive and be more in keeping with the rest of Melbourne Drive and block any future way into the car park*

*I know you can only look at plans "put in front of you" but in this case its what is not shown that will be a problem of the future !”*

### 4.2 Conservation – No objection

- 4.3 Transportation DC – No objection subject to conditions relating to parking, cycle storage and electric vehicle charging points
- 4.4 Drainage – No objection
- 4.5 Ecology – No objection subject to conditions relating to mitigation measures, external lighting and ecological enhancements.

### **Other Representations**

#### 4.6 Local Residents

32 objections have been received, summarised as:

- Properties should be re-oriented to end the cul-de-sac
- Will lead to car park being further developed
- Further segregation required between the proposals and public house
- Concerns public house will be accessed via Melbourne Drive
- Overbearing impact
- Negative impact on character
- Blocking of existing driveways
- Imposition on pavement
- Loss of turning circle
- Fire hydrant compromised
- Plans lack detail
- Should be assessed by Highways Agency
- Blocking light
- Layout of pub garden will impact upon residential amenity
- Tables in garden next to residential property
- Existing issues of disturbance from public house
- Proposals will make disturbance worse
- 3 storey properties not in-keeping
- Intrusive and invasive
- Reduction of roofline and installation of dormers not acceptable
- No access should be granted via Melbourne Drive
- Access inappropriate and dangerous
- No legal rights to access
- Parking area reduced
- No benefit to the community
- Impact on property prices
- Mature trees felled for development
- Viability of public house appears unclear
- Unauthorised installation of boules court and tenants compound
- Increased parking should not be encouraged
- Car park will be closer to residential properties
- Environmental Protection raised concerns on previous applications
- Garden use should be restricted
- No line of sight from the bar or passing police
- Too close to existing properties
- Landscaping insufficient for boundary between residential and commercial
- Contamination should be assessed

- Overdevelopment
- Ransom strip between Public House and Melbourne Drive
- Impact on privacy
- Overlooking
- Existing drainage issues
- Profits will only go to owners
- No construction traffic should be permitted down Melbourne Drive
- Loss of green space
- Additional outdoor seating proposed
- Trees too close to existing properties
- Limited storage facilities
- Proposals will block views

## 5. **ANALYSIS OF PROPOSAL**

### Principle of development

- 5.1 The site is within the settlement boundary of Chipping Sodbury, where the spatial strategy directs new development. The principle of development is therefore acceptable, subject to other material considerations.

### Heritage, design and visual impact

- 5.2 The application relates to a site adjacent to the Chipping Sodbury Conservation Area. The site forms the existing garden and car park of The Boot Inn, located on the north side of Horse Street, to the east of the historic settlement core of Chipping Sodbury.
- 5.3 The existing building dates from the 19<sup>th</sup> century, and is a two storey building with single storey extensions to the rear, finished in roughcast render.
- 5.4 The area where the dwellings are proposed previously featured mature trees, which were felled prior to development. The trees were not protected, and no permission was required to remove them.
- 5.5 Melbourne Drive, located to the north of the public house and where the proposal would be accessed from, is characterised by uniform two storey brick semi-detached and terraced properties constructed in the 1960s. One exception is 19 Melbourne Drive, a detached rendered property set back from the building line.
- 5.6 In relation to the Conservation Area, the Boot Inn is clearly visible on the north side of the road whereas most of the site – including the proposed development plot – is concealed by intervening built form and vegetation.
- 5.7 When looking west across the site (including the proposed area of development) there is a long-range view of the tower of the parish church of St John the Baptist (Grade I Listed and located within the Conservation Area) Ultimately, this is an incidental view of a highly prominent building within the Conservation Area that is visible from many locations within and outside the designation area.

- 5.8 Overall, the proposed development area makes no contribution to the significance of the Chipping Sodbury Conservation Area through setting. Regarding the wider application site, the frontage of the Boot Inn makes some contribution to the significance of the Conservation Area through setting, being a long-established public house that contributes to the street scene when approaching the designation area.
- 5.9 Based on the location of the proposed dwellings and the existence of existing built form and vegetation, it is anticipated that there will be glimpses of the upper parts of the dwellings when approaching the Conservation Area via Horse Street.
- 5.10 The proposed dwellings are a semi-detached pair, faced in plain painted render with clay tiles and zinc dormers to the rear. The dormer has been introduced following the reduction in roof height of the proposed dwellings. The roof height has been reduced by around 70cm to be more in character with the properties within Melbourne Drive, which typically have shallow roof pitches. The ridge of the property will sit around 90cm taller than that of 19 Melbourne Drive, however the taller property will not appear overly dominant within the streetscene nor have an overbearing impact upon number 19 due to the distance between the properties.
- 5.11 The proposed dwellings will sit further forward within the streetscene than number 19, however follow the building line set by the rest of the street. Part of the mostly blank side elevation will be visible within the close, however not to the extent that could be described as an inactive frontage.
- 5.12 The proposed dwellings are considered to respect their surroundings in both form and materials, and would preserve the appearance of the nearby Conservation Area.

#### Transport and highways

- 5.13 The development is to be accessed from Melbourne Drive. It is noted that concerns have been raised regarding the impact of the development upon the turning area, however the turning area would be fully retained.
- 5.14 The proposal provides 2no. spaces for each dwelling, which complies with the Council's standards under PSP16. The proposal therefore will not impact upon on-site parking.
- 5.15 There are no specific parking standards for commercial uses. The increase of formalised parking spaces to 18 as shown on the proposed site plan is not a significant increase upon the 15/16 spaces the car park currently supports with an unmarked layout, and will have no impact upon the number of customers using the public house.
- 5.16 Statements have also been made regarding the access onto Melbourne Drive being unlawful. Although this is a civil matter, checks have been made on land registry records to ensure the correct certificates of ownership have been completed. The land within the red line is owned by Hawthorn Leisure and the

appropriate notice and certificate has been completed. The land which will be required to provide access is highways land.

- 5.17 The increase in vehicular movements for 2no. dwellings is not considered to cause a severe transport impact.
- 5.18 The proposal is unlikely to increase on-street parking in relation to the public house, as pedestrian access is not proposed.
- 5.19 Subject to conditions relating to parking and cycle parking being provided, there is no highway objection. A condition relating to electric vehicle charging points has been requested, however this has now been superseded by Building Regulation requirements.

#### Residential amenity

- 5.20 Development should not be permitted that have a prejudicial impact on residential amenity or which fail to provide adequate living conditions for future occupiers.
- 5.21 The proposal is sited adjacent to 19 Melbourne Drive, with a distance of around 4.6m between the properties. The front of the proposals are around 6.8m forward of the front elevation of 19, and set around 2.4m back from the rear elevation.
- 5.22 The presence of the proposed properties will lead to some loss of sunlight to 19, however due to the distance between properties and staggered position this will not be to an extent that would be considered to cause significant harm nor cause an overbearing impact to the property.
- 5.23 Overlooking of the garden of 19 will not be possibly from the proposed properties due to the angle and position.
- 5.24 The rear elevations of the dwellings face a single storey element of 65 Horse Street, which is directly adjacent to a boundary fence which would prevent overlooking from window to window. The rear garden area of 65 would also be overlooked by the rear of the properties, however at a distance of 11m this is not an unexpected or unusual distance for an adjacent property to be sited at. Planting is also proposed to the rear of the gardens.
- 5.25 Number 17 is located opposite 19 within the streetscene, however is not directly opposite the proposed houses, sitting outside of the public house boundary. Given the distance of 23m and the angle of the properties, there would be no direct overlooking to 17.
- 5.26 Concerns have been raised regarding the layout of the parking area and pub garden. The entirety of the land within the red line of the site plan is ancillary to the public house, and there are no restrictions or conditions upon the existing layout. The public house are therefore free to amend the layout without requiring the submission of a planning application. The proposals are not anticipated to alter the amount of customers attending the public house.

- 5.27 The dwellings will be sited in close proximity to the public house and therefore noise impact must be considered. It should be noted that the public house is within an existing residential area, with the two uses co-existing since the 19th century. The outside area to the public house has also recently received restrictions, only opening between noon and 10pm and with no amplified music to be played at any time. Noise levels for the proposed dwellings are therefore unlikely to be above those expected within an existing mixed use area.
- 5.28 Officers consider that the boundary between the commercial use and residential is not sufficient, and a boundary wall will be required so the entirety of the southern and eastern boundaries of the properties will require walling to be installed in addition to the proposed soft landscaping. This will also result in no pedestrian access being available between Melbourne Drive and the pub garden.

### Ecology

- 5.29 An Ecological Appraisal (Hampshire Ecological Services, November 2021) has been submitted. The site is not covered by any designated sites.
- 5.30 There are small areas suitable for foraging and commuting bats, though likely to be used by more light tolerant bat species. Enhancements have been recommended and this is welcomed.
- 5.31 Three ponds were identified within 500m of the site, however they are separated by roads and housing. There is also suboptimal habitat on site for GCN, therefore they are not expected to be present.
- 5.32 Some habitats such as bushes on site will provide nesting opportunities for birds. Mitigation and enhancements have been recommended which is welcomed.
- 5.33 The low sward of the grassland and the isolated nature of the semi-urban site does not provide suitable habitat for reptiles
- 5.34 No signs for badgers were recorded.
- 5.35 The site offers some potential to be used by hedgehogs, enhancements have been recommended which is welcomed.
- 5.36 The site is not thought to offer value to a wide assemblage of invertebrates, enhancements have been recommended which is welcomed.
- 5.37 The site supports common habitats that currently do not provide high ecological value, enhancements have been recommended and this is welcomed. There is no ecological objection subject to conditions relating to mitigation and ecological enhancements. A lighting condition has been recommended however as the site is not within a rural location and is surrounded by development this is not considered to be reasonable.

### Landscaping and trees

- 5.38 As noted earlier in the report, mature trees were removed from the site prior to the development without the need for consent, and although this is regrettable it is outside the control of the Local Planning Authority.
- 5.39 Increased landscaping has been proposed on site, including hedging, low level shrubs, 4no. ornamental pear trees and 5no. silver birches, which is considered to be acceptable.

### Other matters

- 5.40 Concerns regarding contaminated land have been raised, however previous land uses are unlikely to result in land being contaminated.
- 5.41 Concerns relating to drainage have been raised, however the Council's drainage team have raised no objection to the scheme. The applicant will be required to liaise with Wessex Water.

### Consideration of likely impact on Equalities

- 5.42 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.
- 5.43 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 development plan set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 That planning permission be 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. The dwellings shall not be occupied until the access, car and cycle parking arrangements have been completed in accordance with those shown on the Proposed Site Plan (10.00G).

Reason

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

3. Prior to occupation a hard landscaping plan shall be submitted to and approved in writing by the Local Planning Authority. This will include a wall to the boundaries between the proposed dwellings and the public house. The means of enclosure shall be installed prior to occupation and remain in perpetuity.

Reason

To protect the amenities of the future occupiers and occupiers of nearby dwelling houses, and to accord with Policy PSP38 of the South Gloucestershire Policies Sites and Places Plan (Adopted) and the provisions of the National Planning Policy Framework.

4. The hours of working on site during the period of construction shall be restricted to:

Monday - Friday.....7:30am - 6:00pm

Saturday.....8:00am - 1:00pm

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 curtilage of site

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy PSP38 of the South Gloucestershire Policies Sites and Places Plan (Adopted) and the provisions of the National Planning Policy Framework.

5. All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (phasing) agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being

completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason

To protect the character and appearance of the area and residential amenity to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

6. The development shall proceed in strict accordance with the Mitigation Measures provided in the Ecological Appraisal (Hampshire Ecological Services, November 2021).

Reason

To ensure that the implementation and success of the Wildlife Protection and Enhancement Scheme to prevent ecological harm and to provide biodiversity gain in accordance with policy PSP19 of South Gloucestershire Local Plan and the National Planning Policy Framework.

7. Prior to occupation a plan detailing the location and specifications of ecological enhancements detailed within Ecological Appraisal (Hampshire Ecological Services, November 2021) is to be submitted to the local authority for review. This includes, but not limited to native planting, hedgehog holes, invertebrate provisions (including planting and insect boxes), bat and bird boxes. Enhancements shall be installed in accordance with the approved details prior to occupation.

Reason

To provide biodiversity gain in accordance with policy PSP19 of South Gloucestershire Local Plan and the National Planning Policy Framework.

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

06 Dec 2021	00.02	B	SITE LOCATION PLAN
06 Dec 2021	00.03	A	EXISTING TOPO SURVEY
06 Dec 2021	00.04	A	EXISTING STREET SCENE
18 Mar 2022	10.00	G	PROPOSED SITE PLAN
18 Mar 2022	10.01	B	PROPOSED FLOOR PLANS
18 Mar 2022	10.02	D	PROPOSED ELEVATIONS
18 Mar 2022	10.03	G	PROPOSED LANDSCAPE PLAN

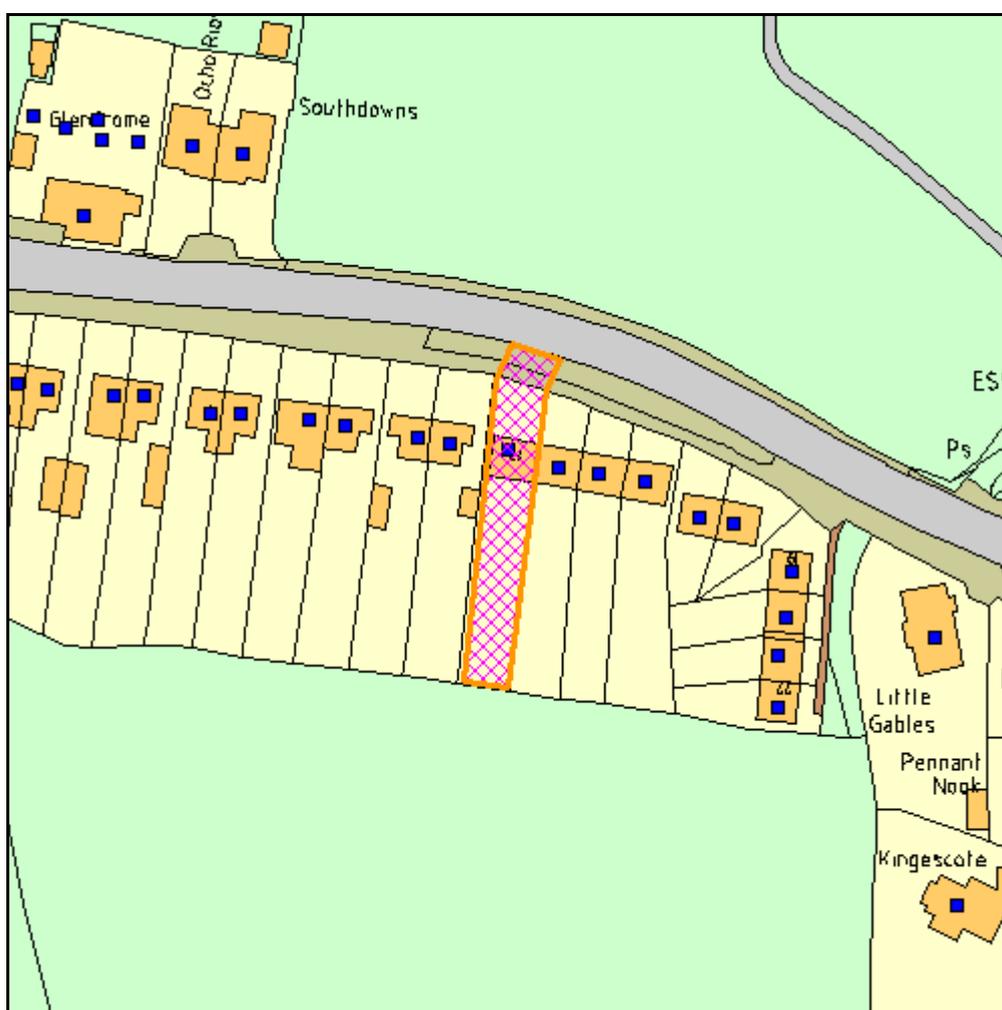
Reason

To define the terms and extent of the permission.

**Case Officer: Rae Mepham**  
**Authorising Officer: Marie Bath**

**CIRCULATED SCHEDULE NO. 16/22 - 22nd April 2022**

<b>App No.:</b>	P22/01441/F	<b>Applicant:</b>	Mr David Roughley
<b>Site:</b>	Land At And Adjacent To 13 Beacon Lane Winterbourne South Gloucestershire BS36 1JT	<b>Date Reg:</b>	7th March 2022
<b>Proposal:</b>	Creation of new vehicular access onto Beacon Lane (class b highway) and hardstanding for vehicular parking.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	364634 180541	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Minor	<b>Target Date:</b>	27th April 2022



© South Gloucestershire Council 2007. all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

P22/01441/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 as a result of comments received, from the Parish Council, contrary to Officer recommendation.

## **1. THE PROPOSAL**

- 1.1 The application is for the creation of new vehicular access onto Beacon Lane (class b highway) and hardstanding for vehicular parking.
- 1.2 The application site is located at land at and adjacent to 13 Beacon Lane, Winterbourne.

## **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  
CS8 Improving Accessibility

South Gloucestershire Local Plan: Policies, Sites and Places Plan  
PSP11 Transport Impact Management

## **3. RELEVANT PLANNING HISTORY**

- 3.1 P21/07810/F - Creation of new vehicular access. Withdrawn 02.02.2022

## **4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council

The comments of the Parish Council is Objection. Despite the merits of this getting two more parked cars off the highway, the Parish Council is concerned about the service manhole currently situated on the sloping grass verge. This will need suitable strengthening to make the application viable.

Sustainable Transportation

No objection in principle. Clarification on visibility splays required.

Highways Structures

Details of excavations and the temporary support that is to be provided during construction are to be submitted to satisfy the highway authority that support to the highway is provided at all times.

### Lead Local Flood Authority

No objection in principle, subject informatives

## **Other Representations**

### 4.2 Local Residents

3 letters of support have been received, raising the following points:

-When trying to cross this part of the road with young children is really quite dangerous due to the cars parked on verges

-extra parking will take cars off the highway

Other properties along the rank of houses have driveways so can't see this being a problem.

when visiting the property it is not safe when exiting the car on the side of the traffic and trying to negotiate parking opposite.

-It is even more unsafe when having to manoeuvre young children safely in and out of the vehicle on the roadside.

-the safety benefit of being able to park on the driveway proposed is highly advantageous.

- existing limited parking create problems for access to the property

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

#### Highways

The issue for consideration is that of whether the proposed access onto the highway is an acceptable development in its own right. The site is located within an existing built-up area, and fully accords with the locational requirements of Policy PSP11, on this basis there is no objection in principle to the proposals. As this section of Beacon Lane forms part of the B4057, any new access must be provided with visibility which fully conforms to the standards set out in the Design Manual for Roads and Bridges (DMRB) and Manual for Streets (MfS). Further details were required for clarification in this respect. Further information has been submitted in this respect. Upon assessment the information it does not precisely follow the guidance provided. Nevertheless, the information provided does provide sufficient assurance to conclude that the available visibility from this access is sufficient for it to be considered that it will be unlikely that it would create any severe or unacceptable highways or transportation safety issues. When reaching this conclusion the Council have taken account for the fact the resident's vehicles currently appear to park on the footway and verge outside this house and so removing them to the new on-site parking will have some safety benefits. On balance, therefore, there are no further highways or transportation comments about this application.

- 5.2 The comments from the Parish, above, are noted. In reference to the service manhole situated on grass verge, the inspection cover is not included within the proposed driveway scheme and would remain in the existing grass verge. Should planning permission be granted then an application would be made to Streetcare whereby works and surveys will need to be carried out in

accordance with Steetcare licensing requirements by registered contractors. Any alterations that may be required depending on depth of cable ducting to the side of and any manhole alterations that might be required, would only be able to be done to the correct specification and will be checked by the highways department.

### 5.3 Local Amenity

Given the context of the site and its surroundings, and the nature of the proposals, it is not considered that the proposals would give rise to any significant or material visual amenity impacts. Other similar developments have been implemented in the vicinity. There are no material residential amenity issues associated with the proposal.

### 5.4 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 is considered to have a neutral impact on equality, as it would not positively or negatively impact upon protected characteristics.

## 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 Local 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 conditions.

## 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:  
Site Location Plan and Existing and Proposed Block Plans (Refs DR1-ED20 and DR1-ED01), received by the Council on the 3rd March 2022.

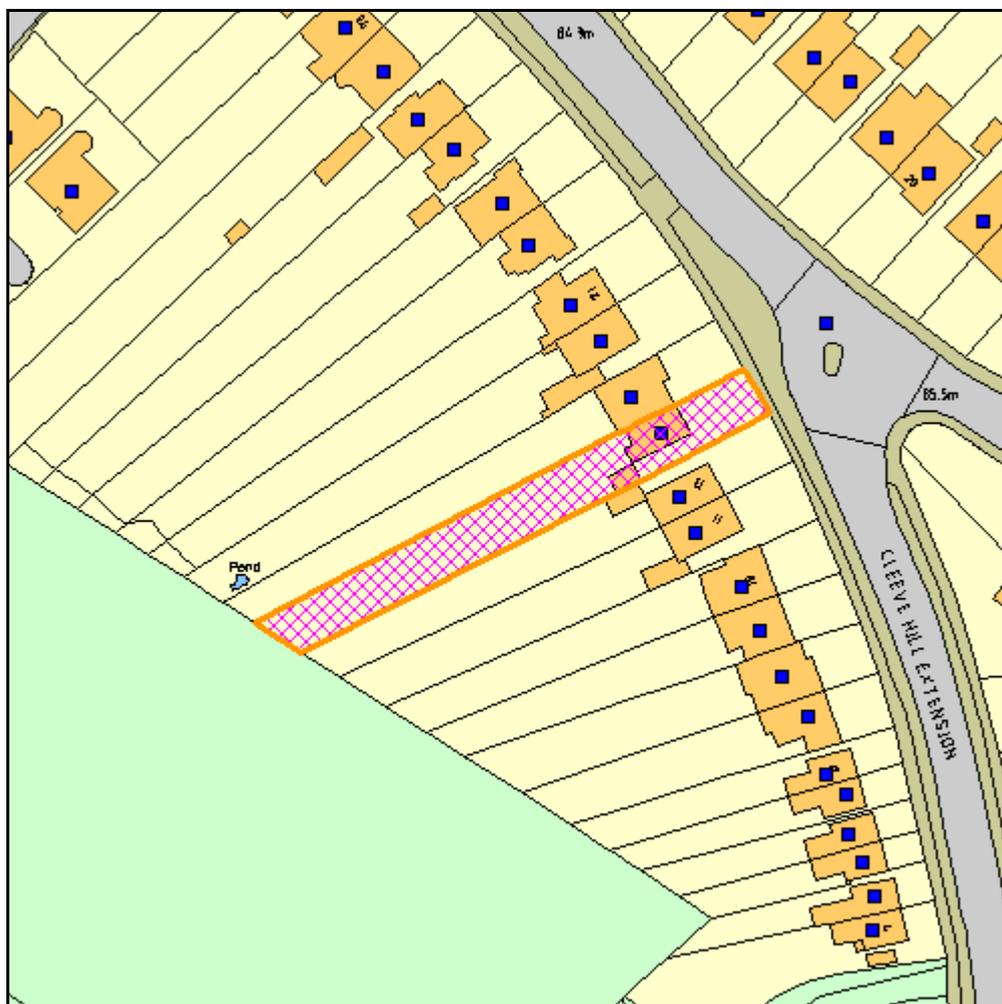
Reason:

To define the terms and extent of the permission.

**Case Officer: Simon Ford**  
**Authorising Officer: Marie Bath**

**CIRCULATED SCHEDULE NO. 16/22 - 22nd April 2022**

<b>App No.:</b>	P22/01386/HH	<b>Applicant:</b>	Mr & Mrs Lomas
<b>Site:</b>	15 Cleeve Hill Downend South Gloucestershire BS16 6ET	<b>Date Reg:</b>	1st March 2022
<b>Proposal:</b>	Demolition of existing detached garage. Erection of a single storey front, two storey side and single storey rear extension to form additional living accommodation.	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	365004 176888	<b>Ward:</b>	Frenchay And Downend
<b>Application Category:</b>	Householder	<b>Target Date:</b>	26th April 2022



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

P22/01386/HH

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 REFERRING TO THE CIRCULATED SCHEDULE**

This application has been referred to the Circulated Schedule following the receipt of a representation from Downend and Bromley Heath Parish Council objecting the proposal, contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 Full planning permission is sought for the demolition of the existing detached garage and the erection of a single storey front, two storey side and single storey rear extension to form additional living accommodation.
- 1.2 The application site is a 3no. bedroom semi-detached dwelling, located at 15 Cleeve Hill, and set within the area of Downend.

### **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
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

#### 2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) August 2007  
Residential Parking Standard SPD (Adopted) December 2013  
Householder Design Guide SPD (Adopted) March 2021

### **3. RELEVANT PLANNING HISTORY**

- 3.1 No relevant planning history

### **4. CONSULTATION RESPONSES**

4.1 Downend and Bromley Heath Parish Council  
OBJECTION on the following grounds: - Plans fail to show sufficient parking for a 5-bedroom property.

4.2 Sustainable Transport  
The applicant seeks to demolish the existing garage, erect a single storey front, two storey side and single storey rear extension to form additional living accommodation. The proposals include added two additional bedrooms which would make 15 Cleeve Hill a 5 bed house. SGC minimum parking standards state that a 5 bed dwelling requires 3 off street parking spaces. Please can the applicant provide a scale plan plotting 3 parking spaces within their site boundary, I can then further my comments. For information, parking spaces are required to measure 4.8m x 2.4m unless abutting a wall/fence in which case a length of 5.5m is needed.

Officer Comments: Upon receipt of the comments from the transport officer, an additional plan has been provided showing the proposed parking arrangements. This will be expanded upon further within this assessment.

4.3 Residents  
No comments have been received

## 5. ANALYSIS OF PROPOSAL

5.1 Principle of Development  
PSP38 of the South Gloucestershire Council Policies, Sites and Places Plan (adopted November 2017) permits development within existing residential curtilages (including extensions) in principle where they do not unduly harm the design, visual amenity and residential amenity of the locality or prejudice highway safety or the provision of adequate private amenity space. PSP38 is achieved through CS1 of the South Gloucestershire Council Core Strategy (adopted December 2013), which requires development to demonstrate the highest standards of design and site planning by demonstrating that siting, form, scale, height, massing, detailing colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context. Additional guidance on achieving good design for householder developments is set out in the Household Design Guide supplementary planning document (SPD), which was formally adopted in March 2021. The development is acceptable in principle, subject to the following detailed consideration.

5.2 It is proposed to demolish the existing detached garage, sited in a set back position within the rear garden, and to erect a single storey front, two storey side and single storey rear extension at the application property, essentially creating a wrap around extension. The case officer has broken down each element of the proposal to describe in better detail.

5.3 Single storey front extension  
It is proposed to erect a small single storey extension to the principal elevation of the property to create a front porch. The plans show that the porch would

measure 0.9m in depth and 2.7m in width, where it would meet the proposed side extension.

- 5.4 The porch would be finished with a lean-to roof, measuring 2.3m at the height of the eaves and 3.2m at ridge height.

5.5 Two storey side extension

It is also proposed to erect a two storey extension to the side of the property. The plans show that the side extension would project 2.5m from the side elevation and would span 7.6m in depth, where the extension would connect to both the proposed front porch and proposed rear extension.

- 5.6 In terms of height, the side extension would be set back approximately 1.5m from the principal elevation at first floor level, allowing the lean-to roof over the proposed front porch to extend across the side extension and ground floor. The lean-to roof on the ground floor would therefore match the eaves height of the proposed front porch at 2.3m and would measure 3.6m at ridge height.

- 5.7 At first floor level, the roof form would match that of the existing property where the eaves of the side extension would match the eaves of the main dwelling at 5.3m and would be set down from the existing ridgeline at 8.3m, as measured from ground level.

5.8 Single storey rear extension

To the rear, it is proposed to erect an extension measuring 2.8m in depth and spanning 8.5m across the rear elevation and extending beyond so as to connect to the rear of the proposed side extension.

- 5.9 The rear extension would be finished with a lean-to roof which spans across the width of the rear elevation and back of the proposed side extension. The height of the eaves of the lean-to roof would be 2.6m and 3.8m at ridge height from ground level and would include the addition of 3no. roof lights.

5.10 Other alterations

As well as the extensions to the property, the plans show various other alterations which are proposed to be made. This includes the full rendering of the property, from the pebbledash which is currently presented.

- 5.11 The plans also show the repositioning and realigning of the windows to the side elevation, in which the first floor windows would be removed and 2no. windows installed to the ground floor which would be fixed and obscured.

5.12 Design & Visual Amenity

Policy CS1 of the Core Strategy states that development proposals will only be permitted where the highest possible standards of design and site planning are achieved. Furthermore, policy PSP38 of the Policies, Sites and Places Plan expresses that development within existing residential curtilages, including extensions and new dwellings, will be acceptable where they respect the character and appearance of the host dwelling and existing street scene by taking into account building line, form, scale, proportions, architectural style, landscaping and use of materials. The policy also underlines the importance of

development within residential curtilages and the impact that this has on residential amenity, and that development should not prejudice the private amenity space or the amenity of neighbours.

- 5.13 Additionally, the Householder Design Guide SPD sets out general design guidance principles in which extensions and alterations should aim to; be of overall high-quality design, achieve successful integration by responding to the characteristics of the host dwelling and prevailing street scene and be subservient in scale and character.
- 5.14 In terms of design, the proposal would result in a substantial extension and alteration to the property. That being said, the extensions appear proportionate and subservient to the existing dwelling and the overall size, form and scale of properties within the locality.
- 5.15 The scheme respects the principles of good design, as set out within the SGC Householder Design Guide, by virtue of the setting down of the two storey extension, the retention of the projecting principal elevation windows and the appropriate depth extending from the rear elevation.
- 5.16 In terms of materials, it is proposed to fully render the property from the existing pebbledash. The case officer doesn't consider this a concern given that other properties in the area are of a similar finish.
- 5.17 On that basis, the case officer finds the proposal compliant with the requirements of the policies set out in the development plan and the supplementary guidance within the SGC Householder Design Guide which seeks to promote high quality design.
- 5.18 Residential Amenity  
PSP8 permits development where it does not prejudice the residential amenity of both occupiers of the development and of neighbouring dwellings through the creation of unacceptable impacts. Such unacceptable impacts include loss of privacy, overlooking, loss of light, loss of outlook and overbearing/dominant impacts. Similarly, policy PSP43 reinstates the requirement for the provision of sufficient private amenity space standards and that private and communal external amenity space should be; functional, safe, accessible, of sufficient size and should take into account the context of the development and, including the character of the surrounding area.
- 5.19 Similarly, Technical Advice Note: Assessing Residential Amenity provides supporting guidance on residential amenity considerations and how the above policies are applied in the determination of applications.
- 5.20 The property itself is semi-detached to its neighbour at No. 17, with the neighbour at No. 13 within close proximity due to the built-up nature of the area. These neighbours have therefore been given consideration within this assessment.
- 5.21 Given the overall size and scale of the rear extension, the development would be unlikely to have a detrimental impact on the neighbour at No. 17 by means

of an overbearing or oppressing nature. The depth of the rear extension also means that the development complies with the '45° test', as set out in the SGC Householder Design Guide, when assessing the impact of an extension and how this can affect neighbouring amenity in terms of the light and outlook afforded to habitable rooms. As such, whilst some shading is likely to occur, the case officer considers this to be acceptable and would not affect the private amenity afforded to No. 17.

- 5.22 With regards to No. 13, whilst the side extension would be built close to the boundary line between the two properties, the side extension subject to this application would be of an appropriate form so as not to create an element of overlooking or loss of privacy. The proposed side elevation windows would also be fixed and obscure glazed.
- 5.23 Consideration has also been given to the private amenity of the current and future occupiers of the property. The plans make clear that the development would allow for internal alterations to take place to provide sufficient and functional additional living accommodation.
- 5.24 Likewise, the property would be able to provide adequate and usable rear garden space for a dwelling of this size and type, should the development proceed.
- 5.25 For these reasons, the proposal is found to be compliant with policies PSP8 and PSP43 of the development plan which seeks to ensure residential amenity of neighbours and current and future occupiers of the property is safeguarded.
- 5.26 Parking Standards  
PSP16 requires developments to provide levels of parking based upon the number of bedrooms at a dwelling. Where an increase is proposed, proposals should demonstrate that adequate off-street parking can be provided to accommodate increase in demand.
- 5.27 The proposal would see an alteration to the existing parking arrangements and also to the number of bedrooms at the property. The development would increase the number of bedrooms from 3no. to 5no. and would also see the loss of the existing detached garage in the rear garden, as well as driveway space down the side of the property.
- 5.28 In accordance with PSP16 of the development plan, a 5no. bedroom property would be expected to provide 3no. off street parking spaces. Therefore, in response to concerns raised by the transportation team and the parish council, the agent for the application has submitted an additional parking plan, demonstrating 3no. off street parking spaces are available on the driveway to the property. These spaces have been agreed as sufficient by the transport officer.
- 5.29 An additional concern was, however, raised by the transport officer with respect to the small tree outside the access on the public verge. The case officer has therefore confirmed with the agent for the application as to whether this tree is likely to be affected by the widening of the existing access. The agent for the

application has since confirmed that the grass verge and dropped kerb will remain unaffected and that 3no. vehicles can still be suitably parked on the driveway using the existing access.

5.30 Therefore, the case officer raises no additional concern with regards to the parking arrangements and the requirements of PSP16 of the development plan, as 3no. spaces can be suitably provided.

5.31 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 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 permission is **APPROVED**.

### 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 following plans:

Received by the Local Authority on 01 March 2022:  
Site Location Plan (Drawing No. PA22/203/01)

Existing Site Plan (Drawing No. PA22/203/02)  
Proposed Site Plan (Drawing No. PA22/203/03)  
Existing Ground Floor Plan (Drawing No. PA22/203/04)  
Existing First Floor Plan (Drawing No. PA22/203/05)  
Existing Elevations (Drawing No. PA22/203/06)  
Proposed Ground Floor Plan (Drawing No. PA22/203/07)  
Proposed First Floor Plan (Drawing No. PA22/203/08)  
Proposed Elevations (Drawing No. PA22/203/09)

Received by the Local Authority on 12 April 2022:  
Proposed Site Plan (Drawing No. PA22/203/03 - Revision A)

Reason

To define the terms and extent of the permission.

**Case Officer: Lucie Rozsos**  
**Authorising Officer: Helen Ainsley**