

**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. 16/14

Date to Members: 16/04/14

Member's Deadline: 24/04/14 (5pm)

The reports listed over the page form the 'Circulated Schedule' a procedure agreed by the Planning and Transportation Committee on 21 November 1996. The procedure is designed to increase the effectiveness and efficiency of the Development Control Service. Under the arrangement reports are circulated on a weekly basis.

The reports assess the application, consider representations which have been received, and make a recommendation regarding the proposal. The procedure is designed to ensure that Members are aware of any concern expressed by interested parties in their ward and indicate a recommendation.

Having considered the reports, those applications that Councillors feel should be referred to an appropriate Area Development Control Committee must be notified to the Development Control section **by email within five working days of the publication of the schedule (by 5pm)**. If there has been no 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, Members may wish to speak to an officer about the issue, in order that any problems can perhaps be resolved without the need for referral to a Committee**

PLEASE NOTE: THE CIRCULATED SCHEDULE PROCESS IS ONLY OPEN TO THE ELECTED MEMBERS OF SOUTH GLOUCESTERSHIRE COUNCIL.

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate Development Control Committee, please let the Director of Planning, Transportation and Strategic Environment know 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 the end of Thursday) (see cover page for the date).

To refer an application(s) members are asked to email MemberReferral@southglos.gov.uk providing details of

- Application reference and site location
- Indicate whether you have discussed the application(s) with the case officer and/or area planning manager
- Indicate whether you have discussed the application(s) with ward member(s) if the site is outside of your ward
- The reason(s) for the referral

The following types of applications may be determined by this Circulated Schedule procedure:

All applications and related submissions not determined either by the Development Control Committees or under delegated powers including:

- a) Any application submitted by or on behalf of the Council.
- b) Any application requiring either new or a modification to an existing planning agreement, provided that the application is not required to be determined by Committee.
- c) Any footpath diversion required to implement an approved scheme.
- d) Applications, except those where approval is deemed to be granted upon the expiry of a defined period, where a representation contrary to the Officers recommendation are received.
- e) Applications for Certificates of Appropriate Alternative Development where a representation contrary to the Officer's recommendation is received.
- f) Applications for Certificates of Lawful Use of Development

GUIDANCE FOR 'REFERRING' APPLICATIONS

Members are entitled to refer any application for consideration by the relevant DC Committee or Sites Inspection Committee, before a decision has been made. However as call-ins will delay the decision on an application and in the interests of improving the effectiveness and efficiency of the Development Control service, this option should only be exercised after careful consideration. Members are therefore asked to take account of the following advice:

- Before referring an application always speak to the case officer or Area Planning 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**
- Always make your referral request by e-mail to MemberReferral@southglos.gov.uk, where referrals can be picked up quickly by the Development Management Technical Support Team. If in exceptional circumstances, you are unable to e-mail your request, please contact 01454 863519, well in advance of the deadline, to discuss alternative arrangements to ensure your response can be received.
- When you refer an application, make clear what the planning reasons are for doing so. This will help the case officer and other members give attention to the specific issues you have raised.
- It may also allow officers to seek to negotiate with the applicant to overcome the Member's concerns and therefore removing the need for a Committee determination.

**Dates and Deadlines for Circulated Schedule
During Easter and Early May Bank Holiday Period 2014**

Schedule Number	Date to Members 9am on	Members Deadline 5pm on
15/14	Thursday 10 April 2014	Wednesday 16 April 2014
16/14	Wednesday 16 April 2014	Thursday 24 April 2014
17/14	Friday 25 April 2014	Thursday 01 May 2014
18/14	Friday 02 May 2014	Friday 09 May 2014

Above are details of the schedules that will be affected by date changes due to Easter and Early May Bank Holiday.

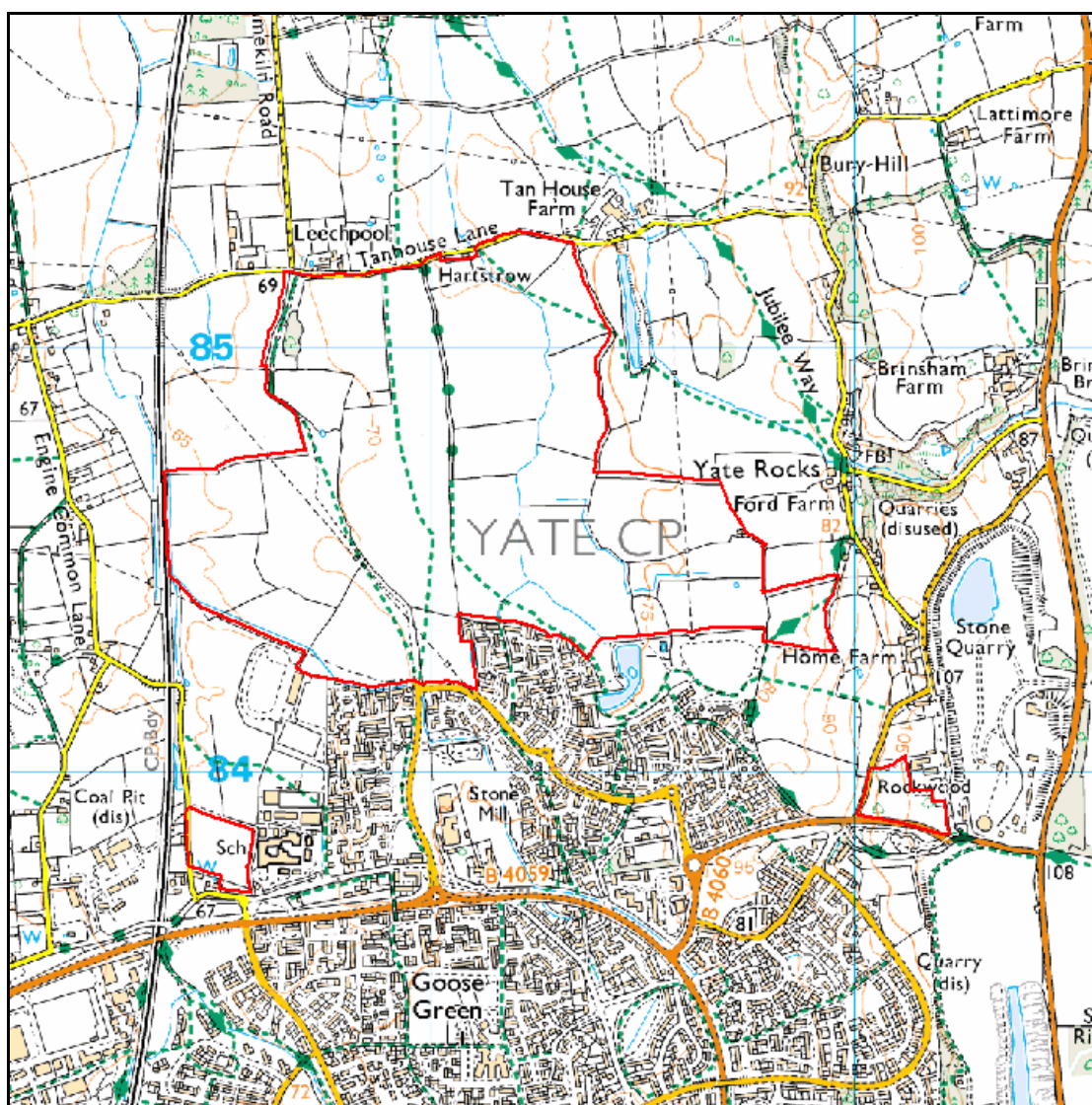
Although Schedule No: 17 will be published as usual on a Friday I have included it here for clarity as Easter is so close to May Bank Holiday

CIRCULATED SCHEDULE – 16 APRIL 2014

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK12/1913/O	Approve with conditions	Land North Of Brimsham Park Yate South Gloucestershire	Yate North	Yate Town
2	PK13/4204/F	Approve with Conditions	5 Highfield Road Chipping Sodbury South Gloucestershire BS37 6HD	Chipping Sodbury	Sodbury Town Council
3	PK14/0278/F	Approve with Conditions	Land At Phyllishades Golden Valley Lane Bitton South Gloucestershire BS30 6LE	Bitton	Bitton Parish Council
4	PK14/0778/ADV	Approve	Smarts Green Roundabout St Johns Way Horse Street Chipping Sodbury South Gloucestershire BS37 6DF	Chipping Sodbury	Sodbury Town Council
5	PK14/0853/CLP	Approve with Conditions	48 Shortwood Road Pucklechurch South Gloucestershire BS16 9PJ	Boyd Valley	Pucklechurch Parish Council
6	PK14/0986/F	Approve with Conditions	6 Emerson Way Emersons Green South Gloucestershire BS16 7AS	Emersons Green	Mangotsfield Rural Parish Council
7	PT14/0422/RVC	Approve with Conditions	Severn View Village Road Littleton Upon Severn South Gloucestershire BS35 1NN	Severn	Aust Parish Council
8	PT14/0708/TRE	Approve with Conditions	11 Warwick Place Thornbury South Gloucestershire BS35 1EZ	Thornbury North	Thornbury Town Council
9	PT14/0757/F	Approve with Conditions	145 Ratcliffe Drive Stoke Gifford South Gloucestershire BS34 8TZ	Stoke Gifford	Stoke Gifford Parish Council
10	PT14/0787/ADV	Approve	Fox Den Road Roundabout Fox Den Road Great Stoke Way Stoke Gifford South Gloucestershire	Frenchay And Stoke Park	Stoke Gifford Parish Council

CIRCULATED SCHEDULE NO. 16/14 – 16 APRIL 2014

App No.:	PK12/1913/O	Applicant:	Heron Land Developments Ltd
Site:	Land North Of Brimsham Park Yate Bristol South Gloucestershire	Date Reg:	11th June 2012
Proposal:	Mixed use development across 100.76 hectares of land comprising up to 2,450 new dwellings (Use Class C3), extra care housing (Use Class C2), 5.11 hectares of employment land (Use Class B1,B2) provision of a local centre, two primary schools, together with the supporting infrastructure and facilities including: new vehicular and pedestrian accesses, public open space and landscaping. Outline application including access with all other matters reserved.	Parish:	Yate Town Council
Map Ref:	371249 184323	Ward:	Yate North
Application Category:	Major	Target Date:	31st August 2012



© 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.** **PK12/1913/O**

The application has been referred to the circulated schedule as it involves an amendment to two heads of term that were agreed at the Development Control East Committee as part of the resolution to grant on 7th November 2013. The use of the circulated schedule procedure has been agreed with lead Members of the Development Control East Committee and local Members.

UPDATED REPORT

1.0 INTRODUCTION

- 1.1 The application was approved subject to the signing of a S106 agreement on 7th November 2013. The report is to update Members on a change to two heads of terms that will form the S106 agreement, and to update the reasons for the conditions following the adoption of the Core Strategy.
- 1.2 The original report is in Appendix 1.

2.0 AMENDMENT TO HEADS OF TERMS

- 2.1 The applicant, Heron Land Ltd, has requested the amended head of term in relation to the public open space proposed to be provided at the second primary school. Members will recall that the scheme includes 2 primary schools- one definitely required, and the second primary school required if needed before the occupation of 1, 225 dwellings. As currently approved, the heads of terms require the school sports pitches to be provided for formal sports purposes irrespective of whether the second primary school is required or not.
- 2.2 Heron Land Ltd have requested that if the second primary school is not required, they wish to offer a policy compliant contribution towards off-site sports pitch provision instead of on-site provision of those sports pitches. This will require amendment to head of terms nos. 21 and 22- these are highlighted in bold in the heads of terms set out below.
- 2.3 Officers consider that this amendment is acceptable in planning terms as the formal outdoor sports provision is still provided- just potentially off-site if the second primary school is not required. The overall open space provision for the site is not reduced as a result of this amendment. It is of note that if the second primary school *is* required, then the sports pitches will be for dual use for the school and the community.
- 2.4 This amendment to the heads of terms has been the subject of consultation with lead Members of Development Control East Committee, local Members and Yate Town Council. No objection has been received to this proposed amendment following this consultation.

7. RECOMMENDATION

- 7.1 That planning permission be granted, subject to the expiry of the advertisement under the Town and Country Planning (Consultation) (England) Direction 2009 and providing that no new material issues being raised that authority be delegated to the Director of Environment and Community Services to grant permission, subject to the conditions set out

within the report and the applicant first voluntarily entering into an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the Section 106 obligations as set out within the officer report

- 1) £82, 210 towards off site walking and cycling routes
- 2) £60, 735 towards traffic calming works on Leechpool Way and Randolph Avenue
- 3) £2, 140, 000 towards the cost of new bus services to serve the new neighbourhood
- 4) £5, 527, 000 towards the cost of off-site highway improvements
- 5) £80, 000 for the preparation and monitoring of a residents travel plan, including a travel plan co-ordinator, and travel vouchers
- 6) £250, 000 towards Yate Railway Station including train turnback, pedestrian access, pedestrian waiting and travel technology
- 7) A contribution toward primary schools based on the cost of a primary school place of £12, 829
- 8) An area of 2.8ha identified on the masterplan to be transferred to the Council as the first primary school, including the dual use of sports pitches within the school grounds
- 9) Before the occupation of the 1, 225 dwelling, the need for a second primary school shall be reviewed. Any additional need for primary school provision shall be calculated in the same way the contribution is calculated in (7) above
- 10) If the need for a second primary is confirmed an area of 2ha identified on the masterplan to be transferred to the Council,. 1.6ha of the second primary school site is on the site outdoor sports provision, which will be dual use. If the need for the second primary school is not confirmed then the 1.6ha is secured for outdoor sports pitches
- 11) The provision of a suitably sized nursery on site
- 12) A contribution towards youth services of £23.70 per dwelling with two or more bedrooms
- 13) 35% of all housing provision shall be affordable dwellings, to be provided at nil cost
- 14) 80% of affordable housing shall be social rented units and 20% shall be shared ownership units
- 15) the mix of affordable housing shall be as follows:
Social Rented Units
21% 1 bedroom flats at minimum size 46 square metres GIA
6% 2 bedroom flats at minimum size 67 square metres GIA
40% 2 bedroom houses at minimum size 75 square metres GIA
24% 3 bedroom houses at minimum size 85 square metres GIA
9% 4 bedroom houses at minimum size 100 square metres GIA
Shared Ownership Units
47% 1 bedroom flats at minimum size 46 square metres GIA
13% 2 bedroom flats at minimum size 67 square metres GIA
23% 2 bedroom houses at minimum size 75 square metres GIA
17% 3 bedroom houses at minimum size 85 square metres GIA
- 16) Affordable dwellings shall be provided by no more than 8 units in each cluster
- 17) 5% of the affordable dwellings shall be constructed as wheelchair units

- 18) The Council to refer potential occupants to all first lettings and 75% of subsequent lettings.
- 19) Design and specification criteria: All units to be built in line with the same standards as the market units (if higher) and to fully comply with the latest Homes and Communities Agency (HCA) standards applicable at the time the S.106 will be signed, to include at least Level 3 of the Code for Sustainable Homes, Lifetime Homes standard, Secured by Design, and compliance of RP design brief.
- 20) An approximate location shall be identified for a minimum of 40 Extra Care Units, and an Extra Care Specification shall be submitted prior to the submission of any Reserved Matters Application for land containing the Extra Care Units.
- 21) Open space on site shall be provided in the following amounts:
- 6.28 ha of outdoor sport (including dual use of school pitches, **unless a financial contribution for the equivalent off-site sports pitch provision of the second primary school is provided instead as set out in head of term 22**)
 - 11.04ha of informal recreational open space
 - 12.20 ha of natural/semi natural open space
 - 1.18ha of allotments
 - 1.47ha of provision for children and young people
- 22) A contribution of £1, 954, 337 towards the provision and maintenance of 3.13ha of off-site playing fields within 1km of the site **and further contributions for the equivalent of the on-site dual use pitches of the second primary school as required under Policy CS24 if the dual use pitches of the second primary school are not provided on site**
- 23) In the event that Wellington Road playing fields is declared surplus to requirements, and is capable of being used for outdoor sports, the contribution in (21) above reduced in proportion towards the additional off-site playing fields that will become available. In the event that Wellington Road is used for outdoor sports provision the open space shall be managed and maintained whether by a private management entity or the local authority upon transfer of the relevant land and payment of appropriate sums
- 24) The on site open space shall be managed and maintained whether by a private management entity or to the local authority upon transfer of the relevant land and payment of appropriate commuted sums
- 25) Allotment land specified in (21) above shall be transferred to a private management entity or transferred to the Council
- 26) A contribution of £4, 140, 000 shall be paid to Wessex Water for the provision of strategic sewerage infrastructure
- 27) A contribution of £350, 000 towards the provision of off-site residential gypsy site provision within South Gloucestershire
- 28) A contribution of £1, 890, 000 towards the provision of a multi-use community centre on site and transfer of 1008 sq m of land as shown on the illustrative plan to the Council for such purposes
- 29) A contribution of £520, 776 towards expanding library services in Yate
- 30) A contribution of £96, 440 towards public art, performance and cultural space and, in addition, the submission of a public art strategy
- 31) A contribution of £289, 320 towards waste and recycling facilities in Yate
- 33) A contribution of £1, 129, 000 towards the provision of health services within the local centre
- 34) Appropriate arrangements to secure delivery of health facility on site to

NHS England

35) A contribution of £12, 250 towards the provision of three ANPR cameras

36) A contribution of £45, 933 towards a police post to be located with the community centre

37) A contribution of £3,500 towards the cost of a highway diversion orders to divert footpaths LYA49 and LYA56 outside of the application site.

The reason for the above obligations is to provide a suite of measures to mitigate the impacts of the development on the existing community and to ensure that the future community is sustainable.

7.2 That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.

7.3 Should the Section 106 Agreement not be completed within 6 months of the date of determination then the application be refused or returned to the Development Control East Committee for further consideration on this basis.

Contact Officer: Sarah Tucker
Tel. No. 01454 863780

CONDITIONS

1. Details of the layout, scale and appearance of the buildings to be erected, and the landscaping of the site (hereinafter called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before development on land to which the reserved matters relate commences. Development thereafter shall be carried out in accordance with the approved details.

Reason

To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

2. Applications for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 12 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).

3. The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

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

4. Unless otherwise agreed in writing with the local planning authority, no reserved matters applications shall be submitted until there has been submitted to and approved in writing by the local planning authority a detailed phasing plan that is in compliance with the principles contained in the Revised Design and access Statement dated July 2013 . Such a phasing plan shall indicate geographical phases, and relationship to the delivery of infrastructure and facilities. It should further include the subdivision of each geographical phase into development parcels to provide a basis for reserved matters submissions. Applications for the approval of the reserved matters shall be in accordance with the phasing plan as approved, unless otherwise agreed in writing by the Local Planning Authority and the phasing plan as agreed shall be fully adhered to.

Reason

To ensure that the development is comprehensively planned, designed and phased to ensure maximum practical integration between different land uses within and beyond the site is achieved to accord with Policy CS1 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013)

5. Prior to the submission of any reserved matters applications (excluding applications relating to infrastructure works) a site wide affordable housing plan and an accompanying schedule shall be submitted to and approved in writing by the local planning authority showing the distribution of 35 % of the total dwelling number across the site in the residential land parcels shown in the approved phasing plan submitted pursuant to condition 4 above For each development parcel, the plan and the accompanying schedule shall show:
 - a)the number of affordable dwellings to be provided;
 - b)the mix of dwellings (in terms of the number of bedrooms and the proportion of houses and flats, broken down between social rented affordable housing units and intermediate units in that parcel.)

The subsequent reserved matters applications that show the proposed layout of the development shall show the proposed locations of the affordable dwellings. Development shall thereafter be carried out in accordance with the site wide affordable housing plan, accompanying schedule and reserved matters approvals, unless otherwise agreed in writing by the local planning authority.

Reason

To ensure that the distribution of affordable houses assists the creation of an inclusive mixed community in accordance with Policies CS18 and CS31 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013)

6. No development shall take place on land to which the reserved matter relates until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines, manholes); retained historic landscape features and proposals for restoration where relevant. Soft landscape works shall include: planting plans; written specifications (including cultivation and

other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.

Reason

To protect and enhance the character and appearance of the area and the amenities of future occupiers in accordance with Policies CS9 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013)

7. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out within the first planting season prior to occupation of the final dwelling on land to which the reserved matter relates or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason

To protect and enhance the character and appearance of the area and the amenities of future occupiers in accordance with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013)

8. The plans and particulars submitted in accordance with condition 1 and 6 shall include:
 - a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;
 - b) details of the species, diameter (measured in accordance with paragraph (a) above) and the approximate height, and an assessment of the general of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;
 - c) details of any proposed tree works to any retained tree or of any tree on land adjacent to the site;
 - d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation within the RPA (root protection area) as defined in BS5837 2012 of any retained tree or of any tree on land adjacent to the site; and
 - e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.
 - f) details of street trees shall include specification of root protection measures, and details of street tree management to encourage high level growth and maintain a clear zone directly above sewers.

In this condition retained tree means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

All fencing to be in accordance with BS5837 2012 Trees in Relation to Construction and retained and maintained for the duration of the construction period.

Reason

To protect and enhance the character and appearance of the area, the amenities of future occupiers, and to protect adopted sewers, in accordance with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013)

9. No development shall take place on land to which the reserved matter relates until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved scheme.

Reason

To protect and enhance the character and appearance of the area and the amenities of future occupiers in accordance with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013)

10. No development comprising any of the B1 and B2 floorspace hereby approved shall commence until an overall Travel Plan Framework covering all the B1 and, B2 floorspace hereby approved has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Framework shall set out:

- the aims and objectives of the Framework, including reducing the need to travel by car, encouraging healthy commuting and work related journeys;
- a monitoring strategy and targets for the reduction of single occupancy car related journeys over the first five years of the development;
- measures for achieving the approved aims, objectives and targets in the event that monitoring reveals that those targets are not being achieved.

The B1 and B2 development shall proceed in accordance with the approved details.

Reason

To encourage means of transportation other than the private car, to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted January 2006).

11. No more than 4882 sq m gross floor areas shall be constructed and occupied at the local centre as part of this permission of which no single retail unit (Use Class A1, A2, A3, A4, A5) shall exceed 500 square metres gross floor area.

Reason

To protect the vitality and viability of existing local centres, and to ensure that a mix of small scale local shops and services are provided in the interests of providing a variety of units, in the interests of vitality, and to minimize the need to travel by private car, in accordance with Policies RT7 and RT8 of the adopted South Gloucestershire Local Plan January 2006

12. No development shall take place in the relevant geographical phase as approved in the phasing plan submitted pursuant to Condition 4 above until there has been submitted to and approved in writing by the Local Planning Authority a phased programme of archaeological watching briefs. Work shall be carried out in accordance with the approved watching briefs.

Reason

In the interest of archaeological investigation or recording, and to accord with Policy L11 of the adopted South Gloucestershire Local Plan January 2006

13. Construction Waste Management Audit

No development shall take place on land to which the reserved matter relates until a Waste Management Audit has been submitted to and approved by the Local Planning Authority in writing. The Waste Management Audit shall include details of:

- i. The volume and nature of the waste which will be generated through the demolition and/or excavation process;
- ii. The volume of that waste which will be utilised within the site in establishing pre-construction levels, landscaping features, noise attenuation mounds etc;
- iii. Proposals for recycling/recovering materials of value from the waste not used in schemes identified in (b), including as appropriate proposals for the production of secondary aggregates on the site using mobile screen plant;
- iv. The volume of additional fill material which may be required to achieve, for example, permitted ground contours or the surcharging of land prior to construction; and
- v. The probable destination of that waste which needs to be removed from the site and the steps that have been taken to identify a productive use for it in order to reduce the amount of waste sent to landfill.

Development shall be carried out in accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

Reason

To accord with the Local Planning Authority's adopted Waste Management Strategy, and to accord with Policy 37 of the South Gloucestershire Minerals and Waste Local Plan (May 2002) and Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013)

14. Prior to the commencement of development, details of the construction management plan shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason

To protect the amenities of existing local residents, and to ensure highway safety during construction in accordance with Policy E3 and T12 of the adopted South Gloucestershire Local Plan January 2006.

15. The hours of working on site during the period of construction shall be restricted to 8am-6pm Mondays to Fridays; and 8am-1.00pm 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 site. Any working outside these hours shall have the prior written consent of the Local Planning Authority.

Reason

To minimise disturbance to neighbouring occupiers and in accordance with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013).

16. No development shall take place on land to which the reserved matter relates, until details of wheel-washing facilities to be provided on site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided prior to development commencing on land to which this reserved matter relates and maintained during the period of construction. All commercial vehicles shall have their wheels washed before entering the public highway.

Reason

To safeguard the amenities of the locality and in the interests of highway safety in accordance with policy T12 of the South Gloucestershire Local Plan (January 2006)

17. The Reserved Matters submissions shall include detailed plans showing the provision of car and cycle parking facilities in accordance with the standards set out in Policies T7, T8 of the South Gloucestershire Local Plan (Adopted January 2006) and the South Gloucestershire Residential Parking SPD. The development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the associated buildings; and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T7, T8 and T12 of the South Gloucestershire Local Plan (January 2006).

18. No development shall take place on land to which the reserved matters relate until a list of exempt infrastructure and site preparation works has been submitted to and approved in writing by the local planning authority

Reason

To ensure that development associated with an agreed list of exempt infrastructure and site preparation works can proceed in a timely fashion so that the site can be development in accordance with Policy CS31 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013).

19. There shall be no commencement of Phase 5 of the development as shown on the Indicative Phasing Plan on page 93 of the Design and Access Statement (July 2013) until such time as the internal link road linking Randolph Avenue, Leechpool Way and the access from the Peg Hill development (as approved by planning permission PK12/0429/O) has been implemented and is operational.

Reason

To ensure there are appropriate transport linkages within the site and to ensure availability of alternative travel modes to the private car and to accord with Policy T12 of the adopted South Gloucestershire Local Plan January 2006.

20. Not to develop more than 750 dwellings until such time as the appropriate strategic sewerage infrastructure has been completed and is operational.

Reason

To ensure that there is adequate foul drainage to serve the development and to prevent pollution of the water environment in accordance with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013).

21. Prior to the submission of the first reserved matters application, details of a surface water drainage masterplan shall be submitted to, and agreed in writing by, the Local Planning Authority. The masterplan shall be in accordance with the Flood Risk Assessment (prepared by Hyder and BFR Design Ltd dated April 2012) and include details of the phasing of surface water drainage infrastructure including source control measures. The development shall be implemented in accordance with the approved scheme.

Reason

To prevent the risk of flooding and to accord with Policy EP2 of the adopted South Gloucestershire Local Plan January 2006.

22. No development shall take place on land to which reserved matters relate until the detailed drainage design for each plot, phase or parcel of land, incorporating sustainable drainage principles, have been submitted to and approved by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the plot or parcel first occupied

Reason

To prevent the risk of flooding and to accord with Policy EP2 of the adopted South Gloucestershire Local Plan January 2006.

23. No development shall take place until the detailed design of the Flood Alleviation Scheme referred as Pond P4C has been submitted to and approved in writing by the local planning authority. All works undertaken must be in accordance with the agreed design and timetable.

Reason

To prevent the risk of flooding and to accord with Policy EP2 of the adopted South Gloucestershire Local Plan January 2006.

24. No development shall take place on land within the Tanhouse Stream catchment to which reserved matters relate until detailed hydraulic modelling of the watercourse has been undertaken and submitted to and approved by the local planning authority.

Reason

To prevent the risk of flooding and to accord with Policy EP2 of the adopted South Gloucestershire Local Plan January 2006

25. Ground finished floor levels of all uses approved shall be set 300mm above the 1 in 100 year with climate change modelled flood level.

Reason

To prevent the risk of flooding and to accord with Policy EP2 of the adopted South Gloucestershire Local Plan January 2006

26. Prior to the commencement of the flood alleviation scheme and surface water attenuation features shown in the Hyder's Flood Risk Assessment dated 30 April 2012, a full operation and maintenance manual shall be submitted to and approved in writing by the local planning authority. The strategy shall identify all future land use

limitations, identify the ownership, operational and maintenance arrangements for the works over the lifetime of the scheme and development shall accord with the details so agreed.

Reason

To prevent the risk of flooding and to accord with Policy EP2 of the adopted South Gloucestershire Local Plan January 2006.

27. A strip of land 15m wide adjacent to the Tanhouse Stream must be provided and kept clear of all new buildings and structures (including gates, walls and fences). Ground levels must not be raised within such a strip of land.

Reason

To prevent the risk of flooding and to accord with Policy EP2 of the adopted South Gloucestershire Local Plan January 2006.

28. Prior to the submission of the relevant reserved matters application the following investigations shall be carried out and should include:
- Confirmatory testing to ensure soil quality is suitable for the intended end use in areas not already assessed.
 - Additional mining research and investigation as recommended including further investigation of ground gas risks where appropriate.
 - Proposals for remediation of former mine workings in the area identified in the report as the school area.
 - Additional investigation of potential risk from radon or incorporation of basic radon protection measures in the development.

Where unacceptable levels/conditions are identified in relation to any of the above, prior to commencement, a proposed remediation scheme shall be provided and a report should be submitted to and agreed in writing with the Local Planning Authority. Thereafter the development shall proceed in accordance with any agreed mitigation measures.

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

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

Reason

To ensure that there is any contamination is mitigated and to prevent environmental pollution and to accord with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013).

29. Prior to the submission of the relevant reserved matters application further intrusive site investigation works shall be undertaken with regard to historic coal mining on site. In the event that the site investigations confirm the need for remedial works to treat the mine entries and/or areas of shallow mine workings, details of any remedial works identified by the site investigation shall be submitted to and approved in writing by the local planning authority and subsequently undertaken prior to the commencement of the relevant reserved matters permission.

Reason

To ensure that the site is or can be made safe and stable for the proposed development and to prevent environmental pollution in accordance with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013).

30. Prior to the submission of the relevant reserved matters a scheme to mitigate the noise from the railway line on any residential or commercial occupiers shall be submitted to and approved in writing by the local planning authority. Such scheme shall include a 40metre buffer from the railway line. The scheme shall be implemented prior to the first occupation of the relevant reserved matters approval.

Reason

To protect the amenities of future residents and commercial occupiers and to accord with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013).

31. The particulars submitted as part of condition 1 for the relevant reserved matters shall include details in respect of the allotments including design specification, boundary treatments, servicing and implementation. The development shall thereafter accord with the approved details.

Reason

To ensure an appropriate standard of allotments are provided in the interests of the amenity of the future residents and to accord with Policy CS24 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013).

32. The details for submission of condition 6 shall include details of substantive tree planting in the woodland zone, the buffer zone with Tanhouse Lane and details of the landscaping to the allotments at Rockwood House. The buffer zone to Tanhouse Lane shall include mixed leave (broadleaved) woodland planting and species rich grassland. The details so approved shall be implemented prior to the first occupation of the relevant reserved matters permission.

Reason

To protect and enhance the character and appearance of the area and the amenities of future occupiers, and to enhance habitats of protected species found on site in accordance with Policies L1, L9, of the adopted South Gloucestershire Local Plan and Policy CS24 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013).

33. Prior to development commencing, including exempt infrastructure, a site wide mitigation strategy for bats, great crested newt and dormouse, including a timetable for implementation shall be submitted and agreed by the local planning authority. The details shall accord with the general provisions detailed in Section 7 of Volume 1 of the Environmental Statement dated June 2012 by LDA Design. The development shall be carried out in accordance with the agreed strategy, including with the agreed timetable for implementation.

Reason

To protect protected species and their habitats on site and to accord with Policy L9 of the adopted South Gloucestershire Local Plan January 2006

34. Prior to development commencing, a site wide mitigation strategy for reptiles (slow-worms and grass snakes), hedgehog and harvest mouse, including the timetable for implementation, shall be submitted and agreed in writing by the local planning authority. All works are to be carried out in accordance with the approved strategy, including the timetable for implementation.

Reason

To protect protected species and their habitats on site and to accord with Policy L9 of the adopted South Gloucestershire Local Plan January 2006.

35. Prior to development commencing, including exempt infrastructure works, a site wide ecological and landscape management plan (ecology strategy) shall be submitted and agreed in writing by the local planning authority. The plan shall include details of the existing habitat to be safeguarded (trees, hedges and grass margins (buffer strips)); and any new habitat to be created (species-rich grassland, hedges, woodland, scrub). It should also include a timetable for implementation and a programme of monitoring of all works for a period of 5 years. All works are to be carried out in accordance with the agreed strategy, including the timetable for implementation.

Reason

To protect protected species and their habitats on site and to accord with Policy L9 of the adopted South Gloucestershire Local Plan January 2006.

36. A suitably-experienced and/or qualified and licensed ecological 'clerk of works' shall be appointed to oversee all works relating to ecology, to include ensuring the all works accord with the provisions of the relevant or appropriate Conditions, strategies or undertakings and to act as liaison with the Council and external agencies such as Natural England.

Reason

To protect protected species and their habitats on site and to accord with Policy L9 of the adopted South Gloucestershire Local Plan.

37. Prior to the commencement of development, including exempt infrastructure works, that for each respective phase of development be re-surveyed for badgers immediately ahead of development commencing and a report provided to the local planning authority for approval in writing. The report should provide details of all works subject to the licensing provisions of the Protection of Badgers Act 1992 and

timetabling of such works. All works are to be carried out in accordance with said report.

Reason

To protect protected species and their habitats on site and to accord with Policy L9 of the adopted South Gloucestershire Local Plan January 2006

38. Particulars submitted in relation to condition 1 for each relevant reserved matters shall include a lighting strategy shall be submitted to and approved in writing by the local planning authority that shall include measures to control light spillage. Development shall be carried out in accordance with the approved details prior to the first occupation of the relevant reserved matters.

Reason

In the interests of visual amenity and security and to protect the habitats of protected species in accordance with Policy L9 of the adopted South Gloucestershire Local Plan and Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013).

39. Unless otherwise agreed in writing with the local planning authority, no applications for reserved matters shall be submitted in any of the geographical phases identified in the approved Phasing Plan until there has been submitted to and approved in writing by the local planning authority a detailed master plan and a design code for the geographical phase in question.

The detailed master plan/s and design codes shall be in accordance with the principles and parameters described and illustrated in the Land at North Yate Design and Access Statement: Revised July 2013,.

The detailed master plan/s shall contain the information required as set out in the approved Land at North Yate Design and Access Statement Revised July 2013, as amended by parameter plans submitted on 23 August 2013, and shall be the regulating plan for the associated design code. The design code for each geographical phase shall include detailed codes for all of the matters listed in the approved, as well as:

- Details of code testing undertaken prior to finalization, and
- Proposals for monitoring and review of each phase
- Details of development to plot level
- Details of areas of car parking
- Details of treatment of public realm, including open space and play
- details of waste and community composting areas
- details of the vehicular, pedestrian, and cycle access to the boundary with Yate Outdoor Sports Centre

Reason: To ensure that high standards of urban design and comprehensively planned development, designed and phased to ensure maximum practical integration between different land uses within and beyond the site is achieved to accord with Policies CS1 and CS31 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013).

40. Applications for the approval of the reserved matters shall be in accordance with the approved parameter plans and principles and parameters described and illustrated in the Land at North Yate Design and Access Statement Revised July 2013, as amended by parameter plans submitted 23 August 2013, and with the approved detailed master plan and design code for the geographical phase as shown in the approved phasing plan to which the reserved matters application relates. A statement shall be submitted with each reserved matters application, which demonstrates that the application proposals are in compliance with the Land at North Yate Design and Access Statement Revised July 2013 as amended by parameter plans submitted on 23 August 2013 and with the relevant detailed master plan and design code, or (where relevant) explaining why they do not.

Reason

To ensure that high standards of urban design and comprehensively planned development, designed and phased to ensure maximum practical integration between different land uses within and beyond the site is achieved to accord with Policies CS1 and CS31 of the adopted South Gloucestershire Local Plan: Core Strategy.

41. Applications for approval of reserved matters within each geographical phase identified in the approved phasing plan submitted pursuant to condition 4 above shall not be submitted until an Energy Statement has been submitted to and approved by the Local Planning Authority. The Energy Statement shall be submitted to the Local Planning Authority at the same time as the detailed masterplan required by condition 39 and shall comprise of the following:
- How the layout, three dimension building envelope and landscape proposals have been designed to maximize passive solar gains and cooling as well as natural ventilation of the buildings;
 - Measures to improve the insulation of the building envelope to reduce energy demand
 - Calculation of energy demand

The Energy Statement shall require reserved matters to achieve the following standards unless otherwise agreed in writing by the Local Planning Authority: a minimum of Level 3 for the Code for Sustainable Homes (or the equivalent level of such national measure of sustainability for house design that replaces the Code) for dwellings;

- a minimum 'Very Good' rating under the relevant Building Research Establishment Environmental Assessment Method (BREEAM) for all buildings types other than dwellings;
- Building for Life 12 Green Scheme

Applications for approval of reserved matters within the phase that the Energy Statement relates, shall be carried out in accordance with the approved Energy Statement, unless otherwise agreed in writing by the Local Planning Authority.

The dwellings shall achieve a minimum of Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

Reason

To achieve improved energy conservation, and protect environmental resources in accordance with Policy CS1 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013).

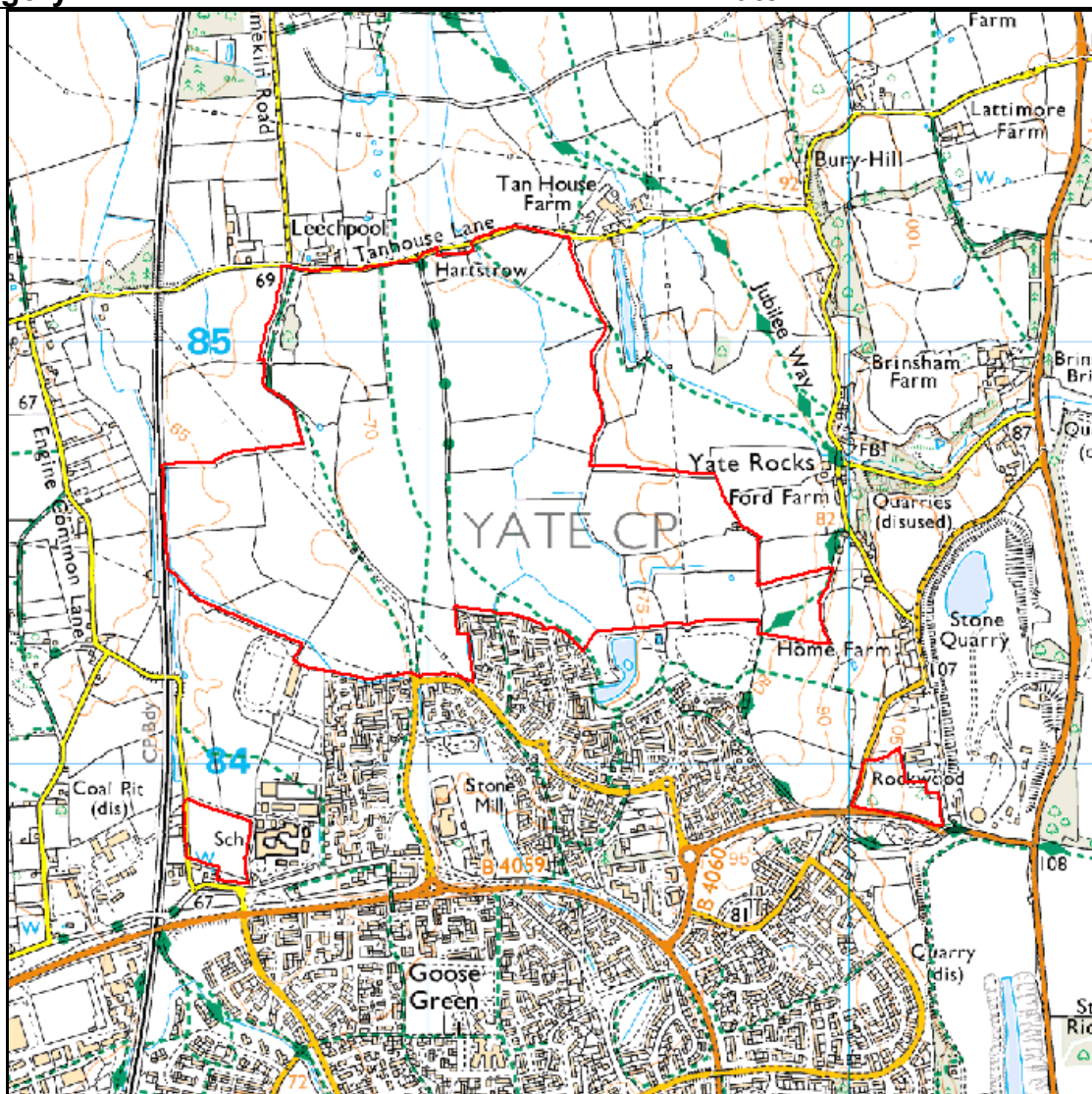
42. The particulars submitted as part of condition 1 for the relevant reserved matters shall include details in respect of the provision of internet connection infrastructure to serve the future residents of the development, including a timetable for implementation. The development shall be implemented in accordance with the agreed timetable.

Reason

To ensure an appropriate standard of internet connection is provided, in the interests of the amenity of future residents and to accord with Policy CS31 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013).

DEVELOPMENT CONTROL (EAST) COMMITTEE - 7 NOVEMBER 2013

App No.:	PK12/1913/O	Applicant:	Heron Land Developments Ltd
Site:	Land North Of Brimsham Park Yate Bristol South Gloucestershire	Date Reg:	11th June 2012
Proposal:	Mixed use development across 100.76 hectares of land comprising up to 2,450 new dwellings (Use Class C3), extra care housing (Use Class C2), 5.11 hectares of employment land (Use Class B1,B2) provision of a local centre, two primary schools, together with the supporting infrastructure and facilities including: new vehicular and pedestrian accesses, public open space and landscaping. Outline application including access with all other matters reserved.	Parish:	Yate Town Council
Map Ref:	371249 184323	Ward:	Yate North
Application Category:	Major	Target Date:	31st August 2012



© 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. PK12/1913/O

Executive Summary (given in view of the length of the full report)

The proposal seeks outline planning permission for a mixed use development across 100.76 hectares of land comprising up to 2,450 new dwellings (Use Class C3), extra care housing (Use Class C2), 5.11 hectares of employment land (Use Class B1, B2) provision of local centre, two primary schools together with the supporting infrastructure and facilities including: new vehicular and pedestrian accesses, public open space and landscaping. The outline application seeks to establish the principle of development including access with all other matters reserved.

The application site is part of an allocation for a strategic housing site under Policy CS31 of the emerging Core Strategy. Whilst the proposal is contrary to Policies H3 and E6 of the adopted Local Plan, the emerging Core Strategy is of such an advanced state that it outweighs these policies, and the application is not considered premature. In accordance with the core planning principles set out in the NPPF the proposals are sustainable development of strategic importance. As such, the considerable contribution the application makes to the Council's five year housing supply is given great weight here, as well as the mix of uses proposed, which will ensure a future sustainable community.

The level of employment land proposed, given the likely level of self containment that could be achieved, the wording of emerging Policy CS31 and the need to ensure that the site delivers an appropriate building out rate, is considered, on balance, acceptable.

The land equalisation agreements between the relevant developers, the pro-rata S106 planning obligations, and the approved and proposed master-planning are considered to result in comprehensive development through alternative means to an SPD, and therefore accords with emerging Policy CS31. The proposal is also considered appropriate to the Council's Statement of Community Involvement.

The proposal is considered to have an impact on the local road network, bus services, train services and on walking and cycling in the area, and as such, appropriate mitigation in the form of a package of S106 obligations in relation to off-site highway works, public transport, walking and cycling, traffic calming works and a residential travel plan has been negotiated to appropriately mitigate these impacts. Subject to these S106 obligations, the implications of the proposal are considered acceptable in the proposal in accordance with Policy CS31 of the emerging Core Strategy.

The landscape impacts of the scheme are limited eastwards by the Wickwar Ridge and westwards by vegetation around Engine Common. The layout and the design of the site has minimised the impact of the proposed development on the landscape character in the vicinity of the site. Conditions are recommended with regard to the buffer on the boundary to Tanhouse Lane and for more detail of the allotments at Rockwood House. Subject to these conditions the landscape and visual amenity impacts of the proposal are acceptable and conform with Policies CS9 and CS31 of the emerging Core Strategy.

It is considered that the proposed illustrative masterplan provides a coherent approach to the overall design of the new neighbourhood. The type, location and dispersal of uses across the site is considered appropriate for a development of this scale. Each part of the site is shown as having good access to informal open space. The range of densities proposed is appropriate, ensuring that development responds to the wider context. The scale parameters

for all building types are appropriate. The movement strategy proposed in the DAS provides a street hierarchy with a design approach for primary, secondary and tertiary routes to create a high quality public realm, with the tertiary streets capable of being designed as homezones and create opportunities for social interaction. Subject to the addition of recommended conditions, the urban design impacts of the proposal are acceptable and accord with Policies CS1, CS6 and CS31 of the emerging Core Strategy.

There are no statutory or no-statutory nature conservation designations. The proposals affect a number of species of flora and fauna., however, these impacts can be appropriately mitigated by the recommended conditions. As such, the ecological impacts of the proposal are minimised and in accordance with Policy L9 of the adopted Local Plan and Policy CS9 of the emerging Core Strategy.

The proposal will harm the settings of Grade II listed buildings: Tanhouse and Leechpool Farmhouses, however with a condition requiring further buffer planting along the boundary with Tanhouse Lane, the harm to the setting of these listed buildings is considered to be less than substantial. The proposed allotments are considered to cause substantial harm to the setting of Rockwood House, however since the allotments are community infrastructure for the development, and the importance of the site as a whole as a strategic housing site, the public benefits of the housing are considered to outweigh the harm to the setting of Rockwood House. A condition for a watching brief, to include all mining activities, is recommended in terms of archaeology. Subject to conditions, the proposals are considered to conform to Policies L10, L11 of the adopted Local Plan and Policies CS9 and CS31 of the emerging Core Strategy.

The proposals will not result in unacceptable harm to the residential amenities of the existing residents, subject to a condition relating to hours of construction. A condition is recommended to create a buffer zone along the boundary with the railway, to ensure there is no harm to the residential amenities of future residents on site. Conditions are recommended in relation to ground contamination and geotechnical work. A contribution towards waste disposal and recycling is recommended. Subject to S106 obligation and recommended conditions, the proposals accord with Policy EP1 of the adopted Local Plan and Policy CS31 of the emerging Core Strategy.

No built development is proposed in Flood Zones 2 or 3, and the Environment Agency raises no objections to the proposals subject to the addition of conditions which are recommended. A substantial contribution has been negotiated between the applicant and Wessex Water to the implementation of the strategic sewerage infrastructure. Subject to the S106 obligation and the recommended conditions the proposals accord with Policy EP2 of the adopted Local Plan and Policy CS31 of the emerging Core Strategy.

A contribution has been negotiated for the provision of a multi-use community centre on site, as well as for expanding Yate library and for public art. Open space provision in the form of outdoor sports, informal recreational open space, natural and semi-natural green space and for children and young people is proposed on site. A contribution towards off-site outdoor sports is proposed. A contribution towards a APNR cameras and a police post within the community centre have been negotiated. A contribution towards a health centre has been negotiated. Officers consider, on balance, that the S106 obligation package will mitigate the community infrastructure needs of the development, and as such the proposals accord with Policies CS6, CS23, CS24 and CS31 of the emerging Core Strategy.

The proposal provides for 35% affordable housing to be provided at nil subsidy, with an appropriate mix of affordable housing. The proposal includes a S106 obligation to provide extra care housing. Subject to these S106 obligations, the proposals accord with Policies CS18 and CS20 of the emerging Core Strategy.,

The proposals include a contribution towards gypsy and travellers sites, which is considered acceptable and as such the development accords with Policy CS21 of the emerging Core Strategy.

The proposal includes S106 obligations towards provision of a 2FE primary school, and flexibility within the masterplan and the S106 agreement to provide contributions towards a second primary school if required in the latter stages of development. Requirements for nursery and youth provision have been included with the S106 obligations. The S106 obligations are appropriate and ensure that the proposals accord with Policy CS31 of the emerging Core Strategy.

The proposals respect the majority of the public rights of way on site, with some localised diversions required. A contribution towards diversions under the Highway Act for the Jubilee Way and the footpath from YOSC to Watery Lane has been negotiated. Subject to these S106 obligations, the proposals accord with Circular 01/09 in this respect.

There is no impact on the proposal as a result of the Review of the Old Mineral Permission at Chipping Sodbury Quarry. The loss of 100 ha of Grades 3 and 4 agricultural land is considered acceptable.

With regard to the S106 obligations package, officers consider that all contributions are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. They ensure that the proposals appropriately mitigate the impacts of the development on the existing communities, and provide appropriate community infrastructure to ensure that the future community is a sustainable one.

Overall, Officers consider that the proposal, with the proposed S106 obligations and recommended conditions, will create a high quality sustainable community, the impacts of which are appropriately mitigated on the existing communities of Yate. The proposals, will proactively drive and support sustainable development to deliver homes and businesses as well as infrastructure, and as such significant weight is given in favour of the scheme. As such, the proposals accord with the core principles of the NPPF in that it is bringing forward sustainable development, and given the advanced stage of the emerging Core Strategy. On these grounds, Officers recommend approval of the proposal to Members subject to the detailed conditions and legal agreement set out in the full recommendation.

REASON FOR REPORTING TO COMMITTEE

The application has been referred to the Development Control East Committee as it is a New Neighbourhood and is therefore of strategic significance.

The application was referred to the Sites Inspection Sub-Committee on 10th May 2013 where it was resolved that officers be asked to bring forward a full and detailed report to the next Development Control (East) Committee to include:

- Details of a construction management plan to control access to the site
- Details of the submitted Transportation Assessment

1. THE PROPOSAL

- 1.1 The proposal seeks outline planning permission for a mixed use development across 100.76 hectares of land comprising up to 2,450 new dwellings (Use Class C3), extra care housing (Use Class C2), 5.11 hectares of employment land (Use Class B1, B2) provision of local centre, two primary schools together with the supporting infrastructure and facilities including: new vehicular and pedestrian accesses, public open space and landscaping. The outline application seeks to establish the principle of development including access with all other matters reserved.
- 1.2 The site consists of three parts. The main site, of 96.45 hectares, is defined by residential premises at Brimsham park, Yate Outdoor Sports Centre (YOSC) to the southwest, the railway line to the west, Tanhouse Lane to the north and fields at the foot of the Yate Rocks escarpment. The second part of the site lies to the south-west of the main site, and is 2.18 hectares of land to the north of Broad Lane, immediately to the west of Brimsham Green School, the third part is 2.13 hectares of land on Gravel Hill Road to the south of Rockwood House.
- 1.3 The main site is currently in agricultural use and laid to pasture whilst the two smaller parcels of land are vacant land laid to grass with some areas of scrub. There are no buildings within the application site. A number of residential properties are situated along Tanhouse Lane bordering the site. Overhead power lines and pylons cross the site from Eastfield Drive north-west towards Tanhouse Lane. Seven public rights of way cross the site, four of which run north to south across the site.
- 1.4 The application includes an illustrative masterplan and parameter plans showing an illustrative layout of the scheme. The proposed vehicular accesses (which form the part of the proposal that is not reserved) are from Randolph Avenue, Leechpool Way and from Peg Hill via the approved Barratt's proposals (PK12/0429/O- see planning history below). The illustrative masterplan shows the location of the main primary and secondary routes, the indicative location of dwellings, the schools, open space, the local centre and the employment area. The illustrative masterplan shows sports pitches for the parcel of land to the north of Broad Lane and informal open space for land south of Rockwood House.

- 1.5 The application is supported by an Environmental Statement, Design and Access Statement, Affordable Housing Statement, Air Quality Assessment, Flood Risk Assessment, Foul Sewerage Assessment, Land Contamination Assessment, Noise Impact Assessment, Transport Assessment, Tree Survey, Landscape Survey and Plans, Energy Statement, Coal Mining Assessment, Waste Management Assessment, Employment Assessment and Planning Statement (for clarity some of these have been included with the ES).
- 1.6 Officers confirm that the proposal is Environmental Impact Assessment development as defined by the EIA Regulations and that in the full report there will be an assessment of whether the submitted Environment Statement is sound for the purposes of determination.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
 Environmental Impact Regulations 2011
 Circular 11/95: use of conditions in planning permission
 Habitat Regulations 2010
 Circular 01/09 Public Rights of Way

Legislative Context

Environmental Impact Assessment Regulations
 Habitat Regulations 2010

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design
 L1 Landscape Protection and Enhancement
 L8 Sites of Regional and Local Nature Conservation Interest
 L9 Species Protection
 L11 Archaeology
 L13 Listed Buildings
 L16 Protecting the Best Agricultural Land
 L17 The Water Environment
 L18 The Water Environment
 RT8 Small Scale Retail Uses within Urban Areas
 EP1 Environmental Pollution
 EP2 Flood Risk and Development
 T12 Transportation Development Control Policy
 E6 Employment Development in the Countryside
 H3 Residential Development in the Countryside
 H6 Affordable Housing
 LC1 Provision for Built Sports, Leisure and Community Facilities
 LC2 Provision for Education Facilities

- LC3 Proposals for Sport and Leisure Facilities Within the Existing Urban Area and Defined Settlement Boundaries
- LC4 Proposals for Educational and Community Facilities within the Existing Urban Area and Defined Settlement Boundaries.
- LC8 Open Space and Children's Play in Conjunction with New Residential Development
- LC12 Recreational Routes
- LC13 Public Art
- S2 Proposals for Health Provision (Site Allocation and Developer Contributions)

South Gloucestershire Core Strategy incorporating Inspector's Draft (October 2012) and Further (March 2013) Main Modifications

- CS1 High Quality Design
- CS2 Green Infrastructure
- 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
- CS18 Affordable Housing
- CS20 Extra Care Housing
- CS21 Gypsy and Traveller Accommodation
- CS23 Community Infrastructure and Cultural Activity
- CS24 Green Infrastructure, Sport and Recreation Standards
- CS30 Yate and Chipping Sodbury
- CS31 North Yate New Neighbourhood

2.3 Supplementary Planning Guidance

- Landscape Character Assessment SPD (adopted)
- Affordable Housing SPD (adopted)
- South Gloucestershire Biodiversity Action Plan (adopted)
- Locally Listed Building SPD (adopted)
- South Gloucestershire Residential Parking SPD (adopted for development control purposes)
- South Gloucestershire Statement of Community Involvement (part of the Local Development Framework)
- South Gloucestershire Council Infrastructure Delivery Plan (part of the evidence base of the Local Development Framework)
- South Gloucestershire Play Strategy (endorsed)

3. RELEVANT PLANNING HISTORY

- 3.1 The only history pertaining to the site is a scoping opinion that was done to inform the Environmental Statement to be submitted with the application: PK10/042/SCO. It is relevant to note that to the south of the site, the Peg Hill part of the North Yate New Neighbourhood allocation, has planning permission by Barratt Homes: PK12/0429/O Erection of up to 250 dwellings on 8.99

hectares of land with provision of open space and associated works. Outline application with access only. Approved with conditions on 5th October 2012.

- 3.2 It is also important to note that consent was given for a gypsy and traveller site at Tanhouse Lane: PT11/2001/F Change of use from dairy farm to the use of land for the siting of 12no. gypsy caravan pitches, with associated hardstandings, landscaping, access and works. Erection of 12 no. associated utility/day rooms. Provision of 2no. transit pitches and erection of 2no. transit shower rooms. Erection of site managers office. Appeal allowed 1st March 2013.

4. **CONSULTATION RESPONSES**

4.1 Yate Town Council

Yate Town Council object to the Development at North Yate on the following grounds:-

Object in line with previous core strategic reasons, our detailed comments relating to phasing and the extent to why they are not sorting out basic infrastructure (such as roads) quick enough – see attachments.

Not an integrated development

Transport / traffic especially regarding commuting and road networks. The lack of road improvement proposals on the Yate corridor to be a fundamental – and so far unanswered- objection. The Transport Package does not include any proposals for highways within the town or between the town and centres of employment. The limited nature of public transport links to centres of employment – and consequential reliance upon the car. The design and delivery of in town and commuting highway solutions must be a condition precedent of development. The Transport package needs to be both provided AND sustained long term at affordable prices so that they are genuine options, not just the physical infrastructure of a turn back without trains.

new informal open space must form an extension to Brimsham Park, and not be disconnected, or only connected via a narrow corridor

there must be a seamless join from urban park to countryside, visually and via informal recreational routes.

the green corridor from Brimsham to town centres along the Ridge needs to connect .

the failure to include significant elements of the infrastructure needed, and with the exception of sewage, its failure to set provision of infrastructure (or even clarity about WHAT will be provided on HOW) as conditions precedent to development.

Climate change

Flooding / drainage much of the allocated land lies within the flood risk zone and for much of the year it is too boggy even to be useable as open space

community identity

The proposed densities are too high. We value varied density and do not want in any way to create a high density ghetto.

Developers acting independently of each other

Inadequacy of employment land, badly juxtaposed to existing residents

Poor relationship with current Brimsham development

We don't accept the notion of land with power cables above being above being allocated as public open space

- Too close to Yate Rocks – violates the 1988 line
- Relationship with Yate Outdoor Sports Centre and access issues. YOSC needs to have a proper front access
- We are concerned about the environmental bunding at Tanhouse Lane, which is not suitable to become a rat run.
- the new neighbourhood must not be accessed by vehicles from Tanhouse Lane because of its unsuitability for such traffic.
- Not in line with workshop or earlier drawings
- Traffic flow evidence not yet given
- Just 9 Ha of land is proposed for additional employment land (CS11), insufficient to support 3558 dwellings. Relying on home working is not an acceptable, robust employment plan
- It is essential that no further development land is released until the sewage infrastructure is not merely funded by actually constructed and in operation
- Require a wide high speed wifi/fibre optic as part of 106 agreement
- Other areas have proceeded with less development so concern that SGC will have to pick up shortfall

The Town Council made further comments specific to certain areas:

Brimsham Park

The Brimsham Park Action Group has set out the concerns of residents - amenity, loss of access to the countryside, the impact on the properties at the edge of the development, and the massive highway impacts. This established community will become the entrance to a massive building site for at least 10 – and at the end of which the main means of access to these 3000 dwellings, 9 ha of employment and all the other facilities will be along their quiet estate roads. Equally, the provision of a new road at Peg Hill will damage the Yate Rocks community. We can see no satisfactory means of providing access to what is backland development.

Yate Rocks

Yate Rocks is a unique local community. It is a rural community, where everyone knows everyone, where there has been no incursion of modern development and the pace of life is different from its urban neighbour. It is a true hamlet community. The cottages cluster around a ford, with a stone pedestrian footbridge, unique in South Gloucestershire.. In 1988 we secured agreement, to ensure development was kept two fields back from the hamlet to the west. We are very concerned that some of the proposals associated with the new neighbourhood come right up to the boundaries of the hamlet itself. That will destroy the hamlet, not just their view, but their community.

The Town Council further commented in May 2013 as follows:
Comments in relation to the Review of Old Mineral Permission (ROMP) affecting Planning Application PK12/1913/O:

- Concern that when the final submission goes in, Yate Town Council won't be advised and therefore won't be able to comment;
- The review is confusing and the process is unclear;

- It will be important to use the new traffic data about traffic flows from the 2700 houses at Brimsham being built by Heron and Barrett to model the vehicular use of Southfields Way/Peg Hill and therefore the impact of vehicle crossing between the plant and stock piles. At the very least it needs to be ensured that movements are minimised, but it strengthens the case for saying the stockpiles now need to be the same side of the road as the plant and the extraction holes;
- Concerns about hydrology, and in particular the impact upon Brimsham Brook, the Frome, the flood levels, and aquifer run off leading to water table impacts when the pumps are turned off and water disperses naturally. At present levels in the Frome are kept up by pumping into it for example. So the impacts on the wildlife and habitat, and water table / flooding need to be understood. If this cannot be modelled yet, then a condition re aftercare is needed, specifying the pumps cannot be turned off until the modelling has been done and satisfactory solutions to impacts identified;
- There is a need for specific public consultation on any scheme developed from West Brimsham before it is given clearance. Yate Town Council notes the ROMP consent will say that any scheme for West Brimsham needs to be submitted to South Gloucestershire Council for approval. Yate Town Council would additionally want it to be subject to express public consultation with the community in the immediate area;
- There is a need for an express assessment in the ROMP papers and in the housing development control papers of these parallel processes and their impacts, so that councillors and the public can be sure that the consent for each has recognised the other and its impacts;
- Particular concern about the impact of the ROMP package upon the new residential area: and vice versa. Yate Town Council want to ensure that South Gloucestershire Council does not condemn a new generation of housing to adverse impacts (and equally, want to ensure local employment is not constrained by ill-advised housing provision);
- Yate Town Council supports a visit by the Sites Inspection Panel so that members can better understand the impact of the stockpiles upon visual amenity and environmental safety; the highway issues associated with the crossing at Southfields Way/Peg Hill; the relationship between West Brimsham and the houses at Yate Rocks; and the relationship between sites for which residential consent for 2700 houses is currently the subject of planning applications – maps show the physical distance, which is matter of about 300 yards from the new residential zone but topography is essential which cannot really be assessed without a site visit.

Yate Town Council raised further objections to the scheme in July 2013, following consultation on revisions to the scheme as follows:

- Welcome the recognition of the new Peg Hill road as the primary access to the development but want stronger traffic calming measures to discourage through traffic using existing residential roads through Brimsham Park

- Object to the redesign of the alignment of the eastern road to take it even closer to Yate Rocks
- Object to the failure to include in the revisions the diversion of Jubilee Way to remove the safety and security concerns that result from the alignment of the road
- Welcome the allotment space but object very strongly to the failure to provide green space/low density houses adjoining all existing houses-object to the provision of highest density housing areas adjoining existing low density housing
- Ask for an archaeological condition for a watching brief in relation to mining activities
- In all other respect repeat our original objection. The scheme still does not reflect community aspirations to provide a main road access to YOSC, locate the primary school by YOSC, place sports pitches in isolation at a distance from YOSC, provides housing right up to the lake in Brinsham Fields, locates the community building poorly in relation to the open space, seeks to offer the land under pylons as public open space.

4.2 Wickwar Parish Council

Wickwar Parish Council has expressed concerns that the development will result in a significant increase in traffic through the village.

4.3 Rangeworthy Parish Council

Object to the scheme on the grounds that there is no requirement for so large a development in Yate, there needs to be a significant increase in the capacity of the road network and other infrastructure to cope with the development especially at peak hours and that the Gypsy and Traveller site on Tanhouse Lane may potentially conflict with development.

4.4 Other Consultees

Statutory Consultees

Environment Agency

The EA originally objected to the proposed development on the grounds that whilst the Flood Risk Assessment (FRA) proposes the same mitigation measures as agreed, it does not resolve all the issues. The EA requested further details in relation to the following:

- Tanhouse Stream floodplain extent
- Who will be the adopting authority for the proposed flood risk infrastructure and SUDS on site
- Diameter of the outflow pipe from Pond P4C
- There should be no surface water drainage features located in flood zone 3
- All model flood outlines should be superimposed on top of the latest development masterplan to demonstrate that development is located in flood zone 1

- Expect a more detailed modelling exercise of Tanhouse Stream
- Written confirmation is required that Pond 4C will be constructed prior to any to each phase coming forward

Following receipt of further information from the applicant, the EA withdrew their objection in December 2012 subject to recommended conditions relating to the following:

- Ensuring compliance with the details submitted in the FRA
- Ensuring that Pond P4C has fully detailed before commencement
- No development within the Tanhouse Stream catchment until detailed hydraulic modelling of the watercourse has been undertaken and approved by the local planning authority
- Details of drainage for each parcel of land for submission and approval by the local planning authority
- Details of a full operation and maintenance strategy for submission and approval by the local planning authority
- Submission and approval of 'as built/volume check survey' of all flood risk storage by the local planning authority

Following consultations on revisions to the application the EA reiterated their no objection subject to the above conditions.

4.5 Network Rail

Network Rail objected to the development on the grounds that there would be a significant increase in use of the level crossing at Celestine Way and suggested that some form of mitigation may be justified to reduce safety concerns. Having re-run their forecasting modelling for pedestrian movements they accept that the impact is likely to be minimal and have withdrawn their objection.

Network rail has also submitted a number of advisory points relating to design, landscaping and construction affecting the rail network and to minimise any noise or air quality issues for new residents.

They have requested contributions to the improvement of Yate Station to improve access and waiting facilities.

4.6 Sport England

Sport England object pending further information relating to the provision of sports and recreation facilities that will support and enhance existing facilities, designed in line with Sport England's Active Design Principles.

Sport England have been advised of the S106 package with regard to sports and Members will be updated on any response received.

4.7 Coal Authority

Advise that the site falls within a Coal Mining Development Referral Area. The applicant has up to date information about the hazards and has provided a Combined Phase 2 Preliminary Geo Environmental and Geo Technical ground investigation

report that accompanies the planning application. The report identifies potential features and hazards to be taken into account in any development.

The extreme western edge of the site may have been subject to unrecorded mining activity. The coal mining legacy poses a risk to development in the school area. The report includes appropriate recommendations for further intrusive site investigations to establish the exact situation regarding ground conditions and to allow remedial measures to be identified.

The Coal Authority concurs with the recommendations of the Combined Preliminary Phase 2 Geo-Environmental and Geotechnical Ground Investigation report and is sufficient for the purposes of meeting the requirements of the NPPF. In the event planning permission is granted, the Coal Authority recommends the LPA impose planning conditions that require site investigations to take place prior to development. taking place and in the event that the site investigations confirm the need for remedial works to stabilise development, all remedial work should be undertaken before development commence

4.8 English Heritage

English Heritage do not consider that it is necessary for this application to be notified to English Heritage under the statutory provisions.

4.9 Wessex Water

No comments.

It is of note that Wessex Water, if the application is approved, will be signatories to one schedule of the S106 agreement, requiring the developer to make a contribution towards the provision of strategic sewerage infrastructure. See paragraph 5.79 below.

4.10 Natural England

Comments to follow

4.11 Campaign for Rural England

South Gloucestershire District CPRE are strongly opposed to the proposed development which we consider is far too large. The existing infrastructure in Yate , in particular roads in and out of the town could not take this scale of development. The development will also result in a loss of access to the countryside and will change this rural community into an urban extension of Yate.

4.12 Avon Wildlife Trust

Remain to be convinced that the applicants have attached due weight to wildlife conservation and environmental considerations. The first priority should be that species and their habitats that are protected by UK national and EU legislation should be preserved

4.13 Police

The Superintendent for the North East Policing Area have confirmed that the S106 obligations negotiated are acceptable, and will allow the Neighbourhood Policing Team increased visibility and a solid presence in the new community.

4.14 NHS England

The Planning Authority has indicated that 3,000 new houses would result in 7,200 new residents in North Yate. On the calculations used from the formulary adopted above, this equates to approximately 4.24 WTE GPs, to provide sufficient capacity for the new residents. This would result, in a primary care facility required capable of supporting 5 GPs, in a 726 square metre GP practice, as each full or part GP (5 individual Drs in total) will need access to full facilities and services within a surgery development.

NHS England requests suitable sized plot is reserved in the Neighbourhood Centre to provide for healthcare use to provide a 5 GP Surgery, plus 3 dentists, with retail space available for an optometrist and pharmacy outlet. NHS England would also require capital be available for the permanent provision of:

- a five GP Practice of 726m² of space (GIA) which equates to £1,633,500 (excl VAT) at £2,250/m² the current NHS construction costs advised by the District Valuation Office.
- a three dentist surgery of 120m² of space (GIA) which equates to £270,000 (excl VAT) at £2250/m²

This funding will be required during the early stages of the development to ensure adequate capacity can be developed and planned to a total of £2,284,200 (incl VAT). Heron Land Developments Ltd share is 2450/3000 dwellings or 82% of the proposed whole new neighbourhood. The proposed capital requirement for Heron Land Development Ltd would represent 82% pro rata share of the facilities for the whole site, or £1,873,044.

NHS England remain concerned with the level of contribution, and are awaiting further advice from the District Valuer as to whether, on balance, the contribution provides a proportionate value within the context of all community infrastructure. This further advice will be reported to Members in any update.

4.15 Highway Agency

In the light of the fact that this location is some distance from the strategic road network (SRN) and that traffic generated by the development would have the opportunity to take various routes to get to the SRN leading to the impact on the SRN being dispersed across several junctions. We are therefore offering no objections to the proposed development.

Internal Consultees

4.16 Public Rights of Way Team

Various public rights of way are affected by the development, and requests for contributions towards adjoining and connecting PROW's are requested. The development affects 7 public rights of way across the site the 2 off site. Diversion orders would be necessitated by the development for at least 4 of the paths, safe crossing points must be provided where the primary and secondary roads cross the paths, some surface treatment may benefit the users of the paths given the likely

increase in use and that sufficient width be provided on routes that will carry different classes of users. Contributions are sought towards or solutions identified that will address problems with paths outside the site that will suffer an increase in use.

- LYA49 – part of Jubilee Way. There is already some conflict with the legitimate users of the path and cyclists and adjoining landowners. The route of the footpath through the residential area is not shown clearly on the plans. The route is a recreational route and must be safeguarded under LC12. Requested that some mitigation be provided for the route to be amended beyond the boundary of the site to provide a safe and easy to use route that minimises conflict and the anticipated increase in use of the path. This would be in the form of a Highways Act diversion order or a contribution towards a diversion order
- LYA50 – a diversion order under the Town and Country Planning Act would be required for this route where it crosses the proposed residential development or it should be shown as safeguarded. Circular 01/09 states that any alternative alignment should avoid the use of estate roads.
- LYA52- This part is shown as proposed in a landscaped area on a route similar to its current defined line
- LYA53- not clear how this path connects to the new junction of Randolph Avenue or to Tanhouse Lane. Consideration must be given to providing safe and accessible crossing points for pedestrians.
- LYA54- this is hedged track that would benefit from some surface dressing sympathetic to its use as a bridlepath. It is noted that this landscape feature is retained on the proposed plan.
- LYA55- This footpath is mostly recognised on the proposed plan via the landscaped area called Yate Woods. Consideration must be given to safe provision of the crossing and alignment with the extension of Randolph Avenue.
- LYA56 – consideration be given to diverting this path to a route that connects Broad Lane to Watery Lane as an easily accessible path. Requested that a contribution be made towards the diversion of this footpath.
- A link is proposed from the development through to YOSC. Suggested that this link should be multi-user and that a contribution should be made providing a link through to Watery Lane
- LYA45 – the plans show this being diverted through a landscaped area to north east of the proposed housing. There maybe a structure required to enable the proposed route to connect to the opening for LYA45 onto Tanhouse Lane.

4.17 Environmental Protection

No objection in principle but consider the following comments:

- Air Quality – overall the air quality impacts of the development on local air quality are judged to be insignificant. There is no basis to object to the proposed development in respect of air quality.

- Noise- the location of the nearby rail line means that there is potential for new receptors to be exposed to the noise from activities along this line. An area of the land proposed for development has been identified as being in Noise Exposure Category 'C' as defined in former Planning Policy Guidance 24. The area which this includes is a 40-50 metre area from the railway line running adjacent to the site. Therefore in order to protect future residents from noise the following is recommended:
 1. restrict development in this area (40-50 metres from the railway)
 2. use orientation of buildings to protect external amenity areas of the houses and ensure that habitable rooms are positioned on the rear facing away from the railway.
 3. Mitigation measures to be used may include glazing, acoustic ventilation and external acoustic barriers if necessary. However, the final layout of the site should ensure that this is only used as a last resort.
- Full details of the proposed extraction and odour abatement system should be provided for take away and hot food premises in the district centre.
- Electricity power lines- although the health effect of exposure to electromagnetic radiation is currently not proven, the matter is the subject of long-term epidemiological studies.
- Potential for land contamination- the approach to the site investigation, risk assessment methodology and conclusions are accepted. The recommendations for further assessment and design of mitigation measures are also accepted. Suggest conditions relating to proposed remediation schemes for contaminants

4.18 Highway Officer

The site lies to the north of Brimsham Park, Yate, approximately 2.2 km from the town centre. Two principal vehicular accesses are proposed; one off Randolph Avenue and another off Leechpool Avenue. A third access is proposed to connect through the approved Peg Hill development. The internal road network connects the two accesses and the permitted development at Peg Hill.

The following points have been taken into account in assessing future travel demand in the area and from the proposed development:

Investment in walking and cycling will result in an increased number of local journeys being made by non-car modes, including travel to work to local destinations, access to the local facilities to be provided within North Yate New Neighbourhood (NYNN) and Brimsham Green School, the town centres and Yate railway station. A more attractive bus service will increase demand for travel by bus to access destinations within Yate and beyond. The new bus services in the north of the town will serve the development and transform the quality of bus travel for the rest of the area. The current rail service will be improved to a half hourly service MetroWest initiative. The projected demand

for rail travel from Yate, including the new NYNN, will be supported by improvements to the walking and cycling routes between the station and the development. Notwithstanding the mitigation accounted by increased walking, cycling and bus travel trips, it will remain necessary to mitigate the impact of residual car traffic that will enter and leave the New Neighbourhood. Traffic to and from NYNN will use B4060 Peg Hill and B4059 Goose Green Way in the north of Yate.

The X27/329 and 222 service routes run along Eastfield Drive (the 222 service is demand responsive). The nearest bus stops to the site are within 400 metres from the southern boundary of the site. Both services are contracted by SGC and are on an hourly frequency. Other town services are remote from the site. The X27 service provides an express service into the City Centre. The peak hour journey time into the City Centre from Brimsham Park is timetabled at 01:09 hours. The service runs hourly on Saturdays and 2-hourly on Sundays. The 222 service provides a local connection to Yate shopping centre and to Yate railway station. There are no Saturday and Sunday services. The service timetable provides sufficient “headway” to connect comfortably with the rail timetable. The journey time to Bristol Temple Meads from Brimsham Park, including transfer delay is 47 minutes. There is no direct public transport service to the major employment area of the North Fringe. Yate railway station is a little under 3 km from the site boundary, depending on route choice. Local trains from Yate travel north to Gloucester and Cheltenham and south to Bristol Parkway and Bristol Temple Meads. The train services run hourly and journey time to Bristol Temple meads is between 25 and 28 minutes. Intercity connections are either from Bristol parkway or Bristol Temple Meads.

There are excellent walking and cycling routes to all facilities in Yate and good connections to wider destinations. Unfortunately almost all of the routes have a degree of dislocation and suffer from poor legibility.

There are local shops within close proximity of the site and the town shopping centre is 2.2 km from the site boundary. Generally the routes are along quiet roads and cycleways although there are safety issues at some crossing points. The nearest primary schools are approximately 1.5 Km away. The routes are along residential roads and cycleways. The only material safety barrier on the routes is the crossing of Peg Hill in the easterly direction. A signal controlled crossing is being provided by the permitted Peg Hill development. The nearest secondary school is Brimsham Green school, which is readily accessed by walking and cycling. The shortest walking and cycling distance from the boundary of the site to Yate rail station is 2.5km (about 1.5 miles), which is a 25 minute brisk walk or an 8 minute cycle ride. While that is an acceptable cycling distance the route is not signed and would not be legible to the normal commuter. Apart from a short section along Station Road on the approach to the station the route is generally off road or along residential roads. Goose Green Way can be crossed at a signal controlled crossing or at the existing footbridge. There area cycle locker facilities at the station.

The adjoining road network, and in particular the B4059, Iron Acton (Goose Green) Way, is subject to lengthy queuing in the morning and evening peak hours. In its current form the local road network cannot accommodate the traffic

generated from the proposed development on the northern area of Yate. In order to address this constraint the Council has accepted the need for a scheme of highway improvements.

North Yate is poorly served by bus services. In order to address the severe shortfall in public transport in this part of Yate, the Council has prepared a strategic plan which will provide comprehensive access links to key destinations within the townships and to the city centre, the North fringe employment areas, higher education and the principle hospitals. The service specification has been agreed with the Council's strategic transport advisers and with the applicant. The cost/revenue forecast have also been agreed.

While the site has potentially good connections to all services in the town there are limitations to all of them which need to be overcome if the development can be considered sustainable. The applicant has offered to make a financial contribution to address other barriers.

Both of the nearby bus services, the X27/329 and 222, are contracted services that rely on public subsidy. Sustainable access to wider destinations is therefore heavily reliant on the enhancement of the existing bus service and the introduction of new services. The applicant has offered a contribution towards public transport to secure the service uplift.

While the use of heavy rail for travel to Bristol (and the North Fringe) is limited at present by the hourly frequency of services, the MetroWest initiative will secure a half hourly service from Yate within the timescale of the development and the developer has offered a contribution towards local station improvements to provide facilities that compliment the improved service

In the early years of development patronage levels will be too small to provide an immediate increase in public transport. The developer subsidy is necessary to support intermediate service levels until patronage is sufficient to secure the longer term financial viability of the bus services. The necessary patronage levels will come forward as the new Neighbourhood develops. Thus the contribution that might arise from this application need only be considered as an interim "bridging" condition.

The applicant has provided a Framework Residential Travel Plan in support of the planning submission. The broad terms of the Framework are acceptable.

The current public transport provision is poor and as a result this proposed development will rely heavily on car borne travel. While there are good walking and cycling routes connecting the site they suffer from poor legibility and various constraints.

The TA addresses the changes in traffic and the opportunities for area wide improvement in travel options that will take place as a result of the planned NYNN. In the light of the comments set out above there is no transport objection to the application subject to the agreed contributions and works as set out in the "Heads of Terms" of Agreement above being secured.

Any permission that might be granted should be conditional on the submission of a Construction Management Plan, routing, hours of working, condition of the access roads, and an informative that the developer must seek detailed technical approval of all highway works prior to commencement

4.19 Landscape Officer

The site layout incorporates much of the existing network of hedgerows and mature trees within new open spaces and includes many new paths together with the existing public rights of way, linking with Tan House Lane to the north. Vehicle access will be restricted to southern access points only onto Leechpool Way and Randolph Avenue and a new link to Peg Hill. Surface water is accommodated in an extensive series of attenuation ponds in the eastern section of the site.

Whilst adjoining existing residential development of the 1990's on the southern edge, the land is currently a mixture of pasture and arable land, bounded on the western edge by the mainline railway. The site is largely level with subtle changes in landform creating slight north south running ridges around the Ladden brook on the east. Rising ground of the Wickwar Ridge overlooks the site from the east around Yate Rocks and Bury Hill.

The development will result in a permanent change in land use and landscape character through the development area. The layout and design of the site has therefore attempted to minimise the impact of the proposed development on the landscape character in the vicinity of the site.

The landscape concept underpins the master plan and arises from the landscape and site analysis, assigning three broad character areas to the site Woodlands on the western portion of the site, the gallops in the centre of the site, picking up on the strong north / south trend of the existing paths and creating a formal boulevard feature.

Boundary with Tanhouse Lane: Overall I want to see a far higher level of woodland planting along this edge, used as the linking feature to buffer the impact of the development on the wider landscape of the open countryside (and the listed buildings).

4.20 Tree Officer

The main area of the site would appear to have been under predominantly agricultural usage in the past. There is a network of old hedgerows containing some mature trees across the site which provided field boundaries. The existing tree and hedge stock is mixed species with the majority being native. There are a variety of age classes of trees present probably due to natural regenerating rather than deliberate planting. All the trees on the site are currently covered by a South Gloucestershire Council area Tree Preservation Order

With the exception of one grade B tree the proposed site layout, at this stage, retains all the higher quality trees on the site (A & Bs). The report offers generic information on tree protection, specialist construction methods within

the Root Protection Area of retained trees and brief details of proposed hedgerow management. It is considered that the proposed tree removal and retention would be acceptable to South Gloucestershire Council however confirmation of final site layout will be necessary to ensure the feasibility of the proposed tree retention.

There are no arboricultural objections in principle however to fully assess the potential impact on the existing trees we will require the final site layout plan, and other requested information.

4.21 Ecologist

The site is not covered by any statutory or non-statutory designations.

The majority of the fields consist of either arable or improved (grazed) grassland. The only exceptions are three fields of more diverse, semi-improved grassland adjacent to the pond in the north-west corner of the site (one – the largest being outside the red line area for this application site) and three blocks adjacent to Brimsham Park and the housing on the northern settlement edge to Yate.

The site is intersected by an extensive network of hedgerows. Of these, the overwhelming majority qualify as species-rich under the UK and South Gloucestershire Biodiversity Action Plans. Of an overall total of 50 hedges, 37 were assessed as likely to be 'important' under the Hedgerow Regulations 1997. The ES indicates that all 'important' hedges will be retained; and that the network will be incorporated into the scheme, although it concedes that there will be a fragmentation due to roads and other access infrastructure; and that this will impact on the hedges' functionality as corridors for a variety of European protected species. By way of mitigation, the ES proposes to allow retained or planted trees to grow to standard either side of the breaks to eventually form a joined canopy over the roads. New hedgerow and gap planting is proposed to 'off-set' the loss of the hedge networks functionality during construction, although this assumes that planting will be ahead or at the same time as road construction; and new planting will not compensate for a loss of maturity and structure.

With regard to great crested newts, two ponds on site containing breeding populations have been incorporated into the illustrative design of the scheme. The design of the masterplan should be revised to the south of pond 5 and in the south-east corner of the north-west phase of the development (vicinity of tube 62 wherein the dormouse nest was recorded) to reduce the breakages in the hedgerows which, as presently proposed, will result in a lack of connectivity of habitats for dormouse and great crested newt (European protected species).

The design of the masterplan should be revised to incorporate a more robust green corridor along the northern boundary of the site (Tanhouse Lane), to comprise mixed native (broadleaved) woodland planting with associated glades and species-rich grassland to benefit both great crested newt and dormouse.

The ES also needs to clarify the location of the breeding marsh tits recorded on site and how the breeding population will be maintained.

Subject to this being resolved, a series of Conditions should be attached relating to bats, great crested newt, dormouse, badger, reptiles, harvest mouse, hedgehog and an ecological and landscape management plan (ecology strategy).

4.22 Conservation Officer

The designated heritage assets indirectly affected by the development proposed are the Grade II listed Leechpool Farmhouse and Grade II listed Tanhouse Farmhouse on Tanhouse Lane and Grade II listed Rockwood House on Gravel Hill Road. The development proposed would have an indirect impact on these assets setting. It is my opinion that, the significance of these assets would be harmed by the proposed development, by virtue of the harmful impact to their setting.

With regard to Leechpool Farmhouse, it is recognised that as a farm, it's agricultural context is an important aspect of the buildings significance. As discussed in my previous comments, the large scale development of a school and formal pitches on land directly south of the listed building will inevitably have a harmful impact on the setting and character of the listed building. The degree of harm (substantial or less than substantial) is very difficult to gauge from the level of information submitted in the application as it is not clear what scale or design the school buildings will be, or the level of enclosure/lighting etc required for the pitches. The substantial hedgerow to the south side of Tanhouse Lane will help to screen the development, however sensitive management of planting and lighting and the siting, materials and design of all new buildings, are vital to minimising the level of harm to the setting of the listed building. Only if sensitively handled, it is considered that the level of harm could be less than substantial.

Similarly, in order to ensure that the level of harm to the setting of Tanhouse Farm is less than substantial, sufficient mitigating measures must be secured through appropriate tree planting to the north east boundary of the development site.

In accordance with the NPPF, the harm caused to the two grade II listed farmhouses will have to be balanced against the public benefits of the proposal.

With regard to Rockwood House, it was built as a large, polite country residence, set in landscaped private grounds. The house is grade II listed and the gardens are locally registered. The development proposal is to create allotments on the part of the park immediately to the front of the principal elevation of the building (west). Although the detail of the appearance and treatment of this land is not totally clear at this stage, the use of what was designed as formal parkland as allotments and parking is likely to cause substantial harm to the setting of the listed building.

It is considered appropriate that an alternative site for this use should be found, or the allotments relocated to a less sensitive part of the Rockwood House site, and the remainder of the parkland restored as a form of mitigation. If this is not done the applicant should therefore be required to demonstrate that there are no other reasonable means of delivering this part of the development, *for*

example through different design or development of an appropriate alternative site, as failure to do so would result in this part of the development being contrary to the NPPF advice above.

4.23 Archaeological Officer

The archaeological reports have appropriately assessed the archaeological impacts of the development, and there is not considered to be any archaeology of significant affected by the development. A condition requiring an archaeological watching brief is recommended. The mining issues can be dealt with as part of the watching brief.

4.24 New Communities Co-ordinator

The total “community” package for the new neighbourhood including the Heron land, Peg Hill and the Taylor Wimpey site is likely to include £2.3m for a community building, £640k for Yate library and £95k for arts provision. This represents a meaningful and positive package of community facilities which will help deliver a sustainable community at North Yate.

Heron is providing the lion’s share of this package and are offering:

£1,890,00	-	community building
£520,776	-	library
£96,440	-	public art

The sum for a community centre is acceptable and will enable the delivery of a multi use community facility on site which will serve the new residents and attract people from neighbouring residential areas which will help establish and integrate the new community. The library contribution would enable Yate library to be expanded and might also allow a small children’s learning space to be delivered as part of the multi use community centre. The public art strategy will help deliver a coherent and quality environment which will foster a sense of place I this important new neighbourhood.

4.25 Public Open Space Officer

Outdoor Sport

Minimum policy requirement = 9.408 ha

Heron’s proposed provision of site = 6.28ha. On site provision is quantified but lacks detail on how this will be accessed, laid out, drained, attenuated and provided with associated ancillary facilities. With regard to dual use of the playing fields at the school site- sufficiently high quality of provision will be required to ensure that playability by both the school and the community is not compromised by the levels of use that will arise from its dual use nature. A dual use agreement will need to be covered in the S106 to ensure sufficient access by the community and it must be borne in mind that the outdoor sport provision for the community must remain in perpetuity even if the second primary does not go ahead

Heron is proposing an off-site provision of £1, 954, 337 towards the provision/enhancement and maintenance of 3.13ha of off-site playing fields- in the absence of detail required to clarify the exact area of on-site outdoor sports

provision. Clarity is further required with regard to the what outdoor sports could be played at the Wellington Road site is the education covenant is lifted. Suggest a condition to clarify level of outdoor sports facilities prior to first reserved matters application.

Informal Recreational Open Space

Minimum policy requirement = 8.232Ha

Heron's proposed provision on site = 11.04Ha

Clarity is required as to how much surface water drainage/attenuation area required.

Natural and Semi-Natural Green Space

Minimum policy requirement = 8.82Ha

Heron's proposed provision on site = 12.2Ha

Clarity is required as to how much of the natural and semi-natural green space was to be used for surface water drainage/attenuation.

Allotments

Minimum policy requirement = 1.176Ha

Heron's proposed provision on site (and off Peg Hill) = 1.18Ha

If the allotments are to be transferred to the Council a maintenance contribution will be expected, proportionate to the size of the allotments.

Provision for Children and Young People

Minimum policy requirement = 1.47Ha

Heron's proposed provision on site = 1.47Ha

Provided the amount proposed represents the actual activity zones of equipped play area and not unusable/unplayable areas/buffer zones then it will be spatially compliant. I would suggest imposing a condition requiring a play strategy to be submitted for approval prior to the first reserved matters , so that we can consider the proposals and ascertain whether they meet the policy requirements and will meet the needs of children and young people of all ages and abilities.

4.26 Early Years and School Planning Officer

The Department for Children, Adults and Health has assessed above application against current and projected pupil numbers. Currently, there is sufficient surplus capacity to meet the needs arising from this development across secondary schools local to the development site.

The proposed development of 2,450 dwellings will generate 882 (= 2,450 x 36 /100) additional primary pupils according to the pupil number calculator. This equates to a financial contribution towards new primary school places of £11,315,178 (= 882 x £12,829).

Additionally the LA requires two new primary school sites, each suitable to accommodate a 420 place primary school. The size of each site required is 2ha.

Based on 2,450 dwellings and a requirement for two 2 form entry (FE) primary schools, the proposed development would generate the need for the following nursery provision:

120 children per cohort x 2.4 cohorts (40% of 2 year olds + 3 year olds + 4 year olds) x 0.5 part-time provision = 144 nursery places. The developer would either build one or two nurseries under commercial arrangement(s) with a private provider, or alternatively the LA would request a financial contribution and land. The land and financial contribution would be 0.8ha of land (or 0.4ha if there is adjoining shared car parking) and a financial contribution of approximately £1,300,000.

Youth provision: $2,450 \text{ dwellings} \times 7.5 / 100 = 184$ teenagers at a cost of £79 each per annum (£14,536 per annum)

Assuming the development will take place over approximately ten years the total contribution required for youth services is £145,360

Children's Social Services Provision: 450 houses would generate 882 primary age pupils and 441 secondary age pupils i.e. 1,323 school age pupils (these figures are calculated using the education pupil number generators).

The amount of contribution for additional pupils requiring social services provision would therefore be $1,323 \times 1.1\% \times £33,333 = £485,095$

Further discussions between the applicant and the Early Years and Schools Planning Officer has resulted in agreement that the second primary school site should be shown on the masterplan but the S106 agreement could give the flexibility to assess the need of the second primary school at an appropriate trigger point during the lifetime of the development, and if the need for a second primary school is not triggered, then space is made available to ensure the first primary school can expand to 3FE.

4.27 Housing Enabling

The heads of terms are acceptable as far as they go. We would normally expect the design and specification criteria and affordability outputs to be included within the heads of terms. In terms masterplanning for affordable housing in each phase, a similar approach to that taken with Emersons Green East is advised.

4.28 Urban Design Officer

The master plan, design objectives and design parameters set out in the Design and Access Statement demonstrate the applicant's commitment to achieving high quality design in line with Policy D1 of the South Gloucestershire Local Plan and CS31 of the emerging Core Strategy and also to achieving comprehensive development as set out in Policy CS31 of the emerging Core Strategy

The DAS provides sufficient justification for the design objectives and master planning of the new neighbourhood at North Yate. I would recommend that planning conditions on the following points are included in any recommendations for approval to ensure detailed design can be controlled at the Reserved Matters stage of planning :-

- Submission of detailed scaled master plans, detailed Design and Access Statements and design codes to be provided prior to submission of any Reserved Matters application for each geographical phase to be in accordance with the written and illustrative design principles and parameters set out in the July 2013 North Yate Design and Access Statement to ensure that comprehensive well integrated development and high quality design is achieved in accordance with the policies of the Local Plan and emerging Core Strategy and particularly D1 and CS1.
- A detailed site wide waste management and recycling strategy to be submitted prior to Reserved Matters applications to control the use, sorting and storage of waste material and recycling from residential and commercial uses on site, including reference to the potential for on site composting related to the allotments in accordance with Policies CS1 and CS31 of the emerging Core Strategy
- development to meet the minimum standards of Code for sustainable Homes Level 3 or above and/or BREEAM 'very good' or equivalent standard in accordance with Policies D1 of the Local Plan and CS1 of the emerging Core Strategy
- residential development to demonstrate it meets Building for Life 'very good' standard or any equivalent nationally recognised standard in accordance with Policies D1 of the Local Plan and CS1 of the emerging Core Strategy
- evidence that super fast broadband will be delivered within each phase of the development to meet policy CS6 CS8 and CS31 of the emerging Core Strategy

Other Representations

4.29 Local Residents

108 representations have been received from local residents, of which 106 are objections, 0 are letters of support and 2 were neutral. The comments are summarised as follows:

General comments

- Yate does not need this much housing. It is too much for a town to absorb and will adversely alter the character and facilities will not be able to cope
- The cumulative impacts of all the current developments in Yate and North Yate is too great for the town to cope with – much more than 3,000 houses being built in the town
- The development represents a 20% increase in the size of the town's population – this is enormous and is not acceptable
- We should be using the brownfield sites in the area first rather than building on green fields

- Cancellation of RSS has released South Gloucestershire Council from its obligation to build so many houses
- The Council has done a huge about face – in 2008 it said the level of development proposed for Yate in the RSS was too much and would have an unacceptable impact on the town, because of the impact on the road network, problems of congestion, loss of green space, demands on local community infrastructure, flood risk etc – what has changed?
- The development should take place on Filton airfield which is a more sustainable location and not at North Yate
- The developers have not addressed the concerns of locals in their consultations and responses
- There has not been enough notification of the development to the wider community of Yate, all of whom will be affected by development.
- There is no need for more housing
- No-one will be able to afford the housing, houses at Elswick Park not selling
- Yate has a struggling shopping centre, so another local centre would put added stress on struggling businesses
- Yate will merge with Engine Common/Rangeworthy
- If the land bank was not owned by a property developers would such high density, unsustainable housing development get approval?
- Increased risk to privacy and security of Yate Rocks
- No meaningful impact studies on environmental issues in the Yate Rocks area
- Don't need a pub or a hotel

Gypsy and Travellers.

- Provision of gypsy and traveller units has not been included on the proposal and should form part of the application, as per the Core Strategy policy

Health and Wellbeing

- The proposed development does not improve people's general health and wellbeing. Instead it continues to add to the problems of childhood obesity, poor diet and lack of physical exercise. We should not be adding to the population until we've sorted these problems out as identified in the S Glos health profiles

Highways & Transport Matters

- Congestion on the surrounding road network will increase causing further delays at peak hours.
- The road network needs to be improved before development takes place
- The distance of the development from the town centre will not encourage people to walk or cycle to destinations in the town or to commute in a more sustainable way
- The car will still be the main choice of transport
- The proposed off site highways works are not sufficient to address the problems that will be created by the increased volume of traffic

- There will be a significant impact for commuting traffic 'downstream' towards Bristol. Winterbourne and Hambrook will have further disruption and impacts. These are bottlenecks and nothing is proposed to help them
- The emergency services will have difficulty travelling at peak hours
- The main access for development will be Randolph Avenue and Leechpool Way, which are not capable or designed to cope with the level of traffic proposed
- Randolph Ave and Leechpool Way will be the main routes into the new development and will take all the construction traffic, causing disruption for local residents for the next 15 years. This is not acceptable
- The children's play ground located on Randolph Ave will not be easy for people on the west of the existing housing to access safely when construction traffic and future residents start using the Avenue. There is no crossing provided
- The construction traffic will be dirty, noisy and polluting. This will place an unacceptable burden on local residents for a significant period of time
- There will be an increase in road traffic accidents as a result of the
- increased traffic. The children who cross Randolph Ave and Goose Green Way will be most at risk
- The physical state of the roads is poor now. What is proposed to make sure this increase in traffic will not have a further detrimental effect on the roads and result in greater deterioration of the road surface?
- Too great a reliance is being placed on bus based transport, walking and cycling to reduce the transport impacts of the site. This is unrealistic and misleading
- The current bus services into Brimsham are not convenient, take too long to get anywhere and don't operate at weekends – need a very big improvement to encourage people to use the buses
- Bus services will only be supported for a short time. After this, the services will become too expensive for operators to run and will be withdrawn
- The proposed Nibley park and ride will not have enough parking to encourage residents to commute by bus
- Train services between Yate Bristol and Gloucester are abysmal and won't offer a real alternative to the car
- The development should provide a new station at Brimsham by YOSC
- Suggest a new road is built from Peg Hill to Goose Green Way around or through the development to avoid the need to use Randolph Ave or Leechpool Way for the construction traffic to use and so new residents don't all use the Avenue to access the site.
- Working from home is not an option for many and there is not enough employment proposed to offset the level of out commuting that will be created by this development
- There will be more pressure on Broad Lane and Watery Lane junction with Goose Green Way arising from more school traffic and the conflict with school children who use these routes will increase
- You are creating a dormitory development rather than a new community as people commute out to jobs in Bristol

- The proposed employment will result in more traffic and especially heavy goods vehicles on Randolph Ave and the surrounding road network. We don't have this traffic at present.
- Town centre car parking is inadequate to serve the needs of the existing community at peak shopping hours and at weekends. This will get worse with more houses
- The needs of cyclists are not taken into account in the off site highway works. They will be more vulnerable on the main roads as a result of increased volumes of traffic.
- The ES admits an 37% in traffic on some junctions
- General support for not allowing vehicular links onto Tanhouse Lane and request that this remains a quiet lane for recreation
- Access out of Longcroft (right hand turn) will be impossible given the additional volume of traffic
- Not enough parking proposed on site
- Construction access should be from Peg Hill
- Should have access roads to Tan House Lane to minimise the impact on an already busy road network
- Should have access to the Wickwar Road as well as bypass for Wickwar to the motorway at junction 14
- Yate Academy now no longer doing A levels so students will have to go further afield to study adding to traffic

Landscape and Open Space

- The development as proposed is not environmentally sustainable
- The loss of informal recreational space for existing residents is unacceptable. The paths and routes are well used by local people. There is no assessment of the value of this space to residents wellbeing now
- Concern about the loss of habitats for wildlife and also the loss of trees and hedges. There are some very mature trees on the site that need to be protected
- This is one of the few places for local children to go to learn about nature and about agriculture. It will be a sad loss of resource
- We should use brownfield land first to protect open spaces
- Brimsham is very directly related to the open countryside and residents feel it is a semi rural area. This character will be totally altered by new development
- The proposal results in the loss of good quality agricultural land which should be retained
- Access to Brimsham fields for the car is all from the south. There should be a car park and access also from the north to this open space, otherwise a disproportionate number of cars will use the Coopers Way access
- The allocation of informal public open space under pylons and in the flood areas makes a mockery of the term 'open space' its just the left over bits that can't be developed
- The development will have a significant visual impact on the landscape from the surrounding areas
- The air quality issues that Yate suffers from will become worse

- There are protected species on site that will lose their habitat
- The scheme will have a detrimental effect on the special rural character of Yate Rocks. The green wedge is insufficient to protect the separate identity of Yate Rocks.
- There needs to be a more significant buffer between the existing housing and the development. The green buffer isn't big enough
- The potential archaeology of the area hasn't been considered .
- The Jubilee Way runs through gardens and past properties in Yate Rock and previous vandalism and anti social behaviour will increase with this development. Can a solution be found to relocate the footpath?
- This space should really be used as a natural area or as a place to plant trees and not for development
- Allotments should be put in early
- A biodiversity and landscape grant has been applied for in this area but the countryside will be torn up- these are grants intended to improve the local environment

Flood Risk

- The flood risk area extends over the community land for open space which will make it unusable for much of the year
- The development will increase hard areas and significantly worsen surface water run off into water channels that are already under strain in current heavy rainfall
- Coopers Drive currently floods badly in heavy rainfall
- The clay subsoil will make the SUDS and drainage system untenable

Mining issues

- The mining legacy has created unstable areas which haven't been taken account of in the development. Areas of land are not safe
- Want an archaeological watching brief in relation to mining activities

Employment

- Yate doesn't need more empty employment areas. Employers are leaving Yate for more commercially attractive areas in the north fringe and Severnside. This new employment area won't attract more jobs
- The traffic associated with the employment will be huge. Also it is likely to include heavy goods traffic which currently doesn't use Randolph Avenue
- There is a mismatch between the number of jobs and the number of houses – not enough jobs
- The home working assumptions are a myth – not realistic
- Is B1 B2 the right employment mix here and will it attract a lot more traffic here?

Facilities and services

- There will be a major impact on town centre facilities such as the library, leisure centre and health that needs to be addressed
- There are no obvious proposals for youth provision. What will kids do?
- There's no cinema or other evening activities to keep them occupied

- There needs to be decent access to YOSC because the current access is poor
- The emergency services are already at breaking point – how will they be improved?
- The distance to Southmead is already huge, with an increase in traffic the response times for ambulances will be too long
- We should have a new parish of Brimsham and make sure the facilities are there to serve the new community
- Build a new secondary school on the site and open up a new access through the existing school site to access Goose Green Way
- Not enough school places to accommodate the new residents
- Concern about the facilities at YOSC becoming more intensely used and noise/traffic/floodlighting becoming a problem from local residents with property boundary with YOSC
- How will the requirement for a second primary school be established?
- *Design issues*
- The density is way too high and out of character with the rest of Yate this is over development
- there is a major impact on the existing character of Brimsham and it will result in a dilution of the character
- the pylons should be put underground to remove an eyesore
- the proposed layout is very different to most of Yate and not in keeping. Should be more organic and more cul de sacs
- the character of Randolph Ave will change
- Want low density housing adjacent to Yate Rocks
- Object to the alignment of the eastern road to take it even closer to Yate Rocks
- Object to the building of houses right up to the boundary of the lake and park

Utilities

- there is not enough capacity in the sewerage system downstream to cope with this development
- the sewers should be put in place before development takes place
- the north road waste sorting centre is not large enough to cope with the new development and needs of residents
- there is insufficient capacity in the water supply and gas supply to cope with development
- broadband is an issue locally – will there be an open system for new residents?

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The adopted development plan is the adopted South Gloucestershire Local Plan. The NPPF states that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. It also states that the NPPF is a material consideration in planning decisions and

- that in determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.
- 5.2 The relevant Local Plan Policies are H3 and E6, as the site lies outside the settlement boundary of Yate and in the open countryside. Policy H3 precludes general residential development in the countryside. Policy E6 precludes general employment development in the countryside.
 - 5.3 Given the above policy setting, the proposal still remains contrary to development plan as it contrary to Policies H3 and E6 of the adopted Local Plan. As the such, the issue is whether there are other material considerations that indicate that Policies H3 and E6 should be necessarily be set aside.
 - 5.4 As Members are aware, the site at North Yate is allocated in the emerging Core Strategy for a major mixed use development of 2, 400 dwellings in the plan period (and up to 3000 dwellings in total) employment opportunities and associated infrastructure, as set out in Policy CS31.
 - 5.5 The emerging Core Strategy has reached an advanced stage and is now, in the light of para 216 of the NPPF, which states that from the day of publication, decision takers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan, a material consideration of significant weight. In particular Policy CS31 which the supports the principle of development of the application site has been endorsed by the Inspector in his Main Modifications following the Examination in Public.
 - 5.6 Given the above, it is considered that the emerging Core Strategy, in particular Policy CS31, is a material consideration of significant weight such that Polices H3 and E6 should be necessarily set aside and hence the principle of development at the North Yate New Neighbourhood is acceptable. As such, it is not considered that the proposed application is premature.
 - 5.7 The proposed uses set out in the description of development for this mixed use proposal, include dwellings, extra care housing (Use Class C2), a local centre, primary schools and supporting infrastructure accord with emerging Policy CS31. The proposal includes the provision of 5.11 hectares of employment land (Use Classes B1 and B2). The applicants state that this will comprise of 2.79 ha of B1 employment land, which will deliver approximately 18, 000 sq m of office accommodation and 2.32 ha of B2 employment that can accommodate approximately 13, 000 sq m of light industrial floorspace. The applicant states that this will generate 2444 jobs, however Officers consider that this overestimates the employment potential of the proposals and consider that a more precautionary estimate would be 1876 jobs. This would equate to 50% of the employment required to achieve full self-containment across the new neighbourhood of 3000 dwellings.
 - 5.8 Emerging Policy CS31 states that 'The new neighbourhood will incorporate up to 9ha of employment land.' At the Examination in Public there was some debate regarding the wording of the policy in this respect, but the Inspector did not amend this element of the emerging policy in his main or further modifications. It is acknowledged that Yate Town Council and local residents

have raised concerns regarding the amount of employment land proposed, in that it is not enough to enhance the 'self-containment' of the new neighbourhood, which would result in out-commuting from the site. However, whilst the issue was debated at the Examination in Public, it is pertinent to note that the Inspector did not alter emerging Policy CS31 in this respect, and did not issue any further clarification of the amount of employment floorspace. As such 'up to 9ha' could be interpreted solely as an upper limit. By way of context, the Council's Employment Land Review concluded that whilst there is little space capacity in the existing employment land in Yate, there is scope for re-modelling of existing industrial estates.

- 5.9 Whilst acknowledging the concerns regarding self-containment and the subsequent out-commuting from the site (which has been fully assessed in the Transportation section below), Officers consider that there is an appropriate balance to be achieved between the amounts of housing and employment on this site. Furthermore, Officers are concerned that given the density specified by Heron Land in their Planning Statement, at 45 dwelling per hectare (dph) to achieve 2,450 dwellings, any increase in proposed employment land would result in an increase in the housing density to a level that is not achievable in the current housing market. Furthermore, any increase in density could have implications for design quality, and objections have been received from local residents stating that they consider the density proposed is already too high. Given the emphasis in the NPPF on deliverability of housing development, it is considered that any increase in density on the current application site over and above 45 dph would result in a development 'out of step' with the current housing market, and as such, would jeopardise the prospect of achieving the development in the build out period envisaged.
- 5.10 Given the amount of employment land proposed to be provided, the likely level of self-containment that Officers consider could be achieved, the wording of emerging Policy CS31 itself, and the need to ensure that the site delivers houses at an appropriate build out rate, on balance, Officers consider that the proposed level of employment accords with emerging Policy CS31 and is therefore acceptable.
- 5.11 The other uses proposed, including the extra care local centre and primary schools are considered a requirement of a new neighbourhood, and are specified within Policy CS31.
- 5.12 Concerns have been raised by local residents relating to the need for housing and questioning the reasoning for the proposed new neighbourhood allocation and the growth of Yate as a settlement. In addition, alternative sites are mentioned, for example, Filton Airfield. These issues were considered as part of the assessment of emerging Core Strategy CS31, including at the Examination in Public. As such, and given that these comments relate to the emerging policy itself, rather than the development proposals currently under consideration, they are given little weight in the assessment of this current planning application.

- 5.13 Taking the above into consideration, the principle of development accords with emerging Policy CS31 and is therefore acceptable.
- 5.14 Achievement of Comprehensive Development
As stated above, the site forms part of the North Yate New Neighbourhood allocation under Policy CS31 of the emerging Core Strategy, the majority of the which is controlled by Heron Land. Peg Hill, the part of the site that has the benefit of both outline and reserved matters permissions, (see Planning History above), forms part of the North Yate New Neighbourhood allocation and is controlled by Barratt Development. A section of the site in the north-west corner is controlled by Taylor Wimpey and is not included as part of this application, but is shown on the illustrative masterplan and Design and Access Statement.
- 5.15 The Council's position, set out in emerging Policy CS31, as amended by the submissions made to the Inspector during the hearing sessions at the Examination in Public and supported by the Inspector in his main modifications, is that 'development will be comprehensively planned, and delivery co-ordinated and phased through the Supplementary Planning Document (unless the alternative mechanism is agreed) to ensure full integration between land ownerships, land uses and the provision of all services, facilities, associated infrastructure and utilities.' Throughout the Examination in Public the Council accepted that an alternative mechanism to secure comprehensive development could be through a legally binding landowner agreement between Heron Land and Barratt Development to support and compliment the S106 agreement.
- 5.16 The landowner agreement provides an appropriate and binding mechanism to resolve the issues of land 'equalisation' and pro-rata financial contributions between the landowners relating to the delivery of the key infrastructure. Heron Land have also confirmed that whilst they have do not a private agreement with Taylor Wimpey, they state that they can 'unlock' the financial contributions Taylor Wimpey owe them by controlling the access to their land. This is accepted industry practice and is widely used. As such, acknowledging the need for comprehensive development, the applicant have masterplanned the land outside of the applicant site and in the control of Taylor Wimpey.
- 5.17 In practice this means that all three parties contribute to the provision of highway and community infrastructure on a pro-rata basis, apart from off site highway works and off site strategic sewerage works, as Heron Land are solely taking on the costs of these. This is reflected in the negotiated proposed heads of terms (see para 7.1 below). The main on-site community infrastructure works are located within the application site- that is solely within the control of Heron Land.
- 5.18 With regard to comprehensive development, it is important to note that the allocation as a whole has been appropriately masterplanned. The Design and Access statement approved as part of the Peg Hill outline application acknowledged the fact that it is part of a wider allocation, and the current masterplan and Design and Access under consideration includes the area under the control of Taylor Wimpey. Any application submitted by Taylor Wimpey in the future would therefore have to acknowledge the masterplan, if approved, as a material consideration.

- 5.19 Given the land equalisation agreements between the relevant developers, the pro-rata S106 planning obligations, (apart from off site highway and off site sewerage infrastructure, being undertaken by Heron Land), and the approved and proposed masterplanning, it is considered that the proposal would result in comprehensive development through alternative means to an SPD, and therefore accords with the relevant section of emerging Policy CS31 in this respect.
- 5.20 Environmental Impact Assessment
Members are advised that the Council's Screening Opinion concluded that the proposed development requires Environmental Impact Assessment under the Town & Country Planning (Environmental Impact Assessment) Regulations 2011. The application includes an Environmental Statement (ES) and Officers have taken the ES into account in negotiations with the applicant. In July 2013 the applicants submitted Addendums to the ES to take account of the further information and amendments requested by officers to the illustrative Masterplan and the Design and Access Statement. The ES addendum therefore comprises additional environmental information and some revisions to the original information submitted. The ES addendum concludes that there are not additional environmental constraints which would preclude the proposed development.
- 5.21 The environmental information has been considered by officers and has been found sound for the purposes of considering this application.
- 5.22 Conformity with the Council's Statement of Community Involvement
The allocation has been through a number of consultation processes before reaching application stage, and been through an extensive programme of community involvement. Following the successful visioning event for the Core Strategy policies for Yate and the New Neighbourhood in June 2009, the Council held two further stakeholder workshops in conjunction with the developers in January 2011 and September 2012. The Council invited 236 local interest groups, residents and stakeholders to the January 2011 workshop with 54 people attending the workshop to consider development issues and suggest preliminary design ideas. A second stakeholder workshop was then held in September 2012 to engage the local community in discussing the masterplanning of the North Yate New Neighbourhood site- 239 people were invited and 51 attended the workshop.
- 5.23 Heron Land prepared their own masterplan and design parameters based on the outcomes of the Council's workshops. These were publicly tested over two sets of two-day exhibitions on 11th and 12th March 2011, and 17th and 18th June 2011. Heron Land stated in their 'Public Consultation Statement' that 2, 700 households were notified of the exhibitions. 461 people attended the exhibitions organised by Heron Land. Heron reported the outcomes of the exhibitions to the Council and the information and feedback was then used to generate the final masterplan and design parameters set out in the DAS.

- 5.24 The high level and quality of community engagement undertaken throughout the preparation of the emerging Core Strategy and the masterplanning process accords with the best practice in the preparation of concept statements and conforms to the requirements of the Council's Statement of Community Involvement.
- 5.25 Transportation
The application is in outline with only the access being determined at this stage. The submission is supported by a Transport Assessment which the Highway Officer considers has followed the analysis processes and methodologies agreed in the scoping document and relevant national guidance. The site lies approximately 2.2km from Yate centre.
- 5.26 Policy CS31, with regard to transportation, states that a through road linking Randolph Avenue to Peg Hill will be delivered, and that development will provide a contribution to the Yate and Chipping Sodbury Transport Package.
- 5.27 Two principal vehicular accesses are proposed; one off Randolph Avenue and another off Leechpool Avenue. A third access is proposed to connect through the approved Peg Hill development – with an internal road network as shown on the masterplan connecting the two accesses and that at Peg Hill, in accordance with the emerging Policy. A condition requiring the internal link road to be in place by the 400th dwellings is recommended.
- 5.28 The main road corridors include the A432, which extends from west to east through Yate and Chipping Sodbury, with traffic flows reflecting its importance in connecting key centres in the area. The B4059 Goose Green Way acts as a distributor road around the north of Yate, extending towards Winterbourne and the North Fringe of Bristol. This road network, and in particular the B4059, Iron Acton (Goose Green) Way, is subject to lengthy queuing in the morning and evening peak hours. In its current form the local road network cannot accommodate the traffic generated from the proposed development on the northern area of Yate. The main bus corridors connect Chipping Sodbury to the east with the bus station in Yate town centre to the residential districts south and north of Yate town centre and to the employment in the west. Bus services play an important role in catering for travel to Bristol and the North Fringe. The north of Yate is served by one bus per hour, which is reflected in the low levels of existing public transport patronage. Train services are used to travel to the North Fringe, Bristol and Bath: the overall level of use is, however, limited by the hourly service frequency. It is possible to walk or cycle for many journeys, including between residential areas and nearby places of work, school and for some visits to the town centre. Whilst there are excellent walking and cycling routes to all facilities in Yate and good connections to wider destinations, almost all of the routes have a degree of a dislocation and suffer from poor legibility.
- 5.29 Given the above, the development is considered to have an impact on the local road network, bus services, train services and on walking and cycling the area, and as such, mitigation is required to alleviate these impacts. Mitigation has been negotiated by officers in the following areas and has been agreed with the applicant.

a) *Public Transport*

In order to address the shortfall as a result of the development in public transport in this part of Yate, Officers have agreed improvements to the X27/329 and 222 services, which are currently publicly subsidised, to provide comprehensive access links to key destinations within Yate itself, to the city centre, the North Fringe employment areas, higher education and Southmead Hospital. As the development increases the bus strategy will provide 30 minute frequency to key employment and educational destinations as well as 15 minute frequency in the Yate and Chipping Sodbury area. A contribution of £2, 140, 000 towards new bus services to mitigate the effects of the development in transportation terms has been negotiated. This will ensure that bus services will begin to be provided at the early stages of development.

Whilst the use of heavy rail for travel to Bristol and the North Fringe is limited at present by the hourly frequency of services, the MetroWest initiative will secure a half hourly service from Yate within the timescale of the development and the developer has offered a contribution towards local station improvements to provide facilities that compliment the improved service. A contribution of £250, 000 towards improvements towards train turnback, pedestrian access, pedestrian waiting and travel technology has been negotiated.

b) *Walking and Cycling*

Walking and cycling routes are good to key destinations but lack legibility and sometimes suffer from safety restrictions at some locations. To mitigate the effect of the development on walking and cycling routes, the applicant has prepared a walking and cycling review of the Yate and Chipping Sodbury area to identify the opportunities for improvement, which is consistent with the Council's own cycling assessment work. As such, a contribution of £82, 210 has been negotiated.

c) *Road Safety*

The Transport Assessment includes an assessment of the road safety impacts of the proposal, and has proposed a scheme of traffic management which has been identified which, together with the off-site highway works on Goose Green Way, Leechpool Way and Randolph Avenue will mitigate the development in terms of road safety. To this end, a contribution of £60, 735 towards traffic calming works on Leechpool Way and Randolph Avenue has been negotiated, and a contribution of £5, 527, 000 has been negotiated towards off-site highway improvements, which represents the total cost of those improvements, the works being undertaken by the Council itself.

d) *Residential Travel Plan*

Travel Planning is a key element of promoting alternative travel to the car. Not only must travel information be available but it has to be accessible and in a form to suit the individual traveller. The Appellant has therefore agreed to contribute towards measures required by the residential travel plan for the development including the retention of a travel plan co-ordinator, the preparation and monitoring of the travel plan and bus and cycle vouchers. A

contribution of £80, 000 towards the preparation and monitoring of a residential travel plan has been negotiated with the applicant.

e) *Traffic*

Without appropriate mitigation, the pattern of travel from the proposed development would result in harmful traffic impacts. However, the above packages have been negotiated to appropriately mitigate the likely harmful impact of the proposal on local road networks, so that the overall patterns of travel will not have an adverse impact on the improved local road network.

- 5.30 Given the above proposed transportation package, it is considered that the highway impacts of the proposal are appropriately mitigated.
- 5.31 With regard to the access and movement strategy within the site, the masterplan layout is consistent with the guidance in 'Manual for Streets', which sets out a user hierarchy, placing pedestrians as the first priority and recognises the importance of the community function of streets. The masterplan shows a network of streets which provide permeability and connectivity through a number of local route options. Vehicle design speeds will be universally below 20 mph. The street hierarchy set out in the Design and Access Statement (DAS) has a simple three tier system which provides for public transport access along primary streets with secondary and then tertiary streets that are a combination of Home Zones, mews and quiet lanes. Parking can be appropriately accommodated in this street hierarchy, however details of car parking, will be submitted at reserved matters stage, and these will be expected to accord with the Council's Residential Parking Standards SPD.
- 5.32 The Highway Officer has confirmed that the construction access will be from Randolph Avenue, as this has closer links to the main road network than Leechpool Way and this will be controlled by a condition. A condition requiring the approval and implementation of a construction management plan, will also be recommended. The construction management plan will include provision to ensure road conditions on the local roads are maintained at a safe level for all road users.
- 5.33 As such the proposal transportation implications of the proposed development are acceptable and accord with Policy CS31 of the emerging Core Strategy.
- 5.34 Landscape, Visual Amenity and Urban Design
The site sits within the Yate Vale landscape character area as identified in the South Gloucestershire Landscape Character Assessment. This assessment notes that the urban edges of Yate are not particularly visible from the within the wider vale landscape, due to the layered effect of the vegetation and generally low view points.
- 5.35 Whilst adjoining existing residential development of the 1990's on the southern edge, the land is currently a mixture of pasture and arable land, bounded on the western edge by the mainline railway. The site is largely level with subtle changes in landform creating slight north south running ridges around the Ladden brook on the east. Rising ground of the Wickwar Ridge overlooks the site from the east around Yate Rocks and Bury Hill.

- 5.36 The landscape is composed of fields enclosed by hedges and hedgerow trees with a number of drainage ditches, ponds and small streams. Some of the fields are large following past hedgerow removal, hedgerow trees are a significant feature and provide a strong sense of containment to the landscape and restrict views to any distance. Important trees within the site are covered by TPO's.
- 5.37 The impact is generally limited eastwards by the Wickwar Ridge and westwards by the layers of vegetation around Engine Common. There are potential views from the higher ground to the south of Yate around 3km from the site and from the Tytherington Ridge around 5km from the site but these are interrupted by existing vegetation. The highest visual impact will be on those properties which currently directly overlook the site from the Brinsham Park area and those public footpaths which cross the site.
- 5.38 The development will result in a permanent change in land use and landscape character through the development area. The layout and design of the site has therefore attempted to minimise the impact of the proposed development on the landscape character in the vicinity of the site. The provision of an area of open space on the southern edge of the site will reduce visual impact on properties which overlook the site on Eastfield Drive and Pear Tree Hay. The scheme retains the majority of the existing trees and the hedgerows, together with the ponds and streams, largely within a network of public open space.
- 5.39 The landscape concept underpins the master plan and arises from the landscape and site analysis, assigning three broad character areas to the site. Woodlands on the western portion of the site, the gallops in the centre of the site, picking up on the strong north / south trend of the existing paths and creating a formal boulevard feature. On the eastern side the meadows character area will provide for flood attenuation in a more open landscape with consideration given to the visual relation ship to the Wickwar Ridge. There is a clear link between the proposed character areas and the existing landscape.
- 5.40 The Landscape Officer raises some concerns regarding the landscape impacts of the proposal. The proposed new tree planting shown indicatively on the masterplan in the 'woodland zone' is considered lacking in quantity of new tree planting, and it is considered that the creation of an open space corridor along the pylon line will not deliver a strong woodland character due to the cable easement. Further planting is required to make a stronger woodland zone, to mitigate the impact of the development along the boundary with Tanhouse Lane. The Landscape Officer also raises concerns regarding the use of the grounds of Rockwood House for allotments, in that the visual 'clutter' associated with allotment sites would result in harm to the quality of the landscape in this location.
- 5.41 Given the concerns raised by the Landscape Officer, conditions requiring further details of appropriate tree planting to be included within the landscaping proposals along the buffer with Tanhouse Lane, and further landscaping details to be submitted for the allotment use of Rockwood House gardens will be recommended, to mitigate any visual harm.

- 5.42 Concerns have been raised regarding the relationship of Yate Rocks to the proposed development. The retention of the special identity of Yate Rocks is a requirement of emerging Policy CS31. It is considered that to reduce the visual impacts of the development, the taller, more dense parts of the development are proposed within the centre of the site and there is a substantial off-set of open-land between the development and the hamlet of Yate Rocks. The illustrative masterplan shows a strong green edge to the eastern edge to the development, which will be important in ameliorating the visual impact of the development and the access road. Given this, it is considered that the proposals would unduly impact on visual terms on the identity of the hamlet of Yate Rocks.
- 5.43 The Tree Officer is satisfied that the affect on the proposal on the protected trees is minimal and that further detail will come forward as part of the reserved matters submissions.
- 5.44 Subject to the addition of the above conditions, it is considered that the landscape and visual amenity implications of the proposals are acceptable and conform to Policy CS31 and Policy of the emerging Core Strategy.
- 5.45 With regard to urban design it is considered that the Indicative masterplan submitted by Heron Land covers the Taylor Wimpey land to the north of the application area provides a useful context for the future design approach to be taken with Taylor Wimpey's site. The master plan also integrates well with the Peg Hill site to the south. The masterplan illustrates that a coherent approach has been taken to the overall design of the new neighbourhood to deliver comprehensive development across the whole of the North Yate housing allocation. Scale parameters have been provided for the upper and lower limits of all building forms that provide for a suitable range of building types and use.
- 5.46 The location and dispersal of uses across the site is considered appropriate for a development of this scale. The main access loop from Randolph Avenue to Leechpool Way encompasses the local centre. The illustrative masterplan places the local centre at the heart of the new community. The centre comprises local retailing and multi purpose community centre, health facilities, and also proposes a pub and small budget hotel. The first primary school and nursery and a destination play area within the park also come together here and the bus service is planned to stop in the centre. This will provide significant opportunity for a variety of activities and social interaction to take place at the heart of the community. The local centre is also within easy walking distance of the proposed employment area.
- 5.47 Each part of the site is shown as having good access to informal recreational space. Opportunities for local food production are provided in allotments in two locations, and there are areas for outdoor sports provided. These areas are also linked into the existing network of open space in North Yate, making these uses and the routes through the development easily accessible to the existing residents of North Yate. The provision of good quality open space and a walkable development will aid new residents to live healthy and active lifestyles

- 5.48 The Design and Access Statement (DAS) proposes a range of densities, with higher densities of 45-60 dwellings per hectare (dph) near the centre of the site and a lower density band of 25dph on the fringes of the site. The average density across the site is 45dph, which meets the policy requirements of emerging Policy CS31. Overall the average density is appropriate and reflects the context of the site in the wider area.
- 5.49 The movement framework contained in the DAS provides a street hierarchy with design approaches for primary, secondary and tertiary routes to create a high quality public realm. The tertiary routes are primarily residential streets and consideration has been given to home zones in these areas to create opportunities for social interaction. Street typologies describe the potential shape of the public realm. The primary routes have been designed to accommodate public transport movements. A recreational route strategy proposes a network of walking and cycling routes that provide the opportunity for reducing reliance on the car. There are also a series of recreational 'events' proposed along the route as they pass through the green corridors. The footpath and cycle routes link to the wider network.
- 5.50 The allocated New Neighbourhood is a very large area. The proposed scheme responds to its context by proposing a clear overarching vision for the development of the area. The DAS sets out an integrated approach to the development of the site, with emphasis on 5 design objectives, which are expected to create
- a strong landscape framework
 - three distinct character areas, Yate Woods, Yate Gallops and Yate Meadows.
 - An inclusive community
 - A sustainable transport network and sociable streets
 - A sustainable community (minimising resource consumption and maximising lifestyle choices)
- 5.51 Overall, the DAS provides illustrative character areas to describe how the development may take shape to deliver an attractive scheme with a strong sense of place. Conditions are recommended to ensure that the principles and parameters set out in the DAS follow through into a high quality development that achieves the objectives set out above. Conditions are recommended relating to the following: submission of detailed scaled masterplans and design codes prior to submission of any reserved matters application for each geographic phase, to ensure that development meets the minimum standards of Code for Sustainable Housing Level 3 or above and BREEAM 'very good' for non residential use and Building for Life¹² 'green scheme', submission of details of super fast broadband will be delivered within each phase of the development to meet the requirements of Policies CS6, CS8 and CS31 of the emerging Core Strategy.
- 5.52 Subject to the addition of the above conditions, it is considered that the urban design implications of the proposals are acceptable and conform to Policy CS31 and Policy of the emerging Core Strategy.

5.53 Ecology

The site consists of a series of agricultural fields and associated hedgerows and ponds between Brimsham Park on the northern edge of Yate. The site is not covered by any statutory or non-statutory nature conservation designations.

a) *Semi-Natural Habitat*

5.54 The majority of the fields consist of either arable or improved (grazed) grassland. The only exceptions are three fields of more diverse, semi-improved grassland adjacent to the pond in the north-west corner of the site. The site is intersected by an extensive network of hedgerows. Of these, the overwhelming majority qualify as species-rich under the UK and South Gloucestershire Biodiversity Action Plans. Of an overall total of 50 hedges, 37 were assessed as likely to be 'important' under the Hedgerow Regulations 1997.

5.55 The Environmental Statement (ES) indicates that all 'important' hedges will be retained, and that the network of hedges will be incorporated into the scheme, although it does state that there will be some fragmentation due to roads and paths. As such, the ES proposes mitigation in the form of tree planting either side of breaks to form a joined canopy. The Ecological Officer has recommended a condition relating to a landscape and ecological management plan (LEMP) to be drawn up and implemented. With the addition of the suggested condition, the impacts of the development on the semi-natural habitat are considered acceptable.

5.56 b) *Fauna*

i) *Great Crested Newts*

19 ponds were recorded within 500m of the application site. Breeding populations of great crested newts were recorded in a number of these ponds. The ES considered that, given the distances between the ponds and suitability of connecting habitat between them, the individual colonies were likely to interact and comprise a meta-population. Great crested newts are a European Protected Species.

Given this, the development requires assessment under the three 'tests' set out in Regulations 53/56 of the 2010 Habitat Regulations. The three tests and the analysis of the development by these tests are as follows:

- For the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature. This is essentially a planning test- in that the site is of strategic importance in the emerging Core Strategy in terms of housing growth and as such, is an integral part of the Council's five year housing supply. As such, the proposal passes this test.
- There is no satisfactory alternative to the work specification. This again is a planning test- again the site is of strategic importance and as major housing allocation in the emerging Core Strategy, and has been through extensive public consultation. Without the housing development proposed, the Council would not achieve its five year housing supply. As such, the proposal passes this test.
- The action authorised will not be detrimental to the maintenance of the population of the species at a favourable status in their natural range. This third test is an ecological test. The two ponds on site containing

breeding populations of great crested newts have both been incorporated into the illustrative design of the scheme within blocks of semi-natural habitat. The other ponds with breeding populations are outside the application site. Corridors of green open space are critical to ensure the connectivity between relevant ponds that a robust swathe of suitable semi-natural habitat is provided for the scheme east-west alongside Tanhouse Lane- more so than is presently indicated on the illustrative masterplan. Similarly, corridors of open space close to other ponds on site require habitats that are suitable for reptiles. The Ecologist considers that the majority of the ecological features to be retained or created within the illustrative masterplan safeguard the biodiversity on site for the great crested newts. Subject to a condition requiring mitigation for great crested newts to be submitted prior to the submission of reserved matters stage to ensure the robustness of the semi-natural habitat in the public open space corridors mentioned above, it is considered that the scheme would not be detrimental to the maintenance of the species at a favourable status in their natural range under Regulations 53/56.

ii) *Dormouse*

As the site includes a network of species rich hedges which offer suitable habitat for dormouse, and one nest was found on the edge of the site, the ES concludes a small population present on site. Since dormice are also a European protected species an assessment under the three tests of Regulations 53/56 of 2010 Habitat Regulations is also required.

The first two planning tests, are considered passed, as described above. With regard to the final test- whether the proposal is considered to be detrimental to the favourable status of the species- the Council's Ecologist considers that the whilst the habitat creation proposed in the ES is mostly acceptable, the design of the scheme to the south of the pond in the northern section of the site where the pylons enter the site requires amendment as shown on the illustrative masterplan. To this end, the condition recommended above regarding a mitigation strategy for great crested newts, will also include details of habitats and their connectivity suitable for dormice in these locations. A further condition is recommended relating to external lighting in these locations. Subject to the addition of this recommended conditions, the Council's Ecologist considers that the proposals pass the relevant test of the Regulation 53/56 of the 2010 Habitat Regulations.

iii) *Bats*

The ES indicates that there are large number of trees and hedgerows that have the potential for use by bats. Bats are also a European Protected Species and require assessment under Regulations 53/56 of the 2010 Habitat Regulations. The Council's Ecologist also concurs with the conclusions of the ES in that it is unlikely that there is roost present within the application site.

The first two planning tests, are considered passed, as described in paras xxx above. With regard to the final test- whether the proposal is considered to be detrimental to the favourable status of the species- the Council's Ecologist considers that commuting and foraging activity assessed in the ES was typical

of intensive countryside and mitigation is predominantly focussed on the hedgerow network which is largely retained within the masterplan. The ES further states that the scheme has been designed to avoid direct impacts on any trees, particularly those assessed as having high or high-medium potential as a roost. Whilst conceding that some loss of trees is inevitable, these are confined to those with low potential to support bats. Given this, the Council's Ecologist considers that the proposal is unlikely to be detrimental to the maintenance of the species at a favourable status in the natural range and therefore considers the third test of Regulations 53/56 is passed.

iv) *Badgers*

The survey recorded only two (outlying) setts - one active and in use; the other inactive – although general signs of badger activity - paths, latrines, foraging signs - were noted throughout the application site. The active outlier lies proximate to access roads and consequently the ES proposes that it closed down under licence from Natural England. Badger foraging and commuting was typically associated with the hedgerows across the site, and these, in the majority are being retained, although with some fragmentation. Further badger surveys are recommended by condition prior to the commencement of development on site. The LEMP should include additional foraging for the badgers in the form of fruit trees. Subject to these conditions, the impact on badgers is considered acceptable.

v) *Birds*

The bird surveys recorded a total of 14 species on either the Birds of Conservation Concern Red or Amber Lists; and which were listed on either the UK or South Gloucestershire Biodiversity Action Plan. The Council's Ecologist has recommended conditions relating to landscape planting and management of the hedgerows under the LEMP, and incorporation of nest boxes and nesting design features to mitigate any impact on birds on site.

vi) *Reptiles and Invertebrates*

The ES shows that there is low population of reptiles. The ES indicates that translocation to newly created receptor sites of suitable habitat on site. The long term management of these receptor sites should be included within the LEMP condition recommended above.

The ES shows that the a widespread number of invertebrate species, habitat has been appropriately incorporated into the scheme.

vii) *Other mammals*

No evidence of water voles, otters, brown hares or hedgehogs were noted during the field surveys, and as such the Council's Ecologist concurs with the findings of the ES that these mammals are not present on site.

The ES recorded evidence of harvest mice on site. The long term management of the grassy margins alongside hedgerows to retain suitable harvest mice habitat, should be incorporated into the LEMP condition recommended above.

5.57 The proposed application site affects a number of species of flora and fauna as assessed above. However, it is concluded that whilst a number of these

species will be affected by the development, these impacts can be appropriately mitigated by the recommended conditions. As such, it is considered that the ecological impacts of the proposal are minimised and the proposal is in accordance with the South Gloucestershire Biodiversity Plan, Policy L9 of the adopted Local Plan, and Policy CS9 of the emerging Core Strategy.

5.58 Historic Environment

The heritage impacts of the proposal relate to the impacts on the settings of three Grade II listed buildings, Leechpool Farmhouse and Tanhouse Farmhouse, both to the north of the site on Tanhouse Lane, and Rockwood House, to the east of the main site, and abutting the area proposed for allotments off Gravel Hill North.

5.59 Both the farms retain a rural setting, due to the extensive surrounding agricultural land and their location on Tanhouse Lane, which is of a rural character. The sense of remoteness and tranquillity will inevitably be affected by the proposal and this has been acknowledged in the submitted Historic Built Environment Appraisal. The greatest impact on these listed buildings will be on the views to the south. Tanhouse Lane is not proposed to be used for vehicular access and as such, will retain its rural character. The presence of robust hedgerows along the southern boundary of the lane will also help to screen the development from the listed buildings.

5.60 The Conservation Officer considers that the development, due to the location of development close to the boundary with Tanhouse Lane, would result in harm to the settings of both Leechpool and Tanhouse farmhouses. The Conservation Officer considers that the appropriate buffer planting along the northern boundary of the site is required to ensure that the harm is less than substantial. A condition is already recommended to ensure that there is appropriate planting to create a landscape buffer to the boundary of the site with Tanhouse Lane. It is considered that this condition would result in mitigation that would ensure that the level of harm to the setting of these two farmhouses is less than substantial harm.

5.61 The NPPF states in para 134 that where a proposed development would lead to less than substantial harm to the significance of a heritage asset, the harm should be weighed against the public benefits of the proposal, including securing the optimum viable use. In this case, it is considered that the allocation of the site in the emerging Core Strategy as a major housing allocation of strategic importance to the Council's five year housing supply, that is, of public benefit, offsets the harm to the setting of the two farmhouses.

5.62 The Conservation Officer raises concerns regarding the proposal to create allotments within the grounds of Rockwood House. The house itself is Grade II listed and the grounds are the setting of the listed building. The allotments are proposed on the part of the grounds immediately to the front of the principal elevation of the building. The Conservation Officer considers that the use of formal parkland as allotments here is likely to cause substantial harm to the setting of the listed building. The applicants state that the allotments have been located on this part of the Rockwood House gardens to avoid conflict with the

- ecological value of the rest of the gardens, and this has been confirmed by the Council's Ecologist, and therefore moving the allotments so that they do not affect the principal elevation of Rockwood House would result in a loss of the ecological value of the gardens, close to locations where a number of European Protected Species have been identified.
- 5.63 The allotments are required by Policy CS23 of the emerging Core Strategy, and are required for all new developments as part of the community infrastructure. Some allotments are proposed on site (see para 5.95 below), and whilst the 0.59 ha of allotments proposed at Rockwood House could be provided on site, this would result in a loss of developable land, with subsequent consequences on density and as such, deliverability of the site (see para 5.9 above). Since the housing allocation is of strategic importance in the Council's five year housing supply, it is considered any further loss of developable land is likely to jeopardise the quantum of development proposed.
- 5.64 Since the alteration of the location of the proposed allotments is considered to have unacceptable consequences, the harm to the setting of the Grade II building remains. Paragraph 133 of the NPPF states that where a development proposal will lead to substantial harm, local planning authorities should refuse consent, unless it can be demonstrated that substantial harm or less is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 5.65 Given that the application site is considered to be an essential element of the housing growth in South Gloucestershire, and the role it plays in the Council's five year land supply, and the requirement in emerging Policy CS23 for community infrastructure, it is considered that the public benefit of providing allotments in this location outweighs the substantial harm to the heritage asset in this case.
- 5.66 The Council Archaeologist confirms that the archaeological reports have appropriately assessed the archaeological impacts of the development, and there is not considered to be any archaeology of significant affected by the development. A condition requiring an archaeological watching brief is recommended, and the Council Archaeologist confirms that historic mining issues can be taken into account in the watching brief.
- 5.67 It is considered that whilst there is less than substantial harm, and substantial harm to the settings of some heritage assets, these are offset by the public benefits of securing housing growth at this strategic location. As such the proposals are in accordance with Policies L11 and L13 of the adopted Local Plan and Policies CS9 and CS31 of the emerging Core Strategy.
- 5.68 Residential Amenity, Environment Protection and Waste Disposal
Residents on Longcroft, Randolph Avenue, Pear Hey Tree, Dryleaze, Leechpool Way and Meadowmead will be directly affected by the development in that properties in these locations abut the site. There is no significant change of levels between the existing residential properties here and the proposed development in this location. The illustrative masterplan shows retention of existing hedgerows and extensive gardens in these locations and any reserved

- matters applications in these locations would be expected to respect the relationship with the existing residential occupiers abutting the site.
- 5.69 With regard to the concerns of Yate Town Council and the location of the employment land in relation to the existing residents – the illustrative masterplan and the DAS shows the employment land within the main body of the site and not abutting any boundaries with existing residents.
- 5.70 With regard to noise, the Environmental Protection Officer considers that there is the potential for conflict between the development and the noise from the railway line abutting part of the western edge of the application site. To this end, the Environmental Protection Officer has recommended that a buffer of 40m is included within the scheme, to ensure that any development is not adversely affected by the noise from the railway line. This will be required by a recommended condition.
- 5.71 It is acknowledged that local residents have raised concerns regarding the noise from the construction of the development. Construction noise is an inevitable part of the development of a site of this scale, and as the phases of development move northwards, this will have a lesser impact on existing residents and more of an impact on future residents. As such, a condition restricting hours of construction working on site will be recommended to minimise the impact of construction noise. Furthermore, the recommended construction management plan condition will include controls relating to hours of access to the site by lorries. No concerns have been raised by the Environmental Protection Officer with regard to the noise from Chipping Sodbury Quarry.
- 5.72 The Environmental Protection Officer has requested full details of extraction and odour abatement for the hot food premises within the local centre, however, these details will come forward as part of any reserved matters scheme for this part of the site, and will be assessed at the time.
- 5.73 The Environmental Protection Officer has stated that air quality impacts of the development on local air quality are considered to be insignificant. With regard to land contamination, the Environmental Protection Officer agrees with the conclusions of the Land Contamination Report and has recommended a condition relating to appropriate remediation schemes for contaminants. Similarly, the Coal Authority concurs with the recommendations of the Combined Preliminary Phase 2 Geo-Environmental and Geotechnical Ground Investigation report and states that it is sufficient for the purposes of meeting the requirements of the NPPF. The Coal Authority recommends the local planning authority impose planning conditions that require site investigations and any necessary remedial work to stabilise land to take place prior to commencement of development.
- 5.74 Policy CS31 of the emerging Core Strategy states that development should provide a contribution towards waste disposal and recycling. To this end, a contribution of £289, 320 has been negotiated towards remodelling of waste and recycling facilities in Yate to mitigate the impact of the development on existing services.

- 5.75 Subject to the addition of recommended conditions, the residential amenity and environmental impacts of the development are acceptable and accord with Policy EP1 of the adopted Local Plan and Policy CS31 of the emerging Core Strategy.
- 5.76 Flood Risk and Drainage
There are two issues with that have to be considered with regard to this topic, surface water drainage and foul drainage.
- 5.77 *Surface Water Drainage*
There are two watercourses on the site, neither of which are classed as main rivers, one runs along the southern boundary of the site and is tributary of Tanhouse Stream and one unnamed watercourse runs north to south on the eastern part of the site. The majority of the site is within Flood Zone 1, however, areas around the north-south stream are within Flood Zones 2 and 3. These areas are shown as open space of various types, and are not shown as developed on the illustrative masterplan. A number of ponds and scrapes are proposed for permanent and casual water body attenuation facilities. Whilst the Environment Agency originally objected to the scheme, further details were supplied to them by the applicant's hydrological consultants and the Environment Agency withdrew their objection subject to the addition of conditions requiring a surface water drainage masterplan, and details of surface water drainage from each plot to be submitted. Further conditions relating to details of the proposed flood alleviation scheme are also requested by the Environment Agency. All conditions requested by the Environment Agency have been recommended.
- 5.78 *Foul Drainage*
Policy CS31 states that development will be contingent upon the provision of appropriate sewerage infrastructure. No more than 750 dwellings will be allowed to the completion of the strategic sewerage infrastructure.
- 5.79 The applicants will, if planning permission is granted, enter into a S106 obligation with Wessex Water, which will form part of the S106 agreement proposed for this application, for a contribution of £4, 140, 000 paid to Wessex Water for the construction of the strategic foul sewerage scheme to support development on this site. To ensure that no more than 750 dwellings can be constructed prior to the completion of the strategic foul sewerage scheme, a Grampian condition is recommended to this effect. Whilst Wessex Water did not comment on the scheme itself, the legal paperwork between the applicant and Wessex Water for the S106 obligation has been agreed with the Council's solicitor.
- 5.80 Subject to the proposed conditions, and S106 obligation with Wessex Water, the flood risk and drainage implications of the proposal are acceptable and the proposal accords with Policy EP2 of the adopted Local Plan and Policy CS31 of the emerging Core Strategy.

5.81 Community Infrastructure

Policy CS31 of the emerging Core Strategy states that the development will provide for a range of community infrastructure, including a multi-use local centre, comprising community meeting space, provision of a home working hub facility, doctor's surgery and facilities for children and young people. It also states there should be a contribution towards extending Yate library, green infrastructure and enhancement of sports and recreational facilities as well as contribution towards the provision of public art. As such, there is a clear policy objective to secure good access to a range of social and community facilities for the new neighbourhood including community centre space to support people's physical health and social and cultural wellbeing.

Community Centre

5.81 It is considered reasonable for people to have access to such community spaces within 800m of where they live, where they can take part in a range of social, cultural and recreational activities which help build and sustain cohesive communities. This accessibility standard is what is considered easy walking distance for most people and set out in more detail the South Gloucestershire Council Infrastructure Delivery Plan (IDP).

5.82 There are no dedicated community centres in the vicinity of the application site, and existing community centres lie too far way to serve a new community in this location, and there are no large, flexible spaces to host meetings, events or activities north of the river in Yate. It is considered that the local population at the new neighbourhood will be large enough to make a centre sustainable.

5.83 The illustrative masterplan shows a location for the local centre in the southern central part of the site, along the main primary route through the site. The community centre will be located within the local centre. The proposed local centre is within 800m of all parts of the application site. The community centre required to meet the needs of the community of the new neighbourhood would be 1008 sq metres.

5.84 The IDP puts a cost of a per square metre for the provision of a community centre at £2350. The Council normally requires a standard of 0.14 square metre per person for new community centre space where there is no capacity in existing facilities to meet the needs of new developments. Given the 2011 census data, it is expected that 7, 200 residents will live in the new neighbourhood and 5, 880 residents within the current application site. For 5, 880 residents 823.2 square metres of the floorspace of the community centre is required (this being Heron's part of the contribution, since the application does not represent the whole of the new neighbourhood allocation). As this is not being provided by the application a contribution of £1, 893, 360 is required to fund the facility (not including land).

5.85 Heron Land have offered the sum of £1, 890, 00 towards the building of the community centre. The contribution secured for the Peg Hill development (see planning history above) and the contribution likely from the Taylor Wimpey element of the new neighbourhood could see the total contribution of over £2 million for a new on site community building. When other contributions are added to this, since it is expected to be a multi-use facility, such as for the

police post (see para 5.100 below) and youth provision (see para 5.121 below), both from Heron Land's contribution and both the Peg Hill development and the future Taylor Wimpey development, this is highly likely to result in the £2.3 million cost of providing a community facility in this location. Furthermore, Heron Land are providing the land for the community centre at nil cost.

5.86 Officers consider that the Heron Land pro-rata contribution offered for the of a community centre is appropriate and in combination with other contributions, already agreed or will forward in the future, will ensure that the new community of North Yate will have access to an appropriate multi-user community facility within the local centre. The S106 agreement will include a high level specification which will set out the minimum requirements for the building which will be used to specify the building at detailed design stage.

5.87 *Library*

Heron Land have offered a sum of £520, 776 towards additional library facilities at Yate Library, and this accords pro rata with the sum that was agreed as part of the S106 agreement pursuant to the Barratt's Peg Hill development. The Barratt's and Heron Land contributions together result in a sum of £212. 60 per dwelling for library services. A total contribution of £640, 000 would be achieved from Heron Land's and Barratt's contribution added together, and a future contribution from Taylor Wimpey's part of the new neighbourhood for expanding library services in Yate. Officers consider the contribution from Heron Land appropriate in this context, and is wholly consistent with the contribution agreed for the Peg Hill development. It is proposed to draft the S106 agreement to that if there is any under spend in extending the town centre library, enhancements might be made to incorporate a children's library and learning space in the multi-use community centre.

5.88 *Public Art*

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.

5.89 Heron Land have offered £96, 440 towards public art, performance and cultural space, and in addition the requirement for a public art plan which Officers considered is appropriate.

5.90 *Public Open Space*

i) *Outdoor Sport*

The application proposes 6.28 ha of outdoor sport provision consisting of the following: 1.97ha of public sports pitches to be provided on part of the application site on Broad Lane adjacent to Brinsham School for U17 pitches, 0.79ha to be provided for U7 and U8 pitches on land to the east of the first primary school, and 3.52ha to be provided as dual use community pitch provision at primary schools 1 and 2. On site outdoor sport is proposed to be maintained via a private management entity or transferred to the local authority with the appropriate commuted sums. The applicant proposes a contribution of £1, 954, 337 towards off site provision/enhancement and maintenance of the

- remaining 3.13ha and when this is added to the 6.28 ha of on site provision outdoor sports results in the total policy compliant provision of 9.4 ha.
- 5.91 Whilst the Public Open Space Officer has concerns regarding the quality of the outdoor sport space to be provided, the quantum of outdoor sport will be included within the S106 agreement, and a condition will be recommended requiring further qualitative details of on site provision to be submitted as part of the detailed masterplans. These measures are considered to give enough assurance that on-site provision will be policy complaint.
- 5.92 With regard to off-site outdoor sports provision, it is proposed that the S106 remains flexible in terms of location of provision, as both YOSC and Stub Ridings could be suitable for off-site provision.
- 5.93 The applicant have also suggested the use of Wellington Road open space as potential for outdoor sports. The Wellington Road open space is currently allocated for education purposes, and has a covenant controlled by Heron Land as such. If the land was considered surplus to education purposes, and Heron Land remove the covenant, there is the potential for this area of open space to be formalised for outdoor sports. However, this is not a decision within the remit of the planning application, and would be a matter for both the Children and Young People Committee and the Policy and Resources Committee at a future date. As such, the S106 agreement could be worded to this effect- that if the Wellington Road open space came forward for open space purposes, it could be included as off-site open space to mitigate the needs arising from the development. In the case that it did come forward, in a form that was suitable for outdoor sports provision, the corresponding off-site contribution proposed would be reduced to reflect the amount of provision at Wellington Road. Officers consider it would be appropriate to include this within the S106 agreement, and gives suitable flexibility for the provision of off-site outdoor space public open space provision.
- 5.94 ii) Informal Recreational Open Space
The applicant is proposing 11.04ha of informal recreational open space, which is over and above the policy requirement of 8.2 ha. Whilst the Public Open Spaces officer has raised issues regarding the design of informal recreational space when the use is combined by water attenuation, the masterplan shows that some areas of site are proposed to be landscaped appropriately for both uses. A condition requiring further details of the form and design of the informal recreational open space prior to the submission of the relevant reserved matters will be recommended.
- 5.95 ii) Natural and Semi-Natural Green Space
The applicant is proposing, in conjunction with provision at Rockwood House, a total of 1.18ha of allotments, to be maintained by a private management entity, which is policy compliant provision. The use of a private management entity to manage the allotments is considered appropriate and was agreed as part of the Peg Hill S106 agreement.
- 5.96 ii) Provision of Children and Young People

- The applicant is proposing 1.47ha of play areas, which is considered to be policy compliant. A condition requiring details of open space, including play, to be submitted as part of the detailed masterplanning is recommended to ensure that the provision will meet the needs of children and young people of all ages and abilities.
- 5.97 It is acknowledged that some of the open space is shown on the illustrative masterplan as underneath the pylons. The Public Open Space Officer states that this is appropriate as long as it taken into account in the design of the open space at reserved matters stage.
- 5.98 It is of note that it has been confirmed by the Council's solicitor that private management entity for the purposes of management of on site open spaces could include Yate Town Council.
- 5.99 *Police and Community Safety*
Since the proposed development would result in an increase in new houses in South Gloucestershire, this increase in population would result in an increase in demand for policing services. Policy CS6 of the emerging Core Strategy states that infrastructure, services and community facilities to mitigate the impacts on existing communities arising from the development. To this end a contribution towards policing services has been negotiated by officers.
- 5.100 A contribution of £12, 250 towards the provision of three Automatic Number Plate Recognition Cameras (APNR) and a contribution of £45, 933 towards a police post to be located in the multi-use community centre has been agreed with the applicant. This contribution has been agreed with the Superintendent for the North East Policing Area of the Avon and Somerset Constabulary. The police post will allow the Neighbourhood Policing Team increased visibility and a solid presence in the new community. Details of the police post requirement will be added to the community building specification as part of the S106 agreement.
- 5.101 *Health Centre*
Policy CS31 of the emerging Core Strategy states that development will provide a doctor's surgery within the multi-use local centre. NHS England have been consulted on the proposals and based on 7, 200 new residents arising from 3000 dwellings in the new neighbourhood, require 4.24 full time GP's to provide sufficient capacity for the new residents. This would result in a primary care facility capable of supporting 5 GP's in a 726 sq metre GP practice, at a cost of £2, 250 per sq m, which equates to £1,633, 500, not including land costs . NHS England also require a three dentist surgery of 120 sq m space and retail space available for an optometrist and pharmacy outlet.
- 5.102 Heron Land have offered a contribution of £1, 129, 000 towards the provision of health services within the local centre, as well as land for the provision of the health centre. They have not offered contributions for the dental surgery on the grounds that this is more appropriately provided privately.
- 5.103 It is common practice for dental surgeries to be provided on a commercial basis (similarly retail space for optometrists and pharmacies) and this has been

agreed for other developments in South Gloucestershire, for instance the Charlton Hayes (Northfield) S106, and Emersons Green East S106 agreement, which was agreed in June 2013. As such, the provision of these services privately is considered appropriate and a contribution is not considered justified.

- 5.104 NHS England have expressed concern regarding the S106 offer, in that is not the full contribution. However, it is a substantial contribution of over a million pounds, and will go some considerable way to providing health care services on the application site. The contribution should be seen in the context of the overall S106 package which has been negotiated by officers and is over £19 million in total, excluding affordable housing and on site public open space provision.
- 5.105 Whilst officers acknowledge that the S106 offer made by the applicants is not the full contribution that NHS England have requested, given the core principle in the NPPF of proactively driving and supporting sustainable economic development to deliver homes and businesses, and the emphasis in the NPPF on the presumption in favour of sustainable development, it is considered that the overall S106 package provides a level of highway and community infrastructure that adequately mitigates the needs arising from the development. The development is considered to be sustainable, in that it has been allocated through the emerging Core Strategy and has been the subject of a sustainability appraisal at that time and the subject of an environmental statement at this planning application stage, which has been found sound for the purposes of this application. Furthermore, it forms a strategic housing site that is an integral part of the Council's five year housing supply. Given the emphasis in the NPPF regarding supporting sustainable economic development, and the strategic importance of the application site, it is considered, on balance, that the S106 contribution offered by Heron Land regarding health care services is acceptable.
- 5.106 Overall, it is considered that the proposed community infrastructure will mitigate the community needs arising from the proposals and is therefore appropriate and accords with Policies CS6, and, CS23, CS24 and CS31 of the emerging Core Strategy.
- 5.107 Affordable Housing and Extra Care Housing
Policy CS18 of the emerging Core Strategy requires developers to achieve 35% on site affordable housing on all new housing developments and provision to be normally made without public subsidy. Policy CS20 of the emerging Core Strategy states that extra care schemes should be located so that they are accessible to local facilities, proportionate in scale to the locality, and provide ancillary facilities as part of the development .
- 5.108 The applicant has offered 35% of the total housing provision to be affordable, to be provided at nil subsidy, 80% of the affordable housing as social rented and 20% shall be shared ownership. The mix of affordable housing has been agreed with the Council's Housing Enabling Officer. Conditions relating to the provision of a housing masterplan, similar to those approved at Charlton Hayes (Northfield) and at Emersons Green East will be recommended.

- 5.109 In accordance with extra care provision at Charlton Hayes (Northfield) and Emersons Green East, extra care housing is to be provided privately. The applicants have agreed that a location be identified for a minimum of 40 extra-care units within the S106 agreement, and that the extra care housing specification is provided prior to the submission of any reserved matters applications for land containing extra care units. This approach is considered acceptable.
- 5.110 Subject to the addition of conditions and the appropriate S106 heads of terms, it is considered that the proposed affordable housing and extra care requirements are acceptable and accord with Policies CS18 and CS20 of the emerging Core Strategy.
- 5.111 Gypsies and Travellers
Policy CS21 of the emerging Core Strategy, following amendments by the Inspector in his main modifications, provides for the potential provision of pitches for gypsies and travellers through the new neighbourhoods.
- 5.112 The current evidence base consists of the 2007 Gypsy and Traveller Accommodation Assessment (GTAA) is somewhat out of date and is in the process of being updated. In assessing the need for gypsy and traveller pitches, officers have taken into account the latest evidence from the 2011 census, the Bi-Annual Count. Officers have considered two alternative methods to establish an appropriate figure for gypsy and traveller provision. The first method comprises solely statistical data and the second method looks at the current residual need calculated on a pro-rata basis by the total number of houses to be provided by the new neighbourhoods. These methods result in a need somewhere between 1 and 9 pitches being provided. Officers have also taken account the recent permission for a 12 pitch residential gypsy and traveller site on Tanhouse Lane, which is very close to this application site.
- 5.113 Given the above, and the fact that the evidence base is somewhat out of date, Officers consider that the financial contribution offered by the applicant for off site gypsy provision of £350, 000, which will provide approximately 3 pitches, is acceptable and accords with Policy CS1 of the emerging Core Strategy.
- 5.114 Education Services
Policy CS31 of the emerging Core Strategy states that development will provide contributions for the provision of secondary school places in the locality, 2 primary schools for approximately 2 forms of entry each and a full day nursery.
- 5.115 The Early Years and Schools Planning Officer has confirmed that when assessed against current and projected pupil numbers, there is surplus capacity to meet the needs arising from this development across secondary schools local to the development. As such, a contribution towards the provision of secondary school places cannot be evidenced and as such is not required.
- 5.116 The requirement for contributions towards primary school education is accepted by the applicant, as well as the need for a financial contribution

towards primary school places at a cost of £12, 829 per primary pupil place. Given the scale of development, it has been agreed with the Early Years and Schools Planning Officer that one 2FE primary school should be built within the first half of the development, with the secondary primary school site reserved on the masterplan. There is flexibility within the S106 agreement to assess how many more pupil places are required over and above the first 2FE primary school. In order to provide flexibility for future, the first primary school can be expanded to 3FE, and the site as shown on the masterplan as expanded from 2ha to 2.8ha to reflect this and there is a reserve site for a second primary school on the masterplan and will be included within the S106 agreement. Officers consider this is an appropriate approach to the provision of primary schools on site, and reflects para 205 of the NPPF, which advocates that obligations should be sufficiently flexible to prevent planned development being stalled.

- 5.117 There are two issues relating to primary school provision that have not been agreed with the Early Years and Schools Planning Officer. These relate to the pupil yield calculation for flats and the radius for calculating surplus places.
- 5.118 With regard to the pupil yield calculator for flats- the issue is whether the calculation should be 1 primary pupil per 100 dwellings or 4 primary pupils per 100 dwellings. Whilst 1 primary pupil per 100 dwellings has not been accepted by the Early Years and Schools Planning Officer, it was accepted for the purposes of the Peg Hill S106 agreement (PK12/0429/O), which is part of the North Yate new neighbourhood, and as such the Case Officer considers this to be appropriate and consistent method of calculating pupil yield from flats.
- 5.119 With regard to the radius for calculating primary school surplus places, the applicant is stating that a 3 mile walking distance should be used, whilst the Early Years and Schools Planning Officer has stated that a 2 mile walking distance should be used. It is considered that the method used should be consistent with that accepted for the purposes of calculating primary school surplus places for the Peg Hill S106 agreement. The same schools will be taken into account was the case there notwithstanding that this is closer to the applicant's preferred position.
- 5.120 The applicant has accepted the need for nursery provision, to be provided privately, and the method for calculating the number of nursery places has been agreed with the Early Years and Schools Planning Officer. The illustrative masterplan indicates two sites of 0.2 ha allocated for a nursery- the first adjacent to the first primary school and the second adjacent to the second primary school. Whilst the Early Years and Schools Planning Officer would prefer a financial contribution as an alternative to private provision, this has not been recent practice in S106 agreements that the requirement to provide the nursery as a clause in the S106 agreement is sufficient control to ensure appropriate nursery provision.
- 5.121 The applicant has offered £23.70 per dwelling with 2 or more bedrooms for the provision of Youth Services. This will result in a lesser contribution than requested by the Early Years and Schools Planning Officer for youth services. However, it is commensurate with the calculation set out in the Peg Hill S106

- agreement (PK12/0429/O) which is part of the North Yate new neighbourhood. As such, the Case Officer considers, that the approach taken by Heron is consistent approach with a recently approved permission within the new neighbourhood itself, and is therefore acceptable.
- 5.122 Early Years and Schools Planning Officer has stated that they consider a contribution towards children's social services provision should be required as part of this development. However, children's social services contributions are not considered to comply with the statutory tests in Community Infrastructure Levy Regulations 122, in that it not required to make the development acceptable in planning terms. To this end, this contribution has not been included in S106 agreements for a number of high profile developments, including Charlton Hayes (Northfield), Harry Stoke, or Emersons Green East. As such, the Case Officer considers it is not appropriate to include a contribution towards children's social services.
- 5.123 It is acknowledged that Officers of the Children, Adults and Health Department have not agreed the total package of S106 obligations put forward by the applicant. However, the Case Officer considers that the package put forward by the applicant will provide a first primary school, a second primary school if required, nursery and youth services provision. This package is considered to be acceptable and commensurate with the approach taken with the Peg Hill S106 agreement, which forms part of the new neighbourhood and as such, the education provision is formulated on a robust evidence base. The S106 package with regard to education services therefore accords with Policy CS31 of the emerging Core Strategy.
- 5.124 Public Rights of Way
The scale of the proposed development is such that it affects 7 public rights so way across the site and a further two off site. The effect on each public right of way is assessed below.
- 5.125 Footpath LYA49 at the eastern end of the site runs in a north-easterly direction from the open space at Brimsham Park through the site to a field, thence through an area used as a garden. It forms part of the route of the Jubilee Way. There is already some conflict between the legitimate users of the path, cyclists and the land use, and this will be likely to increase as a result of the proposal. Due to this conflict, mitigation in the form of a contribution towards a Highways Act diversion order of £2, 500, has been negotiated with the applicant so that the route can be amended to avoid further conflicts.
- 5.126 Footpath LYA50 skirts round the edge of Coopers Lake into the development site, it then crosses the proposed extension of Leechpool Way then runs through an area of proposed housing before linking up the track that runs north to Tanhouse Lane. Most of the route of this footpath is shown indicatively as being retained within the layout through appropriate landscaped areas, however a localised diversion for part of the route is required through the Town and Country Planning Act.
- 5.127 Footpath LYA52 runs from an estate path in the existing residential area between Pear Tree Hey and Leechpool Way in a northerly direction to join

- LYA50. This path is shown proposed on an appropriate landscaped route in its current defined line.
- 5.128 Footpath LYA53 runs from the entrance of Randolph Avenue in a generally northerly direction to Tanhouse Lane. Its route is mostly reflected on the illustrative Masterplan, and shown within landscape areas, though it will require minor diversions under the Town and Country Planning Act and details of how the footpath is intended to cross proposed roads, which can be required in detail prior to the relevant reserved matters.
- 5.129 Footpath LYA54 requires surface improvements sympathetic to its mixed use, and it is considered this could be appropriately negotiated at reserved matters stage.
- 5.130 Footpath LYA55 leads from the south end of LYA54 in a southerly direction to Randolph Avenue. This path is mostly recognised on the illustrative masterplan via appropriate landscaped areas. Some of the path will require diversion under the Town and Country Planning Act.
- 5.131 Footpath LYA56 runs from the YOSC entrance road in a westerly direction to join with Watery Lane. The footpath has been obstructed for a number of years and as such mitigation has been negotiated in the form of a contribution of £1000 towards the diversion of this footpath to provide a link through to Watery Lane.
- 5.132 Footpath LYA45 runs across the north-eastern portion of the site in an area of low to medium density housing. The route indicated on the illustrative masterplan shows that the path is proposed to be diverted through a landscaped area, which is considered appropriate.
- 5.133 It is acknowledged that some existing rights of way will be subject to localised diversions, however this is considered inevitable in a scheme of this size and complexity. Given the proposed contributions towards diversion orders and the inclusion of the majority of the rights of way as part of the landscaped areas of the masterplan, the existing rights of way have been considerably appropriately and as such, accord with Circular 01/09 in this respect.
- 5.134 Review of Old Mineral Permission (ROMP)
Yate Town Council have raised concerns regarding the ROMP for Chipping Sodbury Quarry and its relationship with future housing at the current application site.
- 5.135 The Waste and Minerals Senior Planning Officer has confirmed that Officers are currently considering the ROMP with regard to Chipping Sodbury Quarry, but that the implications for this planning application are limited. Conditions being negotiated as part of the ROMP cover issues relating to the environmental impact on neighbouring communities. The green infrastructure area shown on the masterplan was always intended to provide a buffer zone to the quarry itself, and furthermore, the Environmental Protection Team have raised no issues with regard to noise and the quarry use. As such, it is considered that there are no implications for the proposal as a result of the ROMP.

5.136 Other matters

The proposal will result in the loss of 100 ha of Grade 3 and 4 agricultural land. Para 112 of the NPPF states that where significant development of agricultural is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. Policy L16 of the adopted Local Plan seeks to protect agricultural and of Grades 1-3a.

5.137 Given that the site is a major housing allocation of strategic importance for the Council's five year land supply, and given the fact that Grades 3 and 4 of the agricultural land classification are considered of poorer quality, it is considered that there loss of 100 ha of agricultural land in this location is acceptable, and that Policy CS31 of the emerging Core Strategy has greater weight than Policy L16.

5.138 The advice set out by Network Rail with regard to design, landscaping and construction affecting the rail network will be added as an informative to any grant of planning permission.

5.139 Conclusions on the analysis of the application

The application site is part of an allocation for a strategic housing site under Policy CS31 of the emerging Core Strategy. Whilst the proposal is contrary is Policies H3 and E6 of the adopted Local Plan, the emerging Core Strategy is of such an advanced state that it outweighs these policies, and the application is not considered premature. In accordance with the core planning principles set out in the NPPF the proposals are sustainable development of strategic importance. As such, the considerable contribution the application makes to the Council's five year housing supply is given great weight here, as well as the mix of uses proposed, which will ensure a future sustainable community.

5.140 The level of employment land proposed, given the likely level of self containment that could be achieved, the wording of emerging Policy CS31 and the need to ensure that the site delivers an appropriate building out rate, is considered, on balance, acceptable.

5.141 The land equalisation agreements between the relevant developers, the pro-rata S106 planning obligations, and the approved and proposed masterplanning are considered to result in comprehensive development through alterative means to an SPD, and therefore accords with emerging Policy CS31. The proposal is also considered appropriate to the Council's Statement of Community Involvement.

5.142 The proposal is considered to have an impact on the local road network, bus services, train services and on walking and cycling in the area, and as such, appropriate mitigation in the form of a package of S106 obligations in relation to off-site highway works, public transport, walking and cycling, traffic calming works and a residential travel plan has been negotiated to appropriately mitigate these impacts. Subject to these S106 obligations, the implications of the proposal are considered acceptable in the proposal in accordance with Policy CS31 of the emerging Core Strategy.

- 5.143 The landscape impacts of the scheme are limited eastwards by the Wickwar Ridge and westwards by vegetation around Engine Common. The layout and the design of the site has minimised the impact of the proposed development on the landscape character in the vicinity of the site. Conditions are recommended with regard to the buffer on the boundary to Tanhouse Lane and for more detail of the allotments at Rockwood House. Subject to these conditions the landscape and visual amenity impacts of the proposal are acceptable and conform with Policies CS9 and CS31 of the emerging Core Strategy.
- 5.144 It is considered that the proposed illustrative masterplan provides a coherent approach to the overall design of the new neighbourhood. The type, location and dispersal of uses across the site is considered appropriate for a development of this scale. Each part of the site is shown as having good access to informal open space. The range of densities proposed is appropriate, ensuring that development responds to the wider context. The scale parameters for all building types are appropriate. The movement strategy proposed in the DAS provides a street hierarchy with a design approach for primary, secondary and tertiary routes to create a high quality public realm, with the tertiary streets capable of being designed as homezones and create opportunities for social interaction. Subject to the addition of recommended conditions, the urban design impacts of the proposal are acceptable and accord with Policies CS1, CS6 and CS31 of the emerging Core Strategy.
- 5.145 There are no statutory or no-statutory nature conservation designations. The proposals affect a number of species of flora and fauna., however, these impacts can be appropriately mitigated by the recommended conditions. As such, the ecological impacts of the proposal are minimised and in accordance with Policy L9 of the adopted Local Plan and Policy CS9 of the emerging Core Strategy.
- 5.146 The proposal will harm the settings of Grade II listed buildings: Tanhouse and Leechpool Farmhouses, however with a condition requiring further buffer planting along the boundary with Tanhouse Lane, the harm to the setting of these listed buildings is considered to be less than substantial. The proposed allotments are considered to cause substantial harm to the setting of Rockwood House, however since the allotments are community infrastructure for the development, and the importance of the site as a whole as a strategic housing site, the public benefits of the housing are considered to outweigh the harm to the setting of Rockwood House. A condition for a watching brief, to include all mining activities, is recommended in terms of archaeology. Subject to conditions, the proposals are considered to conform to Policies L10, L11 of the adopted Local Plan and Policies CS9 and CS31 of the emerging Core Strategy.
- 5.147 The proposals will not result in unacceptable harm to the residential amenities of the existing residents, subject to a condition relating to hours of construction. A condition is recommended to create a buffer zone along the boundary with the railway, to ensure there is no harm to the residential amenities of future residents on site. Conditions are recommended in relation to ground contamination and geotechnical work. A contribution towards waste disposal and recycling is recommended. Subject to S106 obligation and recommended

- conditions, the proposals accord with Policy EP1 of the adopted Local Plan and Policy CS31 of the emerging Core Strategy.
- 5.148 No built development is proposed in Flood Zones 2 or 3, and the Environment Agency raises no objections to the proposals subject to the addition of conditions which are recommended. A substantial contribution has been negotiated between the applicant and Wessex Water to the implementation of the strategic sewerage infrastructure. Subject to the S106 obligation and the recommended conditions the proposals accord with Policy EP2 of the adopted Local Plan and Policy CS31 of the emerging Core Strategy.
- 5.149 A contribution has been negotiated for the provision of a multi-use community centre on site, as well as for expanding Yate library and for public art. Open space provision in the form of outdoor sports, informal recreational open space, natural and semi-natural green space and for children and young people is proposed on site. A contribution towards off-site outdoor sports is proposed. A contribution towards a APNR cameras and a police post within the community centre have been negotiated. A contribution towards a health centre has been negotiated. Officers consider, on balance, that the S106 obligation package will mitigate the community infrastructure needs of the development, and as such the proposals accord with Policies CS6, CS23, CS24 and CS31 of the emerging Core Strategy.
- 5.150 The proposal provides for 35% affordable housing to be provided at nil subsidy, with an appropriate mix of affordable housing. The proposal includes a S106 obligation to provide extra care housing. Subject to these S106 obligations, the proposals accord with Policies CS18 and CS20 of the emerging Core Strategy..
- 5.151 The proposals include a contribution towards gypsy and travellers sites, which is considered acceptable and as such the development accords with Policy CS21 of the emerging Core Strategy.
- 5.152 The proposal includes S106 obligations towards provision of a 2FE primary school, and flexibility within the masterplan and the S106 agreement to provide contributions towards a second primary school if required in the latter stages of development. Requirements for nursery and youth provision have been included with the S106 obligations. The S106 obligations are appropriate and ensure that the proposals accord with Policy CS31 of the emerging Core Strategy.
- 5.153 The proposals respect the majority of the public rights of way on site, with some localised diversions required. A contribution towards diversions under the Highway Act for the Jubilee Way and the footpath from YOSC to Watery Lane has been negotiated. Subject to these S106 obligations, the proposals accord with Circular 01/09 in this respect.
- 5.154 There is no impact on the proposal as a result of the Review of the Old Mineral Permission at Chipping Sodbury Quarry. The loss of 100 ha of Grades 3 and 4 agricultural land is considered acceptable.

- 5.155 With regard to the S106 obligations package, officers consider that all contributions are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. They ensure that the proposals appropriately mitigate the impacts of the development on the existing communities, and provide appropriate community infrastructure to ensure that the future community is a sustainable one.
- 5.156 Overall, Officers consider that the proposal, with the proposed S106 obligations and recommended conditions, will create a high quality sustainable community, the impacts of which are appropriately mitigated on the existing communities of Yate. The proposals, will proactively drive and support sustainable development to deliver homes and businesses as well as infrastructure, and as such significant weight is given in favour of the scheme. As such, the proposals accord with the core principles of the NPPF in that it is bringing forward sustainable development, and given the advanced stage of the emerging Core Strategy. On these grounds, Officers recommend approval of the proposal to Members.

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. In this case it is considered that there are material considerations that do outweigh the policies in the adopted South Gloucestershire Local Plan.
- 6.2 Planning Obligations
The Community Infrastructure Levy Regulations 2010 set out the limitations of the use of Planning Obligations (CIL). Essentially the regulations (regulation 122) provide 3 statutory tests to be applied to Planning Obligations and sets out that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is;
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
- In this instance, it is considered that the planning obligations are required to provide a suite of measures to mitigate the impacts of the development on the existing communities and to ensure that the future community is sustainable, are consistent with the CIL Regulations (Regulation 122).
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. **RECOMMENDATION**

- 7.1 That planning permission be granted, subject to, in the event that the Local Plan is still the Development Plan and the application advertised as such under the Town and Country Planning (Consultation) (England) Direction 2009, that authority be delegated to the Director of Environment and Community Services to grant permission, subject to the conditions set out below and the applicant first voluntarily entering into an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:
- 1) £82, 210 towards off site walking and cycling routes
 - 2) £60, 735 towards traffic calming works on Leechpool Way and Randolph Avenue
 - 3) £2, 140, 000 towards the cost of new bus services to serve the new neighbourhood
 - 4) £5, 527, 000 towards the cost of off-site highway improvements
 - 5) £80, 000 for the preparation and monitoring of a residents travel plan, including a travel plan co-ordinator, and travel vouchers
 - 6) £250, 000 towards Yate Railway Station including train turnback, pedestrian access, pedestrian waiting and travel technology
 - 7) A contribution toward primary schools based on the cost of a primary school place of £12, 829
 - 8) An area of 2.8ha identified on the masterplan to be transferred to the Council as the first primary school
 - 9) Before the occupation of the 1, 225 dwelling, the need for a second primary school is calculated in the same way the contribution is calculated in (7) above
 - 10) If the need for a second primary is confirmed an area of 2ha identified on the masterplan to be transferred to the Council
 - 11) The provision of a suitably sized nursery on site
 - 12) A contribution towards youth services of £23.70 per dwelling with two or more bedrooms
 - 13) 35% of all housing provision shall be affordable dwellings, to be provided at nil cost
 - 14) 80% of affordable housing shall be social rented units and 20% shall be shared ownership units
 - 15) the mix of affordable housing shall be as follows:

Social Rented Units

- | | |
|---|---|
| S | 21% 1 bedroom flats at minimum size 46 square metres GIA |
| h | 6% 2 bedroom flats at minimum size 67 square metres GIA |
| a | 40% 2 bedroom houses at minimum size 75 square metres GIA |
| r | 24% 3 bedroom houses at minimum size 85 square metres GIA |
| e | 9% 4 bedroom houses at minimum size 100 square metres GIA |
- d ownership units

Shared Ownership Units

- | | |
|--|---|
| | 47% 1 bedroom flats at minimum size 46 square metres GIA |
| | 13% 2 bedroom flats at minimum size 67 square metres GIA |
| | 23% 2 bedroom houses at minimum size 75 square metres GIA |
| | 17% 3 bedroom houses at minimum size 85 square metres GIA |

- 16) Affordable dwellings shall be provided by no more than 8 units in each cluster
- 17) 5% of the affordable dwellings shall be constructed as wheelchair units
- 18) The Council to refer potential occupants to all first lettings and 75% of subsequent lettings.
- 19) Design and specification criteria: All units to be built in line with the same standards as the market units (if higher) and to fully comply with the latest Homes and Communities Agency (HCA) standards applicable at the time the S.106 will be signed, to include at least Level 3 of the Code for Sustainable Homes, Lifetime Homes standard, Secured by Design, and compliance of RP design brief.
- 20) An approximate location shall be identified for a minimum of 40 Extra Care Units, and an Extra Care Specification shall be submitted prior to the submission of any Reserved Matters Application for land containing the Extra Care Units.
- 21) Open space shall be provided in the following amounts:
- 6.28 ha of outdoor sport (including dual use of school pitches)
 - 11.04ha of informal recreational open space
 - 12.20 ha of natural/semi natural open space
 - 1.18ha of allotments
 - 1.47ha of provision for children and young people
- 22) A contribution of £1, 954, 337 towards the provision and maintenance of 3.13ha of off-site playing fields within 1km of the site
- 23) In the event that Wellington Road playing fields is declared surplus to requirements, and is capable of being used for outdoor sports, the contribution in (21) above reduced in proportion towards the additional off-site playing fields that will become available
- 24) The on site open space shall be managed and maintained whether by a private management entity or to the local authority upon transfer of the relevant land and payment of appropriate commuted sums
- 25) Allotment land specified in (21) above shall be transferred to a private management entity or transferred to the Council
- 26) A contribution of £4, 140, 000 shall be paid to Wessex Water for the provision of strategic sewerage infrastructure
- 27) A contribution of £350, 000 towards the provision of off-site residential gypsy site provision within South Gloucestershire
- 28) A contribution of £1, 890, 000 towards the provision of a multi-use community centre on site and transfer of 1008 sq m of land as shown on the illustrative plan to the Council for such purposes
- 29) A contribution of £520, 776 towards expanding library services in Yate
- 30) A contribution of £96, 440 towards public art, performance and cultural space and, in addition, the submission of a public art strategy
- 31) A contribution of £289, 320 towards waste and recycling facilities in Yate
- 33) A contribution of £1, 129, 000 towards the provision of health services within the local centre
- 34) Appropriate arrangements to secure delivery of health facility on site to NHS England
- 35) A contribution of £12, 250 towards the provision of three APNR cameras

36) A contribution of £45, 933 towards a police post to be located with the community centre

37) A contribution of £3,500 towards the cost of a highway diversion orders to divert footpaths LYA49 and LYA56 outside of the application site.

The reason for the above obligations is to provide a suite of measures to mitigate the impacts of the development on the existing community and to ensure that the future community is sustainable.

- 7.2 That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.
- 7.3 Should the Section 106 Agreement not be completed within 6 months of the date of determination then the application be refused or returned to the Committee for further consideration on this basis.
- 7.4 In the event that Members choose to accept the recommendation in this report, they are further advised that there is a good probability that the Core Strategy could be adopted in the period between making a resolution and the completion of the section 106 agreement. In that event the Core Strategy will become the Development Plan and some of the policies in the South Gloucestershire Local Plan will be replaced. Given that significant weight is given to the emerging Core Strategy policies in making the current recommendation, and assuming there are no significant further modifications to the Core Strategy policies referred to, it is anticipated that this will mean the recommendation would no longer be contrary to the Development Plan. Delegated authority is sought by Officers to pursue the Committee resolution (assuming it is forthcoming) to approve the development subject to conditions and section 106 agreement without the need to return to the Committee upon adoption of the Core Strategy to further update the resolution. This is on the understanding that there are no significant further modifications to the relevant policies in the adopted document. Authority is specifically sought to adjust the wording for the reasons for planning conditions and the legal agreement in the event that the Development Plan changes such that the relevant policies in the Core Strategy are quoted in addition or in substitution (as necessary) for those in the South Gloucestershire Local Plan (adopted) January 2006.

CONDITIONS

1. Details of the layout, scale and appearance of the buildings to be erected, and the landscaping of the site (hereinafter called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before development on land to which the reserved matters relate commences. Development thereafter shall be carried out in accordance with the approved details.

Reason

To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

2. Applications for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 12 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).

3. The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

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

4. Unless otherwise agreed in writing with the local planning authority, no reserved matters applications shall be submitted until there has been submitted to and approved in writing by the local planning authority a detailed phasing plan that is in compliance with the principles contained in the Revised Design and access Statement dated July 2013 . Such a phasing plan shall indicate geographical phases, and relationship to the delivery of infrastructure and facilities. It should further include the subdivision of each geographical phase into development parcels to provide a basis for reserved matters submissions. Applications for the approval of the reserved matters shall be in accordance with the phasing plan as approved, unless otherwise agreed in writing by the Local Planning Authority and the phasing plan as agreed shall be fully adhered to.

Reason: To ensure that the development is comprehensively planned, designed and phased to ensure maximum practical integration between different land uses within and beyond the site is achieved to accord with Policy D1 of the Adopted South Gloucestershire Local Plan (January 2006).

5. Prior to the submission of any reserved matters applications (excluding applications relating to infrastructure works) a site wide affordable housing plan and an accompanying schedule shall be submitted to and approved in writing by the local planning authority showing the distribution of 35 % of the total dwelling number across the site in the residential land parcels shown in the approved phasing plan submitted pursuant to condition 4 above For each development parcel, the plan and the accompanying schedule shall show:

- a) the number of affordable dwellings to be provided;
- b) the mix of dwellings (in terms of the number of bedrooms and the proportion of houses and flats, broken down between social rented affordable housing units and intermediate units in that parcel.)

The subsequent reserved matters applications that show the proposed layout of the development shall show the proposed locations of the affordable dwellings. Development shall thereafter be carried out in accordance with the site wide affordable housing plan, accompanying schedule and reserved matters approvals, unless otherwise agreed in writing by the local planning authority.

Reason

To ensure that the distribution of affordable houses assists the creation of an inclusive mixed community in accordance with Policy H6 of the adopted South Gloucestershire Local Plan (January 2006) and Policies CS18 and CS31 of the South Gloucestershire Core Strategy incorporating Inspector's Draft (October 2012) and Further (March 2013) Main Modifications

- 6. No development shall take place on land to which the reserved matter relates until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines, manholes); retained historic landscape features and proposals for restoration where relevant. Soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.

Reason

To protect and enhance the character and appearance of the area and the amenities of future occupiers in accordance with Policies L1 and D1 of the adopted South Gloucestershire Local Plan.

- 7. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out within the first planting season prior to occupation of the final dwelling on land to which the reserved matter relates or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason

To protect and enhance the character and appearance of the area and the amenities of future occupiers in accordance with Policies L1 and D1 of the adopted South Gloucestershire Local Plan January 2006

8. The plans and particulars submitted in accordance with condition 1 and 6 shall include:
- a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;
 - b) details of the species, diameter (measured in accordance with paragraph (a) above) and the approximate height, and an assessment of the general of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;
 - c) details of any proposed tree works to any retained tree or of any tree on land adjacent to the site;
 - d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation within the RPA (root protection area) as defined in BS5837 2012 of any retained tree or of any tree on land adjacent to the site; and
 - e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.
 - f) details of street trees shall include specification of root protection measures, and details of street tree management to encourage high level growth and maintain a clear zone directly above sewers.
- In this condition retained tree means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.
- All fencing to be in accordance with BS5837 2012 Trees in Relation to Construction and retained and maintained for the duration of the construction period.

Reason

To protect and enhance the character and appearance of the area, the amenities of future occupiers, and to protect adopted sewers, in accordance with Policies L1 and D1 of the adopted South Gloucestershire Local Plan January 2006

9. No development shall take place on land to which the reserved matter relates until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved scheme.

Reason

To protect and enhance the character and appearance of the area and the amenities of future occupiers in accordance with Policies D1 and L1 of the adopted South Gloucestershire Local Plan January 2006

10. No development comprising any of the B1 and B2 floorspace hereby approved shall commence until an overall Travel Plan Framework covering all the B1 and, B2

floorspace hereby approved has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Framework shall set out:

- the aims and objectives of the Framework, including reducing the need to travel by car, encouraging healthy commuting and work related journeys;
- a monitoring strategy and targets for the reduction of single occupancy car related journeys over the first five years of the development;
- measures for achieving the approved aims, objectives and targets in the event that monitoring reveals that those targets are not being achieved.

The B1 and B2 development shall proceed in accordance with the approved details.

Reason

To encourage means of transportation other than the private car, to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted January 2006).

11. No more than 4882 sq m gross floor areas shall be constructed and occupied at the local centre as part of this permission of which no single retail unit (Use Class A1, A2, A3, A4, A5) shall exceed 500 square metres gross floor area.

Reason: To protect the vitality and viability of existing local centres, and to ensure that a mix of small scale local shops and services are provided in the interests of providing a variety of units, in the interests of vitality, and to minimize the need to travel by private car, in accordance with Policies RT7 and RT8 of the adopted South Gloucestershire Local Plan January 2006

12. No development shall take place in the relevant geographical phase as approved in the phasing plan submitted pursuant to Condition 4 above until there has been submitted to and approved in writing by the Local Planning Authority a phased programme of archaeological watching briefs. Work shall be carried out in accordance with the approved watching briefs.

Reason

In the interest of archaeological investigation or recording, and to accord with Policy L11 of the adopted South Gloucestershire Local Plan January 2006

13. Construction Waste Management Audit

No development shall take place on land to which the reserved matter relates until a Waste Management Audit has been submitted to and approved by the Local Planning Authority in writing. The Waste Management Audit shall include details of:

- i. The volume and nature of the waste which will be generated through the demolition and/or excavation process;

- ii. The volume of that waste which will be utilised within the site in establishing pre-construction levels, landscaping features, noise attenuation mounds etc;
 - iii. Proposals for recycling/recovering materials of value from the waste not used in schemes identified in (b), including as appropriate proposals for the production of secondary aggregates on the site using mobile screen plant;
 - iv. The volume of additional fill material which may be required to achieve, for example, permitted ground contours or the surcharging of land prior to construction; and
 - v. The probable destination of that waste which needs to be removed from the site and the steps that have been taken to identify a productive use for it in order to reduce the amount of waste sent to landfill.
- Development shall be carried out in accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

Reason

To accord with the Local Planning Authority's adopted Waste Management Strategy, and to accord with Policy 37 of the South Gloucestershire Minerals and Waste Local Plan (May 2002) and Policy EP1 of the South Gloucestershire Local Plan (January 2006).

14. Prior to the commencement of development, details of the construction management plan shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: To protect the amenities of existing local residents, and to ensure highway safety during construction in accordance with Policy E3 and T12 of the adopted South Gloucestershire Local Plan January 2006

15. The hours of working on site during the period of construction shall be restricted to 8am-6pm Mondays to Fridays; and 8am-1.00pm 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 site. Any working outside these hours shall have the prior written consent of the Local Planning Authority.

Reason

To minimise disturbance to neighboring occupiers and in accordance with Policy EP1 of the South Gloucestershire Local Plan (January 2006)

16. No development shall take place on land to which the reserved matter relates, until details of wheel-washing facilities to be provided on site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided prior to development commencing on land to which this reserved matter relates and

maintained during the period of construction. All commercial vehicles shall have their wheels washed before entering the public highway.

Reason

To safeguard the amenities of the locality and in the interests of highway safety in accordance with policy T12 of the South Gloucestershire Local Plan (January 2006)

17. The Reserved Matters submissions shall include detailed plans showing the provision of car and cycle parking facilities in accordance with the standards set out in Policies T7, T8 of the South Gloucestershire Local Plan (Adopted January 2006) and the South Gloucestershire Residential Parking SPD. The development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the associated buildings; and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T7, T8 and T12 of the South Gloucestershire Local Plan (January 2006).

18. No development shall take place on land to which the reserved matters relate until a list of exempt infrastructure and site preparation works has been submitted to and approved in writing by the local planning authority

Reason: To ensure that development associated with an agreed list of exempt infrastructure and site preparation works can proceed in a timely fashion so that the site can be development in accordance with Policy CS31 of the South Gloucestershire Core Strategy incorporating Inspector's Draft (October 2012) and Further (March 2013) Main Modifications

19. There shall be no commencement of Phase 5 of the development as shown on the Indicative Phasing Plan on page 93 of the Design and Access Statement (July 2013) until such time as the internal link road linking Randolph Avenue, Leechpool Way and the access from the Peg Hill development (as approved by planning permission PK12/0429/O) has been implemented and is operational.

Reason: To ensure there are appropriate transport linkages within the site and to ensure availability of alternative travel modes to the private car and to accord with Policy T12 of the adopted South Gloucestershire Local Plan January 2006

20. Development of the 751st dwelling shall not commence until such time as the appropriate strategic sewerage infrastructure has been completed and is operational.

Reason: To ensure that there is adequate foul drainage to serve the development and to prevent pollution of the water environment in accordance with Policies L17 and EP1 of the adopted South Gloucestershire Local Plan January 2006

21. Prior to the submission of the first reserved matters application, details of a surface water drainage masterplan shall be submitted to, and agreed in writing by, the Local Planning Authority . The masterplan shall be in accordance with the Flood Risk Assessment (prepared by Hyder and BFR Design Ltd dated April 2012) and include details of the phasing of surface water drainage infrastructure including source control measures. The development shall be implemented in accordance with the approved scheme.

Reason: To prevent the risk of flooding and to accord with Policy EP2 of the adopted South Gloucestershire Local Plan January 2006

22. No development shall take place on land to which reserved matters relate until the detailed drainage design for each plot, phase or parcel of land, incorporating sustainable drainage principles, have been submitted to and approved by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the plot or parcel first occupied

Reason: To prevent the risk of flooding and to accord with Policy EP2 of the adopted South Gloucestershire Local Plan January 2006

23. No development shall take place until the detailed design of the Flood Alleviation Scheme referred as Pond P4C has been submitted to and approved in writing by the local planning authority. All works undertaken must be in accordance with the agreed design and timetable.

Reason: To prevent the risk of flooding and to accord with Policy EP2 of the adopted South Gloucestershire Local Plan January 2006

24. No development shall take place on land within the Tanhouse Stream catchment to which reserved matters relate until detailed hydraulic modelling of the watercourse has been undertaken and submitted to and approved by the local planning authority.

Reason: To prevent the risk of flooding and to accord with Policy EP2 of the adopted South Gloucestershire Local Plan January 2006

25. Ground finished floor levels of all uses approved shall be set 300mm above the 1 in 100 year with climate change modelled flood level.

Reason: To prevent the risk of flooding and to accord with Policy EP2 of the adopted South Gloucestershire Local Plan January 2006

26. Prior to the commencement of the flood alleviation scheme and surface water attenuation features shown in the Hyder's Flood Risk Assessment dated 30 April 2012, a full operation and maintenance manual shall be submitted to and approved in writing by the local planning authority. The strategy shall identify all future land use limitations, identify the ownership, operational and maintenance arrangements for the works over the lifetime of the scheme and development shall accord with the details so agreed.

Reason: To prevent the risk of flooding and to accord with Policy EP2 of the adopted South Gloucestershire Local Plan January 2006

27. A strip of land 15m wide adjacent to the Tanhouse Stream must be provided and kept clear of all new buildings and structures (including gates, walls and fences). Ground levels must not be raised within such a strip of land.

Reason: To prevent the risk of flooding and to accord with Policy EP2 of the adopted South Gloucestershire Local Plan January 2006

28. Prior to the submission of the relevant reserved matters application the following investigations shall be carried out and should include:
- Confirmatory testing to ensure soil quality is suitable for the intended end use in areas not already assessed.
 - Additional mining research and investigation as recommended including further investigation of ground gas risks where appropriate.
 - Proposals for remediation of former mine workings in the area identified in the report as the school area.
 - Additional investigation of potential risk from radon or incorporation of basic radon protection measures in the development.

Where unacceptable levels/conditions are identified in relation to any of the above, prior to commencement, a proposed remediation scheme shall be provided and a report should be submitted to and agreed in writing with the Local Planning Authority. Thereafter the development shall proceed in accordance with any agreed mitigation measures.

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

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

Reason: To ensure that there is any contamination is mitigated and to prevent environmental pollution and to accord with Policy EP1 of the adopted South Gloucestershire Local Plan January 2006

29. Prior to the submission of the relevant reserved matters application further intrusive site investigation works shall be undertaken with regard to historic coal mining on site. In the event that the site investigations confirm the need for remedial works to treat the mine entries and/or areas of shallow mine workings, details of any remedial works identified by the site investigation shall be submitted to and approved in writing by the local planning authority and subsequently undertaken prior to the commencement of the relevant reserved matters permission.

Reason: To ensure that the site is or can be made safe and stable for the proposed development and to prevent environmental pollution in accordance with Policy EP1 of the adopted South Gloucestershire Local Plan January 2006

30. Prior to the submission of the relevant reserved matters a scheme to mitigate the noise from the railway line on any residential or commercial occupiers shall be submitted to and approved in writing by the local planning authority. Such scheme shall include a 40metre buffer from the railway line. The scheme shall be implemented prior to the first occupation of the relevant reserved matters approval.

Reason: To protect the amenities of future residents and commercial occupiers and to accord with Policy EP1 of the adopted South Gloucestershire Local Plan January 2006

31. The particulars submitted as part of condition 1 for the relevant reserved matters shall include details in respect of the allotments including design specification, boundary treatments, servicing and implementation. The development shall thereafter accord with the approved details.

Reason

To ensure an appropriate standard of allotments are provided in the interests of the amenity of the future residents and to accord with Policy LC11 of the adopted South Gloucestershire Local Plan January 2006

32. The details for submission of condition 6 shall include details of substantive tree planting in the woodland zone, the buffer zone with Tanhouse Lane and details of the landscaping to the allotments at Rockwood House. The buffer zone to Tanhouse Lane shall include mixed leave (broadleaved) woodland planting and species rich grassland. The details so approved shall be implemented prior to the first occupation of the relevant reserved matters permission.

Reason

To protect and enhance the character and appearance of the area and the amenities of future occupiers, and to enhance habitats of protected species found on site in accordance with Policies L1, L9, D1 of the adopted South Gloucestershire Local Plan.

33. Prior to development commencing, including exempt infrastructure, a site wide mitigation strategy for bats, great crested newt and dormouse, including a timetable for implementation shall be submitted and agreed by the local planning authority. The details shall accord with the general provisions detailed in Section 7 of Volume 1 of the Environmental Statement dated June 2012 by LDA Design. The development shall be carried out in accordance with the agreed strategy, including with the agreed timetable for implementation.

Reason: To protect protected species and their habitats on site and to accord with Policy L9 of the adopted South Gloucestershire Local Plan January 2006

34. Prior to development commencing, a site wide mitigation strategy for reptiles (slow-worms and grass snakes), hedgehog and harvest mouse, including the timetable for implementation, shall be submitted and agreed in writing by the local planning authority. All works are to be carried out in accordance with the approved strategy, including the timetable for implementation.

Reason: To protect protected species and their habitats on site and to accord with Policy L9 of the adopted South Gloucestershire Local Plan January 2006

35. Prior to development commencing, including exempt infrastructure works, a site wide ecological and landscape management plan (ecology strategy) shall be submitted and agreed in writing by the local planning authority. The plan shall include details of the existing habitat to be safeguarded (trees, hedges and grass margins (buffer strips); and any new habitat to be created (species-rich grassland, hedges, woodland, scrub). It should also include a timetable for implementation and a programme of monitoring of all works for a period of 5 years. All works are to be carried out in accordance with the agreed strategy, including the timetable for implementation.

Reason: To protect protected species and their habitats on site and to accord with Policy L9 of the adopted South Gloucestershire Local Plan January 2006

36. A suitably-experienced and/or qualified and licensed ecological 'clerk of works' shall be appointed to oversee all works relating to ecology, to include ensuring the all works accord with the provisions of the relevant or appropriate Conditions, strategies or undertakings and to act as liaison with the Council and external agencies such as Natural England

Reason: To protect protected species and their habitats on site and to accord with Policy L9 of the adopted South Gloucestershire Local Plan

37. Prior to the commencement of development, including exempt infrastructure works, that for each respective phase of development be re-surveyed for badgers immediately ahead of development commencing and a report provided to the local planning authority for approval in writing. The report should provide details of all works subject to the licensing provisions of the Protection of Badgers Act 1992 and timetabling of such works. All works are to be carried out in accordance with said report.

Reason: To protect protected species and their habitats on site and to accord with Policy L9 of the adopted South Gloucestershire Local Plan January 2006

38. Particulars submitted in relation to condition 1 for each relevant reserved matters shall include a lighting strategy shall be submitted to and approved in writing by the local planning authority that shall include measures to control light spillage. Development shall be carried out in accordance with the approved details prior to the first occupation of the relevant reserved matters.

Reason: In the interests of visual amenity and security and to protect the habitats of protected species in accordance with Policies D1, EP1 and L9 of the adopted South Gloucestershire Local Plan

39. Unless otherwise agreed in writing with the local planning authority, no applications for reserved matters shall be submitted in any of the geographical phases identified in the approved Phasing Plan until there has been submitted to and approved in writing by the local planning authority a detailed master plan and a design code for the geographical phase in question.
The detailed master plan/s and design codes shall be in accordance with the principles and parameters described and illustrated in the Land at North Yate Design and Access Statement: Revised July 2013,.

The detailed master plan/s shall contain the information required as set out in the approved Land at North Yate Design and Access Statement Revised July 2013 and shall be the regulating plan for the associated design code. The design code for each geographical phase shall include detailed codes for all of the matters listed in the approved, as well as:

- Details of code testing undertaken prior to finalization, and
- Proposals for monitoring and review of each phase
- Details of development to plot level
- Details of areas of car parking
- Details of treatment of public realm, including open space and play
- details of waste and community composting areas

Reason: To ensure that high standards of urban design and comprehensively planned development, designed and phased to ensure maximum practical integration between different land uses within and beyond the site is achieved to accord with Policy D1 of the adopted South Gloucestershire Local Plan January 2006 and Policies CS1 and CS31 of the South Gloucestershire Core Strategy incorporating Inspector's Draft (October 2012) and Further (March 2013) Main Modifications

40. Applications for the approval of the reserved matters shall be in accordance with the approved parameter plans and principles and parameters described and illustrated in the Land at North Yate Design and Access Statement Revised July 2013- and with the approved detailed master plan and design code for the geographical phase as shown in the approved phasing plan to which the reserved matters application relates. A statement shall be submitted with each reserved matters application, which demonstrates that the application proposals are in compliance with the Land at North Yate Design and Access Statement Revised July 2013 and with the relevant detailed master plan and design code, or (where relevant) explaining why they do not.

Reason: To ensure that high standards of urban design and comprehensively planned development, designed and phased to ensure maximum practical integration between different land uses within and beyond the site is achieved to accord with Policy D1 of the South Gloucestershire Local Plan and Policies CS1 and CS31 of the South Gloucestershire Core Strategy incorporating Inspector's Draft (October 2012) and Further (March 2013) Main Modifications

41. Applications for approval of reserved matters within each geographical phase identified in the approved phasing plan submitted pursuant to condition 4 above shall not be submitted until an Energy Statement has been submitted to and approved by the Local Planning Authority. The Energy Statement shall be submitted to the Local Planning Authority at the same time as the detailed masterplan required by condition 39 and shall comprise of the following:
- How the layout, three dimension building envelope and landscape proposals have been designed to maximize passive solar gains and cooling as well as natural ventilation of the buildings;

- Measures to improve the insulation of the building envelope to reduce energy demand
- Calculation of energy demand

The Energy Statement shall require reserved matters to achieve the following standards unless otherwise agreed in writing by the Local Planning Authority: a minimum of Level 3 for the Code for Sustainable Homes (or the equivalent level of such national measure of sustainability for house design that replaces the Code) for dwellings;

-a minimum 'Very Good' rating under the relevant Building Research Establishment Environmental Assessment Method (BREEAM) for all buildings types other than dwellings;

-Building for Life 12 Green Scheme

Applications for approval of reserved matters within the phase that the Energy Statement relates, shall be carried out in accordance with the approved Energy Statement, unless otherwise agreed in writing by the Local Planning Authority.

The dwellings shall achieve a minimum of Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

Reason

To achieve improved energy conservation, and protect environmental resources in accordance with Policy D1 of the adopted South Gloucestershire Local Plan January 2006, and the South Gloucestershire Design Checklist SPD.

42. The particulars submitted as part of condition 1 for the relevant reserved matters shall include details in respect of the provision of internet connection infrastructure to serve the future residents of the development, including a timetable for implementation. The development shall be implemented in accordance with the agreed timetable.

Reason: To ensure an appropriate standard of internet connection is provided, in the interests of the amenity of future residents and to accord with Policy CS31 of the South Gloucestershire Core Strategy incorporating Inspector's Draft (October 2012) and Further (March 2013) Main Modifications

CIRCULATED SCHEDULE NO. 16/14 – 16 APRIL 2014

App No.: PK13/4204/F
Site: 5 Highfield Road Chipping Sodbury Bristol
 South Gloucestershire BS37 6HD

Applicant: Mr Steve Tubby
Date Reg: 28th November 2013

Proposal: Erection of 1no. detached dwelling with associated works. Alterations to existing dwelling to provide access and erection of 2.2m high acoustic fence. Erection of 1no detached double garage for use of existing and proposed dwellings.

Parish: Sodbury Town Council

Map Ref: 372418 182037
Application Category: Minor

Ward: Chipping Sodbury
Target Date: 20th January 2014



© 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.** **PK13/4204/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of objections from local residents; the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application relates to a 1960s/70s two-storey dwelling house and private rear garden, situated on the southern side of Highfield Road, Chipping Sodbury. Vehicular access to a single integral garage and driveway is gained directly from Highfield Road. The elevated rear garden area is currently land-locked and enclosed by neighbouring housing. There are three trees located on the perimeter of the site, which are now protected by Tree Preservation Order (TPO). The land falls generally to the west, thus placing the application site at a higher level than the properties in Grassington Drive and a lower level in respect to neighbouring property at 16 Culverhill Road and a property known as 'Culverhill' to the south (rear) of the application site. The site does not lie within the Chipping Sodbury Conservation Area.
- 1.2 It is proposed to erect a 4 bedroom detached bungalow in the rear garden area. In order to provide vehicular access to the bungalow, it is proposed to modify the existing house by forming an under-croft drive, to replace the integral garage and retain the first floor accommodation above. The new, shared access drive would serve the existing and proposed dwellings. Each dwelling would have two parking spaces, together with a shared turning space, all located to the rear of the existing house. It is proposed to enclose the driveway and turning area, located to the rear of the existing house, with acoustic fences.
- 1.3 The following documents have been submitted in support of the application:
 - Design and Access Statement
 - Arboricultural Assessment
 - Ecological Report
 - Acoustic Report
 - Tree Constraints Plan
 - Acoustic Fence Details
 - Tree Protection Barrier Fence Details
- 1.4 A previous application PK10/0243/F for a very similar scheme was refused for the reason listed in paragraph 3.5 below but a subsequent appeal was allowed; that permission has now expired so the current application in effect, merely seeks to renew the consent.

2. POLICY CONTEXT

- 2.1 National Guidance
The National Planning Policy Framework 27 March 2012

2.2 Development Plans

The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013

CS1 - High Quality Design
CS4A – Presumption in Favour of Sustainable Development
CS5 - Location of Development
CS6 - Infrastructure and Developer Contributions
CS9 - Managing the Environment and Heritage
CS17 - Housing Diversity
CS18 - Affordable Housing
CS23 - Community Infrastructure and Cultural Activity
CS24 - Green Infrastructure, Sport and Recreation Standards

South Gloucestershire Local Plan (Adopted) 6th January 2006

L1 - Landscape Protection and Enhancement
L5 - Open Areas within the Existing Urban Areas and Established Settlement Boundaries.
L9 - Species Protection
EP2 - Flood Risk and Development
H4 - Development within Existing Residential Curtilages
LC2 - Provision of Education Facilities
T7 - Cycle Parking Provision
T8 - Parking Standards
T12 - Transportation Development Control Policy for New Development
LC4 - Proposals for Educational and Community Facilities Within the Existing Urban Area.

South Gloucestershire Minerals and Waste Local Plan (Adopted) May 2002

Policies 37 & 43 - Waste Management Strategy

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD Adopted 2007
South Gloucestershire Biodiversity Action Plan
South Gloucestershire Landscape Character Assessment Adopted Aug. 2005.
(Character Areas 5, Wickwar Ridge & Vale and 8, Yate Vale)
Trees on Development Sites SPG Adopted Nov. 2005.
South Gloucestershire Council Residential Parking Standards (Adopted) 2013.

3. RELEVANT PLANNING HISTORY

- 3.1 PK03/2542/F - Demolition of existing dwelling and erection of 4 no. terraced houses and 2 no. flats
Refuse and Dismissed at appeal 2003 (Ref: APP/P0119/A/04/1146096).
- 3.2 PK06/2355/F - Erection of 3 no. detached dwellings with attached garage and associated works.
Withdrawn Feb.2007.

3.3 PK07/3117/F - Erection of 1 no. detached bungalow with associated detached garage. Erection of first floor balcony and 1 no. detached garage to existing dwelling.
Refused 13th December 2007 for the following reasons:

1. The proposed development by reason of its siting would constitute an unacceptable form of backland development, which would result in unacceptable noise and disturbance for adjacent residential occupiers and would be contrary to Policy H4 and H2 of the South Gloucestershire Local Plan.

2. The proposed development would generate an increase in traffic onto a restricted access with no footway thereby increasing conflicts between pedestrian/vehicle to the detriment of road safety and would be contrary to the Policies T12 and H4 of the South Gloucestershire Local Plan.

3. In the absence of an Arboricultural Impact Assessment the Council is unable to fully assess the impact of the proposed development on those existing trees covered by a Tree Preservation Order and no details have been submitted with regards which trees are to be felled and retained as part of the development and as such, the Council is unable to fully assess the implications of the proposed development and is therefore contrary to Policy L1 of the South Gloucestershire Local Plan.

4. The proposed first floor balcony by reason of its siting and design would allow for overlooking onto neighbouring gardens resulting in a loss of privacy, which would be to the detriment of residential amenity and would be contrary to Policy H4 of the South Gloucestershire Local Plan.

5. In the absence of an Ecological Survey of the site the Council is unable to fully assess the implications of the proposed development on the ecology and biodiversity of the area and is therefore contrary to Policy L9 and D1 of the South Gloucestershire Local Plan and Adopted Supplementary Planning Guidance 'Biodiversity'.

3.4 PK08/2642/F - Erection of 1no. detached bungalow with associated detached garage. Alterations to existing dwelling to provide access and erection of 1no. detached garage to existing dwelling. (Resubmission of PK07/3117/F).

Refused 7 Nov 2008 for the following reasons:

1. The proposed development by reason of its siting would constitute an unacceptable form of backland development,

which would result in unacceptable noise and disturbance for adjacent residential occupiers and would be contrary to Policy H4 and H2 of the South Gloucestershire Local Plan.

2. The proposed development would generate an increase in traffic onto a narrow access drive with no footway and restricted off-street turning area, thereby increasing conflicts between pedestrians and vehicles to the detriment of road safety and would be contrary to the Policies T12, H2 and H4 of the South Gloucestershire Local Plan.

A subsequent Appeal APP/P0119/A/08/2090536 was dismissed 28 April 2009.

3.5 PK10/0243/F - Erection of 1no. detached dwelling with associated works. Alterations to existing dwelling to provide access. Erection of 1no. detached double garage for use of existing and proposed dwellings. (Resubmission of PK08/2642/F).

Refused for the following reason:

1. The proposed development by reason of its siting would constitute an unacceptable form of back-land development which would result in unacceptable noise and disturbance for neighbouring occupiers and would be out of character with the pattern of development in the area contrary to Policies H2, H4, D1 and PPS3 (as revised) – ‘Housing’.

A subsequent appeal ref: APP/P0119/A/10/2136870 was allowed 17 Jan 2011.

4. CONSULTATION RESPONSES

4.1 Sodbury Town Council
No objection

Other Representations

Highway Drainage

No objection subject to a condition to secure a SUDS Drainage Scheme.

Environmental Protection

As per the previous application PK10/0243/F, this type of situation is not one where we would traditionally make objections or ask for an acoustic report, as many houses have neighbouring cars parked at the front very close to them and flats have similar situations with cars accessing rear parking areas via an undercroft. There is no specific noise standard that is designed for this situation against which to assess the likely noise impact on neighbours.

The acoustic report provided as part of the application by Acoustic Consultants Ltd has been reviewed and they have adapted noise standards for various scenarios to attempt to quantify potential noise arising from vehicle movements to the new property. The attenuation measures outlined by the applicants acoustic consultant appear to be suitable to minimise the developments impact on number 5 and number 3 Highfield Road, and should form part of the conditions, should you be minded to approve this application. The fence will reduce noise in the range of 28dB(A) to the receptor.

Tree Officer

No further response.

Sustainable Transport

The proposed development proposes the sole use of garaging to form the parking to serve both the existing and proposed dwellings. Unfortunately, this neither meets the demands of South Gloucestershire Council's Residential Parking standards, nor does it allow for the likely nongaraged parking that will occur. In this regard, Transportation Development Control raise a holding objection in order for the applicant to reconsider the parking demands of both the existing and proposed dwellings in such a way as all parking spaces can be utilised with quick efficiency.

Furthermore, we also note the conflict of pedestrians and vehicles raised previously and whilst this is still a salient issue, Transportation Development Control (TDC) cannot raise a comment upon this until all the vehicle destinations have been determined. Should reconsideration of parking detail not be forthcoming, then TDC would suitably provide an appropriate reason for approval to be considered at appeal, for both parking consideration and conflict of vulnerable pedestrians with egressing/accessing vehicles.

This matter was subsequently addressed by the removal of the garage and replacement with hard-standing.

Local Residents

4no. letters/e-mails of objection have been received from local residents; the concerns raised are summarised as follows:

- Access would be on a bend and steep hill with poor visibility and inadequate width thus resulting in conflict between vehicles and pedestrians.
- Increased traffic noise and fumes.
- Backland development.
- Overbearing impact on 36 and 34 Grassington Drive.
- Loss of privacy from overlooking of 36 and 34 Grassingham Drive.
- Increased on-street parking.
- Adverse impact on wildlife.
- Under-croft access not in-keeping.
- Only one-way in/out of 'The Elms'.
- Disruption during the development phase.
- The Acoustic Fence will not stop any noise.
- The bungalow has windows in the roof.

- Inaccurate distances shown on plan between new dwelling and 36 Grassington Drive.
- Dispute land ownership adjacent 36 Grassington Drive.
- Proximity of garages to no.36.
- TPO Trees on site.
- Impact on wildlife.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The acceptance of a development of the same nature as that proposed on this site has already been established with the grant of permission PK10/0243/F on appeal. The Inspector's Decision Letter is a material consideration of significant weight in the determination of this application. Officers consider that, unless there are any significant changes in the policies or circumstances relating to the scheme, since the original permission was granted, it would now be unreasonable to refuse planning permission for an almost identical scheme.

- 5.2 The site lies within the Urban Area and being residential curtilage, there is no in-principle objection to the development of the site for residential use. The South Gloucestershire Local Plan Core Strategy has now been adopted (Dec 2013) so the policies therein now form part of the Development Plan. Policy CS4 replicates the NPPF in enforcing the presumption in favour of sustainable development. In accordance with para. 187 of the NPPF, Core Strategy Policy CS4A states that, when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions so that sustainable development can be approved wherever possible. The NPPF Para. 187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.
- 5.3 Chapter 4 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are 'severe'.
- 5.4 Paragraph 50 of the NPPF sets out the importance of delivering a wide range of residential accommodation. This policy stance is replicated in Policy CS17 of the Core Strategy which makes specific reference to the importance of planning for mixed communities including a variety of housing type and size to accommodate a range of different households, including families, single persons, older persons and low income households, as evidenced by local needs assessments and strategic housing market assessments.
- 5.5 Policy CS17 goes on to say that building on gardens will be allowed where this would not adversely affect the character of an area and where, cumulatively, it would not lead to unacceptable localised traffic congestion and pressure on parking. Such development will be allowed where each home has adequate private/semi-private and/or communal outdoor space and where occupiers have access to adequate open and play space within the immediate vicinity.

5.6 Saved Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 permits development within existing residential curtilages, including extensions to existing dwellings and new dwellings subject to criteria that are discussed below. Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 seeks to secure good quality designs that are compatible with the character of the site and locality.

5.7 Density

The combined area of the land at 5 Highfield Road is 0.1304ha; the existing and proposed dwellings would result in a density of only 15.33 dph. The NPPF seeks to make efficient use of land in the Urban Area for housing. Officers are satisfied that having regard to the site's constraints relating to its location, landscape characteristics including the presence of 3 TPO'd trees and other boundary vegetation, levels variations, access/parking requirements, and impact on residential amenity, it is unlikely that a larger scheme containing more than 1no. dwelling could be accommodated on the site, and in this respect the proposal represents the most efficient use of the land in what is a reasonably sustainable location, fairly close to the centre of Chipping Sodbury. The proposal therefore accords with government guidelines and in terms of its density alone, the development is not considered to be an overdevelopment of the site.

5.8 Principle of Tandem Development

In response to the appeal against the refusal of PK03/2542/F (for a much larger building than is now proposed), the Inspector in para. 30 of his decision letter, stated the following:

“The Council object to the building at the rear of the site mainly on the basis of it being back-land development. I accept that apart from 16 Culverhill Road there are no other examples of back-land development in the surrounding area. However, I do not consider that back-land should be excluded from development merely because such forms of development are not reflected in the surrounding area. If that was the case then the Government's objective of making the most efficient use of previously developed land in urban areas would, to an extent, be frustrated. The Council accept that very little of the building at the rear would be seen from the public realm. Whilst that which would be glimpsed would be close to the boundary with 16 Culverhill Road I do not consider that this would materially harm the character of the area as most of the houses along Highfield Road are generally built up close to their side boundaries.”

In the NPPF gardens are no longer considered to be previously developed land.

5.9 The Inspector for the latest appeal relating to PK10/0243/F stated the following:

‘With the exception of the neighbouring property at 16 Culverhill Road, all of the houses in the surrounding suburban residential area face onto estate roads. In this respect the proposal would be a departure from the prevailing pattern of development.

However, the garden of no.5 is far larger than most in the area and the plot proposed for the new bungalow is of sufficient size to provide a spacious setting for what would be a modest sized dwelling. It would not be easily seen in views from Highfield Road itself and the retention of trees and hedging around the boundary, as proposed, would provide a good degree of screening from surrounding properties in Jobbins Close to the south and Grassington Drive to the west. Despite the back-land location of the proposed new dwelling, the proposal would not, in my view, cause any demonstrable harm to the character and appearance of the area.

The Inspector went on to say that he did not consider that the loss of garden land in this instance would materially harm the character or appearance of the area and as such the proposal would not conflict with Policy H4.

5.10 Impact from Noise and Disturbance

In relation to all of the previous applications PK03/2542/F, PK07/3117/F and PK08/2642/F, the Council did raise an objection on the grounds that, the proposed development by reason of its siting and relationship with neighbouring residents, if allowed, would have an unacceptable impact in terms of noise and disturbance from traffic movements within the site.

5.11 In the appeal decision letter for the earlier refusal of PK08/2642/F the Inspector noted (para.13):

'This backland residential development will have an effect on the quiet character of the area by the introduction of additional buildings and increased activity into an area hitherto used for domestic and recreational purposes ancillary to the existing dwelling. These gardens appear to be relaxing areas of outdoor living space, away from the more public areas at the front of the properties, and enhance the quality of life for the occupiers.'

The Inspector went on to note that vehicles would access the site via a driveway beneath and to the side of the host dwelling and running the length of the garden to no.3 Highfield Road, with the proposed turning area adjacent to the boundary of 16 Culverhill Road. The Inspector expressed concerns about the likely noise and disturbance caused by vehicles using these facilities.

5.12 The appellant contended that any noise generated by vehicles to the rear and side of nos.3 and 5 could be attenuated by the use of an appropriate acoustic fence but in the absence of any details of the fence or acoustic study, the Inspector was not persuaded. Furthermore the Inspector noted that (para.14) there had been no assessment as to whether the existing boundary treatment to 16 Culverhill Road was sufficient to protect the amenities of the occupiers of that property.

5.13 In order to overcome these concerns, the scheme was amended so that in the last proposal PK10/0243/F the garages were re-located further to the north and the length of driveway shortened so that no part of it or the turning area, would lie adjacent to the boundary of no.16 Culverhill Road.

- 5.14 The main body of no.3 Highfield Road is set back some 4m from the boundary with no.5, being separated from it by a garage and pathway. Furthermore there is a high boundary wall that steps down between the properties along this boundary, coupled with some landscaping.
- 5.15 It was now proposed to enclose the driveway and turning area, to the rear of no.5, with a 2m high timber acoustic fence, the details of which were submitted. The fence would link in to the garages, which would enclose the turning area to the west. It was also proposed to provide an acoustic lining to the under-croft passage roof and to surface the driveway with an appropriate acoustic attenuation material to further baffle any noise from the movement of vehicles. An acoustic assessment was submitted in support of the application, which concluded that with the proposed acoustic mitigation measures in place, the predicted noise levels at the neighbouring properties would fall within the criteria of the relevant guidance and assessment documents.
- 5.16 In his Decision Letter for the appeal relating to the last application PK10/0243/F, the Inspector commented as follows:

'An application for a similar development proposal was dismissed at appeal (APP/P0119/A/08/2090536) because, in the absence of relevant technical evidence, the Inspector could not be certain that the coming and going of vehicles would not be seriously detrimental to the enjoyment of the surrounding gardens. A technical study has now been conducted which indicates that the noise mitigation measures proposed would be likely to satisfactorily control noise transmission from vehicles entering and leaving the site. Whilst I accept that there may not be specific noise applicable to this situation, I consider nonetheless that the standards used in the appellant's technical study provide a good level of reassurance that the proposal would not unduly harm the living conditions of the neighbours in terms of noise and disturbance.'

The Inspector concluded accordingly that the scheme would accord with Policy H4.

- 5.17 On balance therefore and given that there is an acknowledged background noise from traffic using the nearby B4060, an arterial route into Chipping Sodbury Town Centre, officers consider that subject to conditions to secure the acoustic mitigation measures proposed, an objection on the grounds of noise and disturbance can no longer be substantiated.
- 5.18 Residential Amenity
The position and scale of the proposed bungalow is the same as in the previous proposal PK10/0243/F. It is considered that a single-storey dwelling in this location, of the design, scale and siting proposed, would not have an adverse impact on the existing amenities of surrounding residents in terms of overbearing impact or loss of privacy and this view is consistent with that of the officers who determined the previous applications PK10/0243/F and PK08/2642/F for a similar sized dwelling on this site. It is also noted that the Inspectors for the appeals against refusal of PK08/2642/F & PK10/0243/F also raised no objection on this point. Any future extensions to the roof could be controlled by removing permitted development rights.

- 5.19 The single-storey dwelling that is proposed would be set back from the adjoining boundary with no.36 by some 3.6m at the nearest point and 8.0m at the furthest point and set back 28.0m from the rear elevation of no.5 Highfield Road. The applicant has confirmed that the proposed dwelling would be 12.8m at its nearest point with the rear elevation of no. 36 Grassington Drive. It is considered that a single-storey dwelling in this location would not have an overbearing impact.
- 5.20 The originally proposed garages have now been deleted from the scheme and replaced with vehicle hard-standings. The proposed Acoustic Fence is now shown extended around the parking areas. There is already a substantial belt of vegetation on the boundary with no.36 and a large tree at the bottom of the garden of no.7, all of which would help screen the parking areas from view; the boundary vegetation could be enhanced to further screen views of these areas.
- 5.21 As the proposed scheme relates to a detached single-storey dwelling measuring only 5.70m in height to the ridge, which would be set back from the adjoining boundary with no.16 by some 7.0m at the nearest point, with existing trees and boundary wall retained, it is considered that the proposed dwelling would not have an overbearing impact.
- 5.22 It is also considered that a dwelling of this scale and by reason of its location would not have an adverse impact on those recently built two- storey houses sited south of the application site.
- 5.23 The Acoustic Fence fence would be erected inside the boundary wall with no.3 Highfield Road and constructed of wood. A fence 2m high, could be erected under permitted development rights. Officers consider that 2m high wooden fences are a common boundary treatment between properties so a refusal reason based on overbearing impact of the proposed 2.2m high fence could not reasonably be substantiated. Notwithstanding the presence of the existing boundary wall and vegetation between nos. 3 and 5 Highfield Road, officers do not consider that the fence would have an overbearing impact for neighbouring occupiers. To the south and west the fence would be too remote from the boundaries of neighbouring property to have any overbearing impact at all.
- 5.24 As regards issues of overlooking, the existing and proposed boundary fences, walls and belts of trees and hedgerows would provide adequate screening at ground floor level. Whilst it is acknowledged that there are considerable ground level differences between the application site and that of no.36 Grassington Drive, there would be only velux rooflights serving the bedroom accommodation in the roof-space of the proposed bungalow. Officers consider that some overlooking of neighbouring property is a ubiquitous situation only to be expected in an urban area, but given the height of the boundary vegetation and nature of the fenestration in the proposed roof-space, the level of overlooking or inter-visibility to result from the scheme would be minimal. There would therefore be no significant adverse impact on residential amenity to result from overbearing impact or loss of privacy from overlooking or inter-visibility. This view concurs with that of the Inspectors for the appeals against refusal of PK08/2642/F & PK10/0243/F.

5.25 Visual Amenity

At the time of application PK03/2542/F (for a much larger building) the Council raised an objection on the grounds that the proposed development would constitute back-land development and be out of keeping with the surrounding development. The Planning Inspector made the following assessment:

I accept that apart from 16 Culverhill Road there are no other examples of back land development in the surrounding area. However I do not consider that back land development should be excluded from the development merely because such forms of development are not reflected in the surrounding area. If that was the case then the Government's objective of making the most efficient use of previously developed land in urban areas would to an extent be frustrated.

I have also considered whether the building to the rear would significantly harm the character and appearance of the area for surrounding residents. I know it would result in a substantial change from the existing garden land, which is characterised by its undeveloped nature and the trees growing therein. However the government policy of making the most efficient use of previously developed land is bound to result in some changes to the appearance of the area.

5.26 Officers acknowledge that in the NPPF residential gardens are no longer classed as 'previously developed land'. There remains however a need to make efficient use of land in the Urban Area and given that the current proposal is for one dwelling only of modest scale and that the key components of the landscape character of the site i.e. the boundary vegetation, would be retained, officers are satisfied that the character of the area would not be so adversely affected as to justify refusal of planning permission. It is therefore considered that no objection could be raised on visual amenity grounds with regards to the introduction of the proposed dwelling into this location.

5.27 It is also considered that the proposed dwelling by reason of its design and external appearance is considered to be acceptable.

5.28 Concerns have been raised regarding the impact of the proposed alterations on the front elevation of the existing dwelling in order to create the new vehicular access. Whilst it is accepted that such an opening is not characteristic of nearby dwellings, officers consider that a refusal reason could not be justified on this basis since car-ports and archways to under-croft parking areas are common enough features in urban areas. It is noted that the Inspector for the latest appeal relating to PK10/0243/F raised no objection on visual amenity grounds.

5.29 Landscaping

At the time of planning application PK03/2542/F an objection was raised on the grounds that in the absence of full landscaping details the Council was unable to assess the impact of the proposed works. The Inspector however was of the opinion that the Council could have requested those details or made a judgement, and on the basis of the limited information available, did not consider that the trees that would be lost would make a significant contribution

to the amenity of the area. Although the Inspector did advise “*that I agree with the appellants that those along the southern boundary and part of the western boundary could probably be retained*”

5.30 Since the above decision, three trees on the site have had a Tree Preservation Order placed on them. The Council’s Tree Officer has previously noted that the submitted Arboricultural report outlines those trees which are to be removed from the site and those which are to be retained, and raised no objection to the proposals. The proposed development does however impact upon some of the retained trees and as such an Arboricultural Impact Assessment Method Statement and Tree Constraints Plan in accordance with BS:5837 has been submitted, the requirements of which can be secured by condition.

5.31 Transportation Issues

There is extensive planning history on this site and that includes a planning appeal in relation to planning application PK08/2642/F and a subsequent appeal decision relating to PK10/0243/F (which was allowed). The access proposals for the current scheme are the same as in the previous application (the turning area has been increased in size from that of PK08/2642/F).

5.32 A new shared under-croft access driveway is proposed (measuring at its narrowest point approximately 3.6m wide) to serve the existing house and the proposed bungalow. Car parking for both the existing dwelling and the new bungalow is proposed to the rear of the existing dwelling and now comprises hard-standings for a total of 4 cars (2 for each dwelling). The proposed access would be used by both pedestrians (including people with push chairs, etc.) and vehicles. It is estimated that the proposed additional dwelling would generate in the region of 7 vehicle movements per day and between 1 and 2 pedestrian movements per day along the proposed access; the Inspector for PK08/2642/F did not consider that this amount of traffic movement was significant.

5.33 With regard to PK08/2642/F, officers previously raised a number of concerns about the highway implications of the proposal to which the Inspector, in her decision letter, responded (paras. 7-9) as follows:

‘The appellant maintains that 2 vehicles can pass on the drive to the north and south of the under-croft access. The Council indicate that although a width of 4.1m is theoretically sufficient, there are hard structures immediately adjacent to the edge of the highway so that wing mirrors are unable to overhang. I consider that drivers will not try to pass each other when it is likely to be a finely judged manoeuvre, but instead wait on Highfield Road or on the proposed turning area within the appeal site to allow for vehicles to enter or leave the access drive. I find no harm to highway safety should vehicles wait within the site.

‘During my site visit I noted on-street parking on the south side of Highfield Road within the vicinity of the appeal site causing most traffic to pass in single file. If a vehicle needed to wait on Highfield Road and was unable to wait adjacent to the kerb, then, bearing in mind that Highfield Road serves as the only vehicular access for a number of cul-de-sacs and that this traffic has to pass the appeal site, any tandem waiting is likely to cause a temporary inconvenience to vehicles using Highfield Road.

However, bearing in mind the modest traffic generated by the proposed dwelling, I do not consider that this would give rise to any unacceptable harm to road users of Highfield Road.'

'Whilst visibility of vehicles emerging from the appeal site is restricted by the side walls of the under-croft, this is no different to vehicles emerging from the existing garage. Whilst this may lead to reversing manoeuvres onto Highfield Road on occasion, I see little difference between the manoeuvres potentially caused by the appeal proposal and those that may arise currently.'

- 5.34 The Inspector went on to conclude that the proposed turning area was adequate and that given the daily vehicle movements associated with the proposal, there would be no conflict between vehicles and pedestrians along the proposed drive or at its junction with Highfield Road.
- 5.35 The minimum parking standards for four bedroom dwellings, as now listed in The South Gloucestershire Council Residential Parking Standards is 2 spaces per dwelling with 3 being required for a 5 bedroom house. The site lies in a sustainable location, close to Chipping Sodbury Town Centre. The proposed hard-standings would provide 2 spaces for each of the existing and proposed dwellings with a fifth space being easily accommodated on-street. Furthermore successive Inspectors have not raised objections to the proposed parking provision. On this basis and given the sites sustainable location, officers raise no objection to the proposed parking provision.
- 5.36 The height of the under-croft is 3.3m, which would be plenty high enough to accommodate a Transit Van. The submitted plans now show a bin store located at within the front garden of no. 5. It is also proposed that a contractors' compound would be located at the end of the driveway during the construction phase.
- 5.37 Given the above, officers consider that on balance a refusal on highway grounds cannot in this case be substantiated.
- 5.38 Ecology
Further to the submission of an updated Ecological Report the Council's Ecologist raised no objection to the proposal. The report identifies potential for the loss of woodland and disturbance to birds and hedgehogs. Birds such as bullfinch and song thrush; and hedgehog are all listed on the South Gloucestershire Biodiversity Action Plan as species, which the Council will require or carry out work to enhance populations. In response to these issues the Ecological Report under "Impacts of Development" states the mitigation measures, which should be implemented in full. Subject therefore to a condition to ensure that the site is searched for hedgehogs prior to development and suitable mitigation measures should any be found, there is no objection on ecological grounds.
- 5.39 Drainage
The Council's Drainage Engineer raises no objection in principle to this application. An appropriate SUDS Drainage Scheme would be secured by condition.

5.40 Environmental Issues

An acoustic report has been commissioned by an appropriately qualified Acoustic Consultant. Noise has been assessed in accordance with guidance set out in BS8233:1999 and World Health Organisation guidance. The Council's Environmental Health Officer has inspected the report and concluded that the proposed attenuation measures are suitable to minimise disturbance on numbers 5 and 3 Highfield Road.

5.41 Affordable Housing

The proposal is for 1no. dwelling only, which is below the Council's threshold (15) for affordable housing provision.

5.42 Education Service

The proposal is for 1no. dwelling only, which is below the Council's threshold (5) for contributions to the Education Service.

5.43 Community Services

The proposal is for 1no. dwelling only, which is below the Council's threshold (10) for contributions to Community Services.

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 approval of planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That planning permission be GRANTED subject to the conditions listed on the Decision Notice.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and reenacting that Order with or without modification), no dormer windows or other alteration consisting of an addition or alteration to the roof of the dwelling hereby approved shall be constructed.

Reason

In the interests of the amenities of neighbouring occupiers and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan. 2006.

3. Prior to the commencement of development details/samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

4. The hours of working on site during the period of construction shall be restricted to 07.30hrs to 18.00hrs Mon to Fri; and 08.00hrs to 13.00hrs Sat, 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 curtilage of site.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved drainage scheme shall be implemented in full, prior to the first occupation of the dwelling hereby approved .

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. The approved vehicular access and car parking facilities, shown on the Site Plan Drawing No. 0812 02 Rev D hereby approved, shall be provided and surfaced in a permeable bound material, before the first occupation of the dwelling so approved, and thereafter maintained as such and used only in conjunction with the occupation of the buildings' purpose.

Reason

To ensure the satisfactory provision of access and parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and The South Gloucestershire Council Residential Parking Standards SPD (Adopted).

7. Prior to the commencement of the development hereby approved, a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of the area to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

8. Prior to the first occupation of the development hereby approved the refuse storage facilities shall be implemented in accordance with the details shown on Site Plan Drawing No. 0812 02 Rev D and shall be retained as such thereafter.

Reason

In the interests of the amenity of the locality and to accord with Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 respectively.

9. The development hereby approved shall be carried out in full accordance with the approved Tree Protection Plan/Arboricultural Assessment.

Reason

To protect the character and appearance of the area, including protected trees in accordance with Policy L1 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and SPD Note 'Trees on Development Sites) Adopted Nov. 2005.

10. The new dwelling hereby approved shall not be occupied until the acoustic fence and other acoustic mitigation measures have been erected and implemented in accordance with the plans and details hereby approved. Such measures shall thereafter be retained.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of the finished floor levels. Development shall be carried out in accordance with the approved details.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

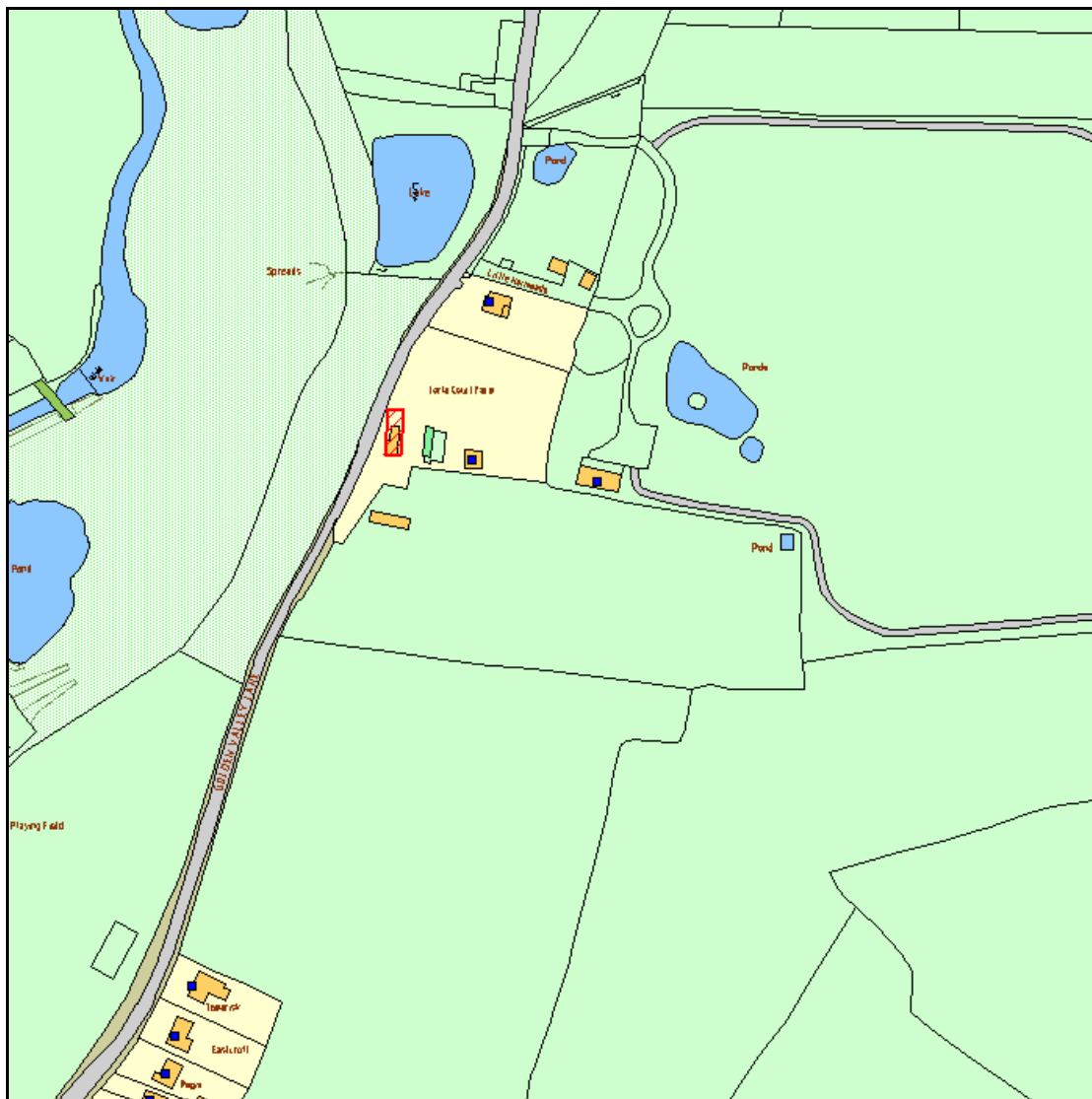
12. Immediately before the development hereby approved commences, the site shall be searched by a suitably qualified person for hedgehogs. Any hedgehogs found shall be moved to a suitable safe nearby location in accordance with the recommendations of the approved Ecological Survey.

Reason

In the interests of protected species to accord with Policy L9 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

CIRCULATED SCHEDULE NO. 16/14 – 16 APRIL 2014

App No.:	PK14/0278/F	Applicant:	Mr Stuart Hanks
Site:	Land At Phyllishades Golden Valley Lane Bitton South Gloucestershire BS30 6LE	Date Reg:	13th February 2014
Proposal:	Demolition of existing buildings. Erection of single storey replacement storage building.	Parish:	Bitton Parish Council
Map Ref:	368231 169615	Ward:	Bitton
Application Category:	Minor	Target Date:	8th April 2014



© 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.** **PK14/0278/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application appears on the Circulated Schedule following comments received from a local resident and the Parish Council.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the demolition of buildings and the erection of a single storey replacement storage building. The application site is located within the open countryside and within the Bristol/Bath Green Belt.
- 1.2 The application site is a field adjacent to Golden Valley Lane in Bitton, with signs of it having been a smallholding or market garden in the past.
- 1.3 During the course of the application concerns were expressed regarding the proposed size, massing and overall design of the proposed building. Following discussions, revised plans were received by the Council which reduced the overall size and changed the proposed appearance to one of a more simple design, more in-keeping with its rural location.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1	High Quality Design
CS5	Location of Development
CS8	Improving Accessibility
CS9	Environmental Resources and Built Heritage
CS24	Open Space Standards
CS34	Rural Areas

South Gloucestershire Local Plan (Adopted) January 2006 – Saved Policies

T12	Transportation Development Control
L1	Landscape Protection and Enhancement
E9	Agricultural Development

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)

South Gloucestershire Supplementary Planning Document: Green Belt (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 No planning history

4. CONSULTATION RESPONSES

4.1 Bitton Parish Council

Councillors remain unhappy about these proposals. It still does not look like a storage facility and is still too large as a replacement for existing even though changes have been made. There are still no height dimensions shown making it hard to scale online. Councillors agree that there are too many doors and rooflights and the open area is odd for safe storage on an unoccupied site. They continue to object strongly and support refusal of the application.

4.2 Other Consultees

Landscape Architect

No objection subject to conditions attached to the decision notice.

Highway Drainage

No objection

Sustainable Transport

No objection

Other Representations

4.3 Local Residents

One letter has been received from a local resident with the following points:

- There are no existing buildings on this site
- This is a protected area of green belt and the erection of this 'chalet' is for recreational use and not for 'storage' being equipped with a covered balcony and windows
- We have had cause to complain many times over the 9 years due to very noisy social events, anti-social behaviour, quad bikes and people staying the night in the summerhouse and caravan that are already on this land
- There are no height restrictions on these plans

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The proposal stands to be assessed against the above listed policies. Of particular importance is the site's location within the Green Belt. National Green Belt policy under the NPPF has five aims which help to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. Inappropriate development is by definition harmful and should be avoided except in very special circumstances. Saved policy E9 deals with agricultural buildings and any new development is required to meet a set of tests. These issues are covered in the report below and the proposal is considered acceptable.

5.2 Green Belt

Regard must be had to the purposes of the Green Belt and the NPPF (2012) states one of the main aims to be: *'to assist in safeguarding the countryside from encroachment'* (NPPF, 2012, Para 80). It goes on to say that *'inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances'* (NPPF, 2012, Para 87) and that *'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt'* (NPPF, 2012, Para 88).

5.3 Paragraph 89 of the NPPF discusses inappropriate development in the Green Belt and lists where exceptions can be considered. Buildings for agricultural use falls within those structures not considered inappropriate. The proposal is therefore acceptable providing it does not impact on the openness of the Green Belt.

5.4 The original submission attracted concerns from officers due to both the proposed increase in volume and the design of the single storey building. Revised plans removed the veranda, the roof overhang and posts to the front, lowered the overall height of the structure and reduced its footprint. These alterations were considered acceptable. Openings would be located in the east elevation only comprising a single door, a set of double doors and an open covered area. Two roof lights would allow natural light into the structure. These features are not unusual in agricultural buildings and as such the design is considered acceptable in this setting.

5.5 Conclusion

As the proposed building would be for agricultural use it is not inappropriate development in the Green Belt. The structure would be positioned at the edge of the field adjacent to an existing hedgerow and use the footprint of existing structures. Its overall design, scale and massing are considered to be acceptable and as such the proposal is deemed not to have a harmful impact on the openness of the Green Belt.

The proposal is therefore acceptable in principle subject to it meeting the test set out under Policy E9.

5.6 Agricultural building

Proposals for agricultural buildings will be permitted provided that:

- A: they are sited on land which is in use for agricultural purposes and there are no existing suitable underused buildings available; and
- B: adequate provision is made for access and manoeuvring of machinery and livestock to avoid the perpetuation, intensification or creation of a traffic hazard; and
- C: development would not have unacceptable environmental effects; and
- D: the proposal would not prejudice the amenities of people residing in the area

- 5.7 The application site currently has an agricultural use and includes some dilapidated greenhouses and outbuildings. It is therefore considered that there are no existing suitable underused buildings available for this proposed use on the site. The site is accessed off Golden Valley Lane with a shared access with the neighbouring fields to the south. Vehicles have the opportunity to move off the highway while, for example, gates are opened and closed. Adequate room for manoeuvring is provided within the site and Highway Engineers do not consider the proposal would result in the creation of adverse highway safety issues. Environmental protection officers have raised no concerns with regard to the proposal and given that the proposed structure would be approximately 38 metres from the closest dwellinghouse to the north, there would be no adverse impact on the residential amenity of these neighbours.

The proposal is considered to accord with the criteria of saved Policy E9.

5.8 Landscape Architect

The existing building, which is in a poor state of repair, is located within the site of a former market garden. The surrounding topography is fairly level, which reduces possible views of the proposed building. The eastern elevation of the building has a slightly domesticated appearance due to the porch, window and columns. However this elevation will not be visible in the wider landscape and the elevations that may be glimpsed through the hedge have a typical agricultural appearance. There is a hedge along Golden Valley Lane which will also help to screen the proposed building. However this hedge is in a poor state of repair and to remain effective as a screen needs to either be traditionally laid or inter-planted with new shrubs. The original building was considered too large and a reduction in the overall height and massing has been negotiated. As such Officers consider that there would be no landscape objection subject to a condition for a five year maintenance plan for the enhancement of the hedge to be submitted and approved by the LPA prior to development.

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 (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 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 written on the decision notice.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

2. Prior to the commencement of development a five year maintenance plan for the enhancement of the hedge adjacent to the proposed building hereby approved shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of the area and the hedge and to accord with saved Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The agricultural building subject to this planning application shall be used only for purposes associated with agriculture or horticulture related to the holding/field on which it is situated. At no time now or in the future shall it have any domestic usage whatsoever including the storage/garaging of domestic vehicles.

Reason

To maintain the rural character of the building in the interests of the visual amenity of the rural and Green Belt location to accord with saved Policy L1 and the South Gloucestershire SPD: Green Belt (Adopted) 2007.

CIRCULATED SCHEDULE NO. 16/14 – 16 APRIL 2014

App No.:	PK14/0778/ADV	Applicant:	Bommel UK Ltd
Site:	Smarts Green Roundabout St Johns Way Horse Street Chipping Sodbury BS37 6DF	Date Reg:	6th March 2014
Proposal:	Display of 4no. non-illuminated post mounted signs on roundabout.	Parish:	Sodbury Town Council
Map Ref:	373378 181907	Ward:	Chipping Sodbury
Application Category:	Minor	Target Date:	28th April 2014



© 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.** **PK14/0778/ADV**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the Circulated Schedule as a representation has been received which is contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks permission for the display of 5no. non-illuminated post-mounted signs.
- 1.2 The application relates to Smarts Green Roundabout which serves Cotswold Road, Horse Street, St Johns Way, Badminton Road, Blanchards and Smarts Green.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
The Town and Country Planning (Control of Advertisements) (England) (Amendment) Regulations 2007
- 2.2 South Gloucestershire Local Plan Core Strategy (Adopted) December 2013
CS1 High Quality Design
CS8 Improving Accessibility
- 2.3 South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies)
T12 Transportation

3. RELEVANT PLANNING HISTORY

- 3.1 PK05/3451/ADV - Erection of 4no. non illuminated advertising panels.
Approved 20th January 2006

4. CONSULTATION RESPONSES

- 4.1 Sodbury Town Council
Members consider street clutter should be reduced and for this reason object to the application.
- 4.2 Transportation DC
No objection

Other Representations

- 4.3 Local Residents
One letter of objection has been received from a local resident. The comments are as follows:
 - Surely we have enough signs and other clutter on the roads without adding to them gratuitously.
 - I have read that the latest thinking is that a reduction in signage improves road safety by removing distractions for drivers.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The National Planning Policy Framework states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements that will clearly have an appreciable impact on a building or their surroundings should be subject to the Local Planning Authorities detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

5.2 Public Safety

The proposed signage is in line with the reduced size agreed within the first round of applications in 2013. These reduced scale signs have already been approved in a number of locations throughout South Gloucestershire.

5.3 Although concern has been raised in relation to the potential distraction the signs could cause to road users it is noted that the Transport Officer has raised no objection. It is considered that the location, scale and design of the proposed signs would not cause a hazard to safe and free flow of traffic in this locality and there is no evidence to suggest that these types of signs are detrimental to highway safety. Accordingly there are no objections on grounds of highway safety.

5.4 Visual Amenity

The application proposes 5no. non-illuminated post-mounted signs, which have a dimension of 0.5m by 1m and a maximum height from ground level of 0.8m. The application site consists of a large five junction roundabout which is laid to grass with some minimal central tree planting. The area immediately surrounding the roundabout is relatively green and open with residential development beyond. The proposed signage is similar to existing roundabout signage seen elsewhere in South Gloucestershire.

5.5 Due to the small scale and simple design of the proposed signs it is considered that the proposal would not have a detrimental impact on the visual amenity of the roundabout, the planting or the surrounding area. Although the immediate locality is relatively open in character it is considered that the scale of the signage is such that it would not significantly detract from the character of the locality. In accordance with guidance contained within the NPPF there are no objections on grounds of visual amenity, as the signs would not have an appreciable impact on the surroundings.

5.6 Cumulative Impact

The proposal has been considered cumulatively within the locality. The only signage within the locality are existing directional and road signs. The signs have been considered cumulatively and it is considered that they would not result in a significant cumulatively detrimental impact to the visual amenity of the locality.

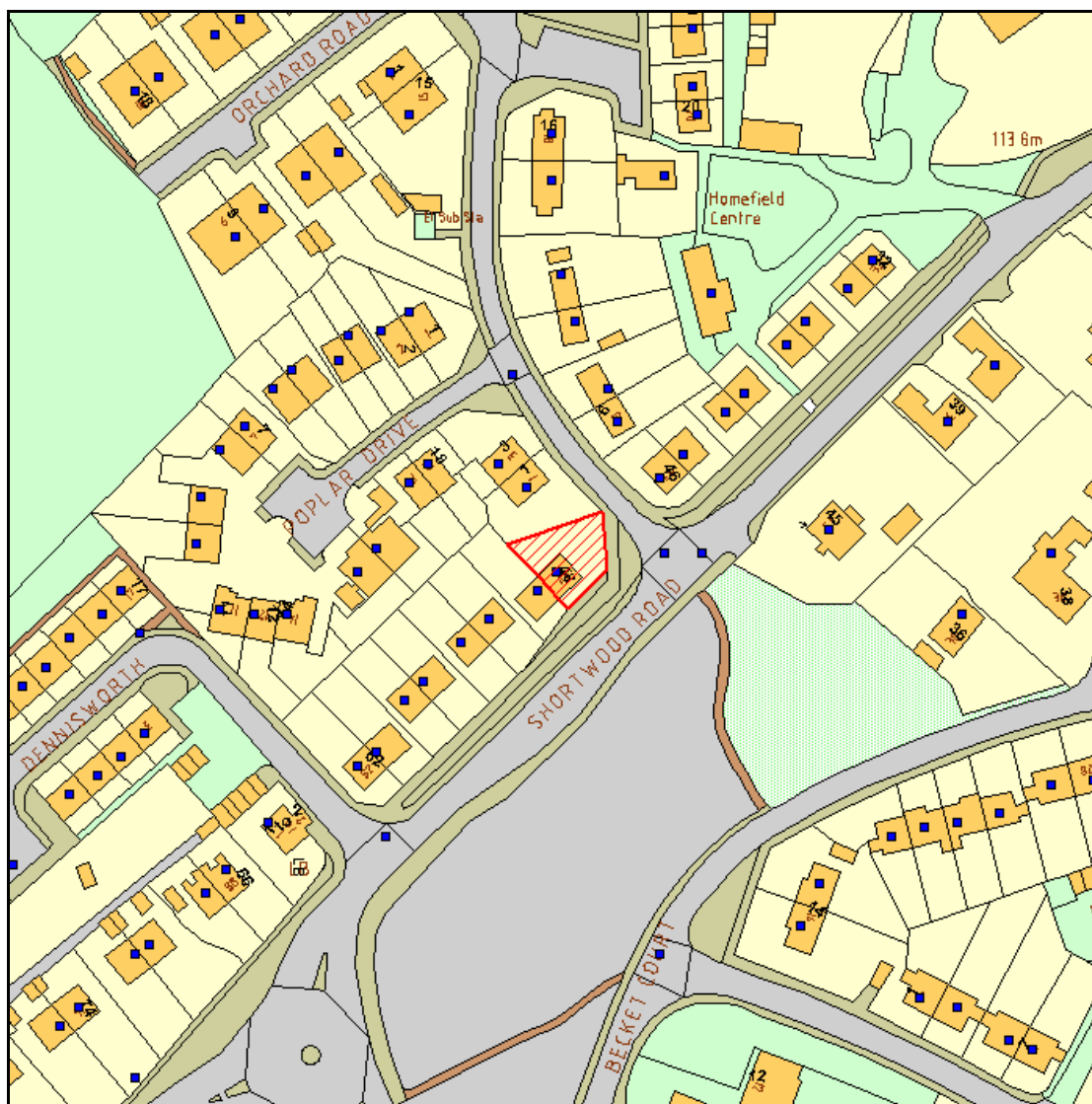
6. RECOMMENDATION

6.1 That the application is APPROVED.

Contact Officer: Sarah Fordham
Tel. No. 01454 865207

CIRCULATED SCHEDULE NO. 16/14 – 16 APRIL 2014

App No.:	PK14/0853/CLP	Applicant:	Mr Viv Padden
Site:	48 Shortwood Road Pucklechurch Bristol South Gloucestershire BS16 9PJ	Date Reg:	17th March 2014
Proposal:	Application for Certificate of Lawfulness for the proposed erection of a single storey rear extension.	Parish:	Pucklechurch Parish Council
Map Ref:	369718 176237	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	8th May 2014



© 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.** **PK14/0853/CLP**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is for a Certificate of Lawfulness, and as such, according to the current scheme of delegation, is required to be taken forward under the Circulated Schedule procedure.

1. THE PROPOSAL

1.1 The applicant is seeking a formal decision as to whether the proposed erection of a single storey rear extension at 48 Shortwood Road, Pucklechurch would be lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008. .

1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning (General Procedures) Order 1995 Article 24 Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Schedule 2, Part 1, Class A.

3. RELEVANT PLANNING HISTORY

3.1 No planning history

4. CONSULTATION RESPONSES

4.1 Pucklechurch Parish Council
No objection

Other Representations

4.2 Highway Drainage
No comment

4.3 Local Residents
No response received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

5.1 PLANS
Existing floor plans – 01
Existing elevations – 02
Proposed ground floor and first floor plans – 03
Proposed elevations - 04
Site location and block plan – 05

6. EVALUATION

6.1 Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for Planning Consent. Accordingly there is no consideration of planning merit, the planning application is based on the facts presented. The submission is not a planning application and thus the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.

The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the GDPO 2008.

- 6.2 The proposed development consists of a single story rear extension. This development would fall under the criteria of *Schedule 2, Part 1, Class A, of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008* (The enlargement, improvement or other alteration of a dwellinghouse). This allows for the enlargement, improvement or other alteration of a house, provided it meets the criteria as detailed below:

6.3 Erection of a single-storey rear extension

A1 Development is NOT permitted by Class A if –

- (a) **As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);**
The proposed rear extension would not exceed 50% of the total area of the curtilage.
- (b) **The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;**
The proposed would be single storey reaching 3.4 metres at its highest part. The proposal therefore accords with this criterion.
- (c) **The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;**
Being single storey, the height of the eaves of the proposed extension would not exceed the height of the eaves of the main dwelling and as such meets this criterion.

- (d) The enlarged part of the dwellinghouse would extend beyond a wall which—**
- (i) fronts a highway, and**
 - (ii) forms either the principal elevation or a side elevation of the original dwellinghouse;**

The proposed extension would be to the rear of the dwelling not on a principle or side elevation and not fronting a highway, as such the proposal accords with this criterion.

- (e) The enlarged part of the dwellinghouse would have a single storey and—**
- (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**
 - (ii) exceed 4 metres in height;**

The application site is a two-storey semi-detached property. The proposed extension would be single storey and extend approximately 2.7 metres from the rear of the dwelling and therefore meets this criterion.

- (ea) Until 30th May 2016, for a dwellinghouse not on article 1(5) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and –**

- (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse or**
- (ii) exceed 4 metres in height**

The proposed extension would be single storey and extend approximately 2.7 metres from the rear building line.

- (f) The enlarged part of the dwellinghouse would have more than one storey and**
- (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, OR**
 - (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;**

The proposal is single storey.

- (g) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;**

The proposal would be within two metres of a boundary but the eaves height would be approximately 2.2 metres and as such the proposal meets this criterion.

- (h) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would:**
- (i) exceed 4 metres in height**
 - (ii) have more than one storey, or**
 - (iii) have a width greater than half the width of the original dwellinghouse; or**

The proposal would extend off the rear elevation of the dwelling only.

- (i) **It would consist of or include—**
- (i) **The construction or provision of a veranda, balcony or raised platform,**
 - (ii) **The installation, alteration or replacement of a microwave antenna,**
 - (iii) **The installation, alteration or replacement of a chimney, flue or soil and vent pipe, or**
 - (iv) **An alteration to any part of the roof of the dwellinghouse.**
- The proposal does not include any of the above and consequently meets this criterion.

A2 In the case of a dwellinghouse on article 1(5) land, development is not permitted if:

- (a) **It would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebbledash, render, timber, plastic or tiles :**
- (b) **The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or**
- (c) **The enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse.**
The site is not located within article 1(5) land and as such the proposal meets this criterion.

CONDITIONS

A3 Development is permitted by Class A subject to the following conditions:

- (a) **The materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;**
The proposal would be finished in materials to complement those of the existing dwellinghouse.
- (b) **Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be—**
 - (i) **obscure-glazed, and**
 - (ii) **non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and**
The proposal does not include the installation of an upper floor window to the side elevation.

- (c) **Where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.**

The proposal would be single storey

- A4 Conditions apply to development falling under A1 (ea). These include:**
Development shall be completed on or before 30th May 2016 and the developer shall notify the local planning authority of the completion of the development.

7. RECOMMENDATION

- 7.1 That a certificate of Lawfulness for Proposed Development is **GRANTED** for the following reason:

Evidence has been provided to demonstrate that the development falls within permitted development with the curtilage of the dwellinghouse under Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CIRCULATED SCHEDULE NO. 16/14 – 16 APRIL 2014

App No.:	PK14/0986/F	Applicant:	Mr And Mrs Bidwell
Site:	6 Emerson Way Emersons Green Bristol South Gloucestershire BS16 7AS	Date Reg:	18th March 2014
Proposal:	Erection of two storey side extension and front porch to form additional living accommodation. Erection of single storey extension to detached garage to form store.	Parish:	Mangotsfield Rural Parish Council
Map Ref:	366613 177562	Ward:	Emersons Green
Application Category:	Householder	Target Date:	8th May 2014



© 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.** **PK14/0986/F**

CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following comments from local residents.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of two storey side extension and front porch to form additional living accommodation and the erection of single storey extension to detached garage to form store.
- 1.2 The application site relates to a two-storey detached property situated within the modern development at Emersons Green.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1 High Quality Design
CS5 Location of Development

South Gloucestershire Local Plan (Adopted) January 2006 – Saved Policies

H4 Development within Existing Residential Curtilages, Including
Extensions and New Dwellings
T12 Transportation Development Control

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted 2007)

3. RELEVANT PLANNING HISTORY

- 3.1 K7528 Comprehensive development for residential/district
centre/public house /restaurant/roads/footpaths/open space and
other associated uses (outline)
Approved 5.10.95

4. CONSULTATION RESPONSES

- 4.1 Mangotsfield Rural Parish Council
No objection
- 4.2 Other Consultees
- Highway Drainage
No objection

Sustainable Transport

No objection

Other Representations

4.3 Local Residents

Two letters have been received from local residents:

- We have no objections to the planning application, however, have concerns that busy thorough fare of Emersons Way may be compromised during any building works. Expect all vehicles (the occupants and building trade) to be parked safely and not to either block drive ways or limit visibility. We accept that deliveries may cause a momentary obstruction
- The projected two story extension will reduce the amount of light and sun within my conservatory and in my garden and therefore my quality of life in my opinion was never intended for a house of the size proposed.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The proposal stands to be assessed against the above policies. Policy CS1 of the South Gloucestershire Core Strategy (Adopted) 2013) states that all development will only be permitted where the highest possible standards of design and site planning are achieved. Proposals will be required to demonstrate that they respect and enhance the character, distinctiveness and amenity of the site and its context; is well integrated with existing and connected to the wider network of transport links; safeguards existing landscape/nature/heritage features; and contributes to relevant strategic objectives.

Saved Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity.

The proposal is considered to accord with the principle of development.

5.2 Design and Visual Amenity

The existing dwellinghouse benefits from a detached double garage positioned in front of and at ninety degrees to the main house thus separating it from the busy highway of Emersons Way. The proposal consists of a small porch to the front, an extension to the east elevation of the garage and a two-storey side extension to the south elevation of the main house. In addition a small dormer window would replace an existing window and be situated above the proposed porch area.

- 5.3 Currently, the property has an 'L' shaped footprint with a large gable feature projecting from the front elevation. The proposed two-storey side extension would extend past the existing building line, but would not reach as far as the end of the existing front gable. As such this extension, in combination with the small front porch extension would retain the 'L' shape footprint but to a lesser degree than at present.

- 5.4 As part of the alterations and to accommodate the front porch the roofline would be extended over the porch area and a small dormer window installed above. The two-storey side extension would have a ridge height lower than that of the main dwelling, making it suitably subservient to it and would have a smaller gable to the front. Overall the side extension would measure approximately 4.2 metres wide, 8.1 metres in length with a maximum height of 6.5 compared with the existing ridge height of 7.8 metres. Other than one ground floor window to the south elevation, openings would be located in the west and east elevations.
- 5.5 The proposed extension to the garage would be to the east of this structure closest to the main road. The hipped roof structure would measure approximately 2.4 metres by 2.7 metres, its purpose being for the storage of bikes.
- 5.6 Good quality materials to match those of the existing dwellinghouse and garage would be used in the construction. The appearance, scale and massing of the proposal is considered to accord with design policy and is therefore acceptable.
- 5.7 Residential Amenity
The proposal has attracted comments from local residents. With regard to the potential impact on the highway resulting from inconsiderate parking, the enforcement of this is not something that is within the remit of a planning application. Should there be any issues with road safety then the Police Authority should be contacted to deal with the problem. A condition will be attached to the decision notice indicating the hours of construction and deliveries that must be adhered to.

Further comments received express concern regarding the proposed size of the development and that it would impact on the amount of light and sun entering this neighbour's garden and conservatory thereby impacting on the quality of life. This particular neighbour is situated to the north of the application site with the existing house in between the neighbour and the proposed extension. Given this the proposal would be unlikely to create any changes over and above the existing situation.

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 (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 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 written on the decision notice.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

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. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 08:00 to 18:00 Monday to Friday or 08:00 to 13:00 on Saturdays; nor at any time on Sunday or Bank Holidays.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with saved Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule following an objection from the Parish Council.

1. THE PROPOSAL

- 1.1 The applicant seeks permission to remove condition 1 attached to planning permission P94/2476 relating to an agricultural tie.

The condition reads:

The occupancy of the dwelling shall be limited to a person solely or mainly working or last working in the locality in agriculture or in forestry or an agricultural contractor or widow or widower of such as person and to any residents dependants.

- 1.2 The application relates to a 20th century, Bradstone and concrete tiled detached bungalow situated outside the settlement boundary of Littleton Upon Severn. The building occupies a prominent, elevated, rural position to the west of the grade II* listed, 14th century Parish Church of St Mary of Malmesbury and to the east of the grade II* listed, 17th century Corston Farmhouse. The property is accessed via a lane leading to the church

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1 High Quality Design
CS5 Location of Development
CS8 Improving Accessibility
CS9 Environmental Resources and Built Heritage

South Gloucestershire Local Plan (Adopted) January 2006 – Saved Policies

H3 Residential Development in the Countryside
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
H9 Removal of an Occupancy conditions on Agricultural or Forestry Worker's Dwelling
T12 Transportation Development Control

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted 2007)
South Gloucestershire Supplementary Planning Document: Green Belt (Adopted) 2007
South Gloucestershire SPD: Residential Parking Standards (adopted) 2013

3. RELEVANT PLANNING HISTORY

- | | | |
|-----|-------------------------------|---|
| 3.1 | PT08/1953/F
Refused | Erection of single storey rear extension and loft conversion to form additional living accommodation.
18.8.08 |
| 3.2 | PT02/0800/PNA
No objection | Erection of agricultural building.
30.4.02 |
| 3.3 | P94/2476
Approved | Amendment to condition (c) attached to N4772/1 to include agricultural contractors, within the agricultural occupancy condition.
9.11.94 |
| 3.4 | P86/1483
Approved | Erection of single storey side extension to form single garage.
21.5.86 |
| 3.5 | N4772/1
Approved | Erection of an agricultural workers bungalow and formation of a vehicular access (in accordance with the revised plan No. S150/1E received by the Council on the 22nd January, 1979).
25.1.79 |
| 3.6 | N4772
Approved | Erection of agricultural workers bungalow with integral garage; construction of new vehicular and pedestrian access. Installation of septic tank (in accordance with plan No. 150/1c).
17.8.78 |

4. CONSULTATION RESPONSES

4.1 Aust Parish Council

While the Council has sympathy with the applicant, I am writing on behalf of the Parish Council to object to this application. The grounds for doing so are as follows:

- 1 There is a shortage of agricultural workers dwellings in this parish as is evidenced by the fact that permission has recently been given for one in Elberton and for a temporary house Littleton. There is clearly demand and need for a limited number in this parish.
- 2 The application says that offers were made for this property from persons who would qualify, but the agent suggests that those interested were unable or unwilling to meet the agents' price expectations. This property should be sold in the market appropriate to it, which is for dwellings with a tie such as it has. A house in this position without a tie would no doubt fetch a lot of money – this is a sought after village. The value of a tied house has no relationship to that of an open market one and the seller's expectations of a windfall profit from removing the tie should not be fulfilled. The agents say that a qualifying offer was made

of £246,000 for this property, which was rejected. That would seem a fair price for this property with this tie.

- 3 The tie on this property is in any event wider than many, and would allow an agricultural contractor to live in it. It is not clear that that market has been adequately explored.
- 4 While the applicant's agent has produced proforma letters from a number of local farmers, only one of them farms in Littleton, who already has two tied properties on his holding.

4.2 Other Consultees

Conservation Officer

No objection

Highway Drainage

No comment

Other Representations

4.3 Local Residents

11 pro forma letters have been received by the Council signed by ten local farmers stating they

- have no interest what so ever in purchasing the property

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Saved Policy H9 deals with the removal of an occupancy condition on an agricultural or forestry worker's dwelling. A set of stringent criteria need to be met. This is dealt with in the report below.

Policy CS1 of the South Gloucestershire Core Strategy (Adopted) 2013) states that all development will only be permitted where the highest possible standards of design and site planning are achieved. Proposals will be required to demonstrate that they respect and enhance the character, distinctiveness and amenity of the site and its context; is well integrated with existing and connected to the wider network of transport links; safeguards existing landscape/nature/heritage features; and contributes to relevant strategic objectives.

Saved Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity.

In addition saved Policy T12 seeks to ensure that development will have no adverse impact on highway safety and residential parking standards have been revised under supplementary planning guidance adopted 2013.

5.2 Background information

In 1978 permission was granted for an agricultural workers bungalow with the following condition attached:

The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in the locality in agricultural as defined in s.290(1) of the Town and Country Planning Act 1971 or in forestry (including any dependents of such a person residing with him) or a widow or widower of such a person.

With reason being:

The site is not in an area intended for general development, permission is granted to the present proposal solely because the development is required to house a person (or persons) employed in agriculture.

- 5.3 In approximately 1994 the property, Severn View was separated from Corston Farm and at that time a variation of the above condition was granted. This gave permission for the current applicant and her partner, a self-employed agricultural contractor in the locality owning his own digging machine used for agricultural ditching as well as other work, to occupy the premises. The justification for this variation is explained below with quotes from the Officer report at the time which stated:

The site lies within an area where residential development would not normally have been allowed unless special justification was given, for example, where it was essential for a farm worker to live at or near their place of work. However, the nature of agriculture and agricultural employment has changed significantly over the last few years and much of the work is contracted out by farmers rather than employing agricultural workers. The need for strictly agricultural workers dwellings has, in some respects, reduced but the number of agricultural contractors has increased. They do, however, have an important role to play in the rural economy.

Applications for the removal of occupancy conditions should be considered on the basis of realistic assessments of the continuing need for them bearing in mind that it is the need for a dwelling for someone solely mainly or last working in agriculture in an area as a whole and not just on the particular holding that is relevant.

- 5.4 It was therefore concluded that the variation of the condition to include agricultural contractors would be acceptable. The amended condition read:

The occupation of the dwelling shall be limited to a person solely or mainly working or last working in the locality in agriculture or in forestry or an agricultural contractor or a widow or widower of such a person and to any residents dependents.

Reason:

The site is not in an area intended for general development, permission is granted to the present proposal solely because the development is required to house a person (or persons) employed in agriculture, or an agricultural contractor.

Additional notes attached to the decision notice gave the definition of an agricultural contractor as

...a self employed worker operating in the locality in connection with agriculture as defined in Section 336(1) of the Town and Country Planning Act 1990.

- 5.5 Details with this application state that in subsequent years Corston Farm was sold and the applicant's partner at the time was an agricultural contractor who also rented 100 acres of land at Almondsbury to undertake an arable farming enterprise. The tenancy expired in 2010 and the land taken back by the landlord.
- 5.6 In 2009 the applicant's partner left the property. Account records show trading history from 2002 to 2009 which it has been stated indicate the combined farming and agricultural enterprise was not profitable. The applicant now wishes to sell the property.
- 5.7 Removal of an occupancy condition
Policy H9 states proposals for the removal of an occupancy condition on an agricultural or forestry worker's dwelling will not be permitted unless the criteria as set out below are met. Advice has been sought from Acorus, independent rural chartered surveyors which has been used to inform the below section :
- 5.8 **A: There has been a genuine and unsuccessful attempt to market the property at a realistic price reflecting the occupancy condition; AND**
It is confirmed that the property has been marketed at the current guide price of £300,000 since May 2013. Details show that following various forms of marketing including local and national press and magazines and the agent's website, a total of 15no. viewings (details accurate up to application being received) have taken place. Two offers have been received with £246,000 being rejected as being too low and the second of £280,000 rejected due to there being insufficient evidence that the buyer could comply with the occupancy condition. In addition this second offer was subject to that party selling their own property.
- 5.9 The property has been marketed for a total of approximately 10 months. Sub-text in policy H10 suggests a consecutive period of 12 months to be a suitable period for marketing. The NPPF (2012) takes a more pragmatic approach and as such the period of over 10 months marketing is considered reasonable.
- 5.10 With regard to the price, the independent advisor has confirmed that a discount of up to 33% has been used to reflect the occupancy condition and this is considered appropriate. It is noted, however, that the guide price has not been adjusted since first being marketed in May 2013. It would not be unreasonable to see a reduction in the guide price.

The intention of an agricultural worker / contractor condition is to protect affordable agricultural dwellings for agricultural workers. The independent valuer calculates the minimum wage for a 21 year old employed in agriculture is approximately £15,000 per annum (allowing for National insurance and Employers Liability Insurance). He goes on to state that it is likely that a lending institution would require a deposit of 20% (in this case that would amount to £60,000) and a repayment mortgage of £240,000 at 5% over 25 years with an annual cost calculated to be approximately £17,000. It can be seen that even without the difficulties of finding the high deposit, the annual payments would be prohibited for such a person.

5.11 However, it can be surmised from analysis of the marketing details it has been the tie that has been the onerous factor and not the price. It is not unreasonable for a vendor to reject a low offer given that the concept of the agricultural condition is intended to enable those needing to live on a farm to do so as an exception to the normal presumption against new dwellings in the countryside and not as a means to enable those who are financially less well off to live in the countryside.

5.12 **B: It can be demonstrated that there is no agricultural or forestry need for the dwelling on the holding, nor is a need likely to arise in the foreseeable future; AND**

In addition to the 3 no. bed house, the property also benefits from a paddock of approximately 1acre and a storage building. It is stated that the land is poor quality grassland, that there is no opportunity of creating a viable agricultural enterprise at the holding and its viability is therefore dependent on securing additional land or being used in conjunction with an existing agricultural holding.

5.13 Full accounts have been maintained up to 2009 which show the business sustained a history of losses from 2002 to 2009. The need for an agricultural dwelling should be based on the current agricultural enterprises which are being carried out. Given there are no enterprises being undertaken on the site, there is no such labour requirement and as a result no need for a tied dwelling of this nature on the holding. In addition there is limited opportunity to create a viable agricultural enterprise in the future without significant capital investment, as such with regard to the longer term need it is deemed that there is no longer a need on the holding for an agricultural dwelling.

5.14 **C: It can be demonstrated that there is no agricultural or forestry need within the locality.**

It is noted that there appears to have been no substantive direct survey undertaken in the area to assess local agricultural and horticultural need for key worker accommodation, however, 11no. letters have been received from local farmers and farm workers confirming they have no interest in the property. It is noted that comments received state the Council continues to receive applications for agricultural workers dwellings. However, these applications generally relate to the need on a particular holding with the proposed unit of accommodation sited within the immediate area to meet the functional need. As stated above this would not be the case in this instance.

5.15 Conservation Comments

- The position and orientation of the building is such that it is seen from the entrance to the churchyard and also in the foreground of views from the churchyard to the grade II* listed Corston Farmhouse. Although not intentional or designed, the inter-visibility between the two, nationally important, designated heritage assets makes an important contribution to their character, significance and setting. This has been severely compromised by the presence of the bungalow, by virtue of its inappropriate location, form, design and use of materials.
- 5.16 The reason for the imposition of the agricultural workers condition was that the site is not in an area intended for general development without "very special circumstances" being demonstrated. The "very special circumstances" previously accepted were that the dwelling was required to house an agricultural worker. Whether the impact on the setting of the two heritage assets factored into this original assessment is not made clear in the officer's report. The concept of setting and significance of heritage assets may not have been fully appreciated at the time of the original permission, but both buildings were listed at the time of the original application for an agricultural workers dwelling and the impact of new development on the character and appearance of their surroundings may have contributed to the conclusion that the site is not in an area intended for general development.
- 5.17 Under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, planning authorities must have special regard to the desirability of preserving heritage assets and their setting, and this is reinforced through the NPPF and policies CS9 and L13 of the Core Strategy and Local Plan respectively. The setting of heritage assets is now defined as 'the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve'.
- 5.18 The removal of the agricultural condition would essentially be permitting a permanent residential dwelling of an incongruous form, design and appearance in what is a highly sensitive location and which has been consistently described as an area not intended for general development. This appears to be a quirk in the system in the sense that Officers understand the building has now become a lawful structure in planning terms and the condition simply covers the intended use and occupation. The harm to the setting of the listed buildings should have been considered as part of the original permission but it is regrettable that it is not possible to reverse this harm by securing the removal of the building now that the original justification for its existence has disappeared. A recommendation of refusal would maintain the status quo whereas a recommendation of approval could potentially open up the scope for redevelopment of the site. The latter would, however, have to be considered against the relevant policies covering Green Belt & Listed Buildings and there may be opportunities to improve the situation or mitigate the harm.

5.19 Overall Conclusion

The proposal has been assessed under the relevant policy. On balance it is considered that the removal of condition 1 attached to previous planning application P94/2476, has been shown to meet the tests under saved Policy H9: The marketing period is deemed to be acceptable and the price reflects the agricultural occupancy condition. It has been demonstrated that there is no agricultural need on the unit.

The application site is located in a sensitive area between two listed buildings and would not be supported in its current form if a similar application were to be received today. Its refurbishment is to be encouraged to reflect the importance of its siting and achieve an appearance more in-keeping with the character of its immediate surroundings.

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 (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 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 attached to the decision notice.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

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).

CIRCULATED SCHEDULE NO. 16/14 – 16 APRIL 2014

App No.:	PT14/0708/TRE	Applicant:	Mr Ralph Hill
Site:	11 Warwick Place Thornbury South Gloucestershire BS35 1EZ	Date Reg:	4th March 2014
Proposal:	Works to remove 1no. Walnut tree covered by Tree Preservation Order TPO/39 dated 14/12/1971.	Parish:	Thornbury Town Council
Map Ref:	363365 190439	Ward:	Thornbury North
Application Category:		Target Date:	24th April 2014



© 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.** **PT14/0708/TRE**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the circulated schedule as a representation has been made, which is contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks consent to remove 1no. Walnut tree covered by a Tree Preservation Order. The tree is protected by SGTPO 39 dated 14 December 1971.
- 1.2 The tree is located within the curtilage of 11 Warwick Place on the rear boundary with No. 10 Warwick Place. The site is located within Thornbury Conservation Area.
- 1.3 This tree has been subject to various works since 1998. A second application has been submitted by the landowner in relation to the same protected Walnut tree (Ref. PT14/0759/TRE).

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning Act 1990
The Town and Country Planning (Tree Preservation) (England) Regulations 2012

3. RELEVANT PLANNING HISTORY

- 3.1 P98/2335/T Reduce and reshape walnut tree covered by Gloucestershire County Council (Thornbury House, Castle Street) Tree Preservation Order 1971. Approved 16th October 1998
- 3.2 PT04/1069/TRE Works to (T4) Walnut tree - reduction of height and spread by approximately 2 metres. Tree covered by the South Gloucestershire Tree Preservation Order dated 16 April 1992. Approved 27th April 2000.
- 3.3 PT07/1001/TCA Works to (T4) walnut tree - Reducing height and spread by 30%, tree is covered by South Gloucestershire Tree Preservation Order dated 16th April 1992. Approved 8th May 2007.
- 3.4 PT10/0955/TRE Works to re-pollard to previous pollard points, an overall reduction of 40% and thin out previous pollard knuckles by 33% 1no. Walnut tree covered by Tree Preservation Order TPO39 dated 14 December 1971. Approved 21st June 2010.

- 3.5 PT14/0759/TRE Works to re-pollard and thin pollard points, reducing crown of tree by approximately 50%, also shorten or remove lower branches overhanging neighbouring garden 1no. Walnut tree covered by Tree Preservation Order TPO/39 dated 14 December 1971.

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
No objection
- 4.2 Tree Officer
No objection

Other Representations

- 4.3 Local Residents
Two objections received stating they do not want it felled; only the crown reduced as the Walnut tree still fruits and the owner of the tree was not consulted prior to this application.

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks consent to undertake works to a protected tree.
- 5.2 Principle of Development
The only issues to consider are whether the proposed works would have an adverse impact on the health, appearance, or visual amenity offered by the tree to the locality and whether the works would prejudice the long-term retention of the specimen.
- 5.3 Consideration of Proposal
The Walnut tree is located at the bottom of the garden of no. 11 Warwick Place and next to a footpath which appears to serve houses no. 8 – 13 Warwick Place. The rear of these properties is adjacent to agricultural land and attractive open countryside.
- 5.4 It has transpired that two applications have been submitted proposing different works to the same protected walnut tree. Application Ref. PT14/0759/TRE proposes to re-pollard and thin pollard points, reduce the crown and shorten/remove lower branches overhanging into the neighbouring garden. It appears that there is a dispute concerning whether the tree should be maintained or removed and this is a civil issue which the Council would not intervene. It should be noted that only the landowner can execute the proposed works and the merits of each application will be assessed separately.
- 5.5 The Tree Officer has assessed this proposal and given the location of the tree and its history of heavy pruning, they have no objections to removing the tree altogether.

5.6 On this basis and for the reasons set out above, consent for these works is approved.

6. **RECOMMENDATION**

6.1 It is recommended that consent be APPROVED.

Contact Officer: Katie Saunders
Tel. No. 01454 863436

CONDITIONS

1. The works hereby authorised shall be carried out within two years of the date on which consent is granted.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

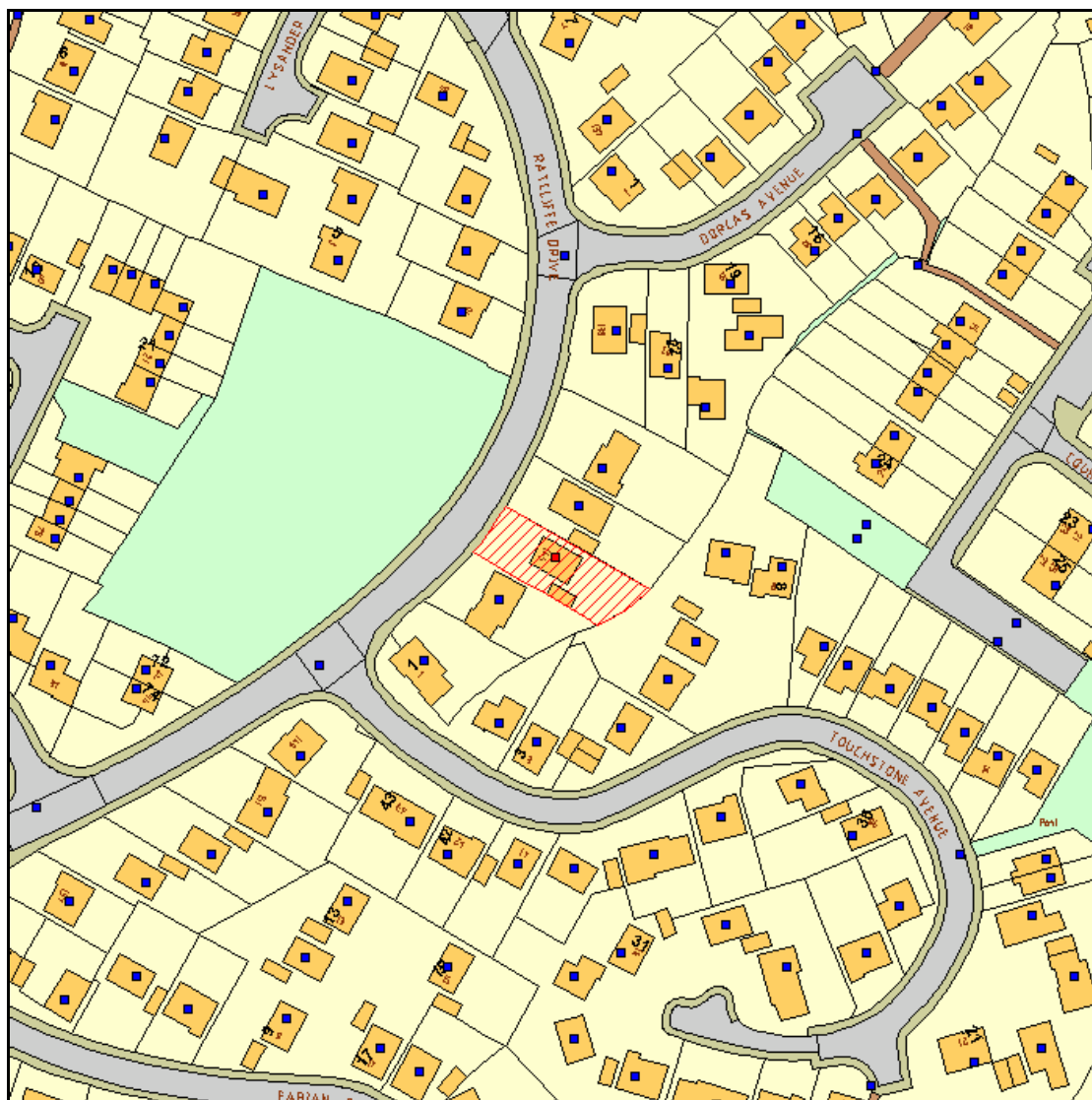
2. The works hereby authorised shall comply with British Standard 3998: 2010 - Recommendations for Tree Work.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

CIRCULATED SCHEDULE NO. 16/14 – 16 APRIL 2014

App No.:	PT14/0757/F	Applicant:	Mr Robb Cameron
Site:	145 Ratcliffe Drive Stoke Gifford Bristol South Gloucestershire BS34 8TZ	Date Reg:	6th March 2014
Proposal:	Erection of log cabin in rear garden. (Resubmission of PT14/0019/F).	Parish:	Stoke Gifford Parish Council
Map Ref:	362516 180212	Ward:	Stoke Gifford
Application Category:	Householder	Target Date:	28th April 2014



© 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.** **PT14/0757/F**

- 3.3 N2483 Approved 13/07/1976
Master plan in connection with development of approximately 174 acres of land for residential and ancillary purposes.

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
Objection Proposal is out of keeping with the local area and the roof should be lowered.
- 4.2 Drainage
No comment
- 4.3 Public Rights of Way
Will not affect public right of way that runs along pavement to the front of the property.

Other Representations

- 4.4 Local Residents
Four comments of objection have been received that raise the following points
- - Additional noise and disturbance
 - Application does not address power supply to the cabin or rainwater discharge
 - Application PT08/1754/F was refused by the council and should set a precedence for this application being refused too
 - Development is excessive in scale
 - Development is overbearing
 - Development would reduce/harm privacy
 - Increase in density
 - Objection to the types of activities to be undertaken in cabin
 - Proposal is incongruous
 - Questions use of double glazed units and velux roof lights
 - Works have been started prior to planning permission being granted
 - Would be detrimental to the area
 - Would disturb a tree

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for the erection of a log cabin at a residential property in Stoke Gifford.
- 5.2 Principle of Development
Development within existing residential curtilages is managed through policy H4 of the Local Plan. This policy is supportive of development subject to an assessment of design, amenity and transport. In this instance, as the development does not affect the existing parking arrangements or lead to a material increase in the number of bedrooms at the property (and therefore the

parking requirements of the site), transport is not relevant in the determination of the application.

5.3 Therefore the proposal will be determined against the analysis set out below.

5.4 Design

It is proposed to erect a log cabin and this directly affects the design of the structure. The cabin is to be erected from timber logs of approximately 45mm in diameter, stacked on top of one another to form the walls with a shingle roof. The appearance of the structure therefore resembles a log cabin. Whilst this is not necessarily the 'norm' of architecture in the locality it is a fairly inoffensive building style which will naturally weather over time and which is subservient in nature to the brick built houses and bungalows that surround it.

5.5 Whilst the cabin may be subservient by nature of the external appearance and materials, it is not a small building. The cabin would measure 4.5 metres in width and 6.7 metres in depth, with an eaves height of 2.5 metres and an overall height of 3.8 metres.

5.6 However, despite these measurements (and the removal of permitted development rights) the proposed building only fails to accord with Class E of Part 1 of the GPDO because it is within 2 metres of the boundary or the curtilage and exceeds 2.5 metres in height.

5.7 Furthermore, the proposal integrates into the existing site layout by being located behind the existing detached single garage. Therefore, the development manages to create a site layout where adequate garden space is retained and the site would not be overdeveloped as a result of the cabin.

5.8 When taking into account the layout of the site and the size of the building, it is not considered that, if permitted, the cabin would have a harmful impact on the visual amenity of the locality. The ridge height of the proposed cabin is only approximately 0.4 metres higher than the ridge of the garage which is located at a lower ground level. The proposed building is therefore of a similar size to other buildings on the site and would integrate into the existing built form.

5.9 Amenity

Development must not prejudice residential amenity. Located on the southwest boundary of the site, the proposed cabin sits to the northeast side boundary of no.147 and to the west of properties on Touchstone Avenue. Ratcliffe Drive is located on a lower level than those on Touchstone Avenue and only the narrower gable end would face these properties. Taking this into consideration it is not considered that the development would affect the residential amenity of occupiers of properties to the rear of the application site.

5.10 Located along the side boundary of no.147, the development is more likely to affect the amenities of this property. Being located to the north of the neighbouring property, the development would have little impact on the levels of light entering the neighbouring site and would not be overbearing upon it. No windows are proposed that directly overlook any neighbouring site.

- 5.11 A number of rooflights are proposed. These are not considered to affect amenity as they are located well above eye line and would not enable overlooking into nearby properties.
- 5.12 It has been stated that the proposed use of the structure as a hobby room would be detrimental to residential amenity. Any use of the building would have to be commensurate with the land use classification of the site as C3. To undertake activities not commensurate with this designation would require the submission of a further planning application. Therefore, the use of the building is not considered to be an issue that would affect residential amenity.
- 5.13 Overall it is not considered that the proposal would have an impact on residential amenity that could be considered prejudicial and is therefore considered to accord with policy.
- 5.14 Other Matters
A number of points have been raised from public consultation that have not been addressed in the above analysis.
- 5.15 PT08/1754/F was an application for a mono-pitched brick building along the rear boundary of a property. This was refused as the development was not appropriate for the locality. This refusal was upheld at appeal. It is not considered that the proposed development and planning application PT08/1754/F are similar or that one sets some form of precedence for the other.
- 5.16 It is claimed that the development would affect the hawthorn tree to the rear of the cabin. This tree is not covered by a tree preservation order. Works have been undertaken, and can be undertaken without planning permission to prepare the site and the change of levels affect the likelihood of the development damaging the tree. Therefore, it is not considered at this time necessary to assess the visual amenity of the tree and it is unlikely that the tree would fulfil the criteria of a tree preservation order or be offered protected status.

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 proposed development has been assessed against the policies listed above. It is considered that the structure would not be harmful to either the visual amenity of the locality or the residential amenity of nearby occupiers.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 It is recommended to GRANT permission subject to the conditions set out below.

Contact Officer: Griffith Bunce
Tel. No. 01454 863438

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).

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the Circulated Schedule as a representation has been received which is contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks permission for the display of 4no. non-illuminated post-mounted signs.
- 1.2 The application relates to Fox Den Road roundabout which serves the junctions for Fox Den Road and Great Stoke Way. The centre of the roundabout is laid to grass with tree planting.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
The Town and Country Planning (Control of Advertisements) (England) (Amendment) Regulations 2007
- 2.2 South Gloucestershire Local Plan Core Strategy (Adopted) December 2013
CS1 High Quality Design
CS8 Improving Accessibility
- 2.3 South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies)
T12 Transportation

3. RELEVANT PLANNING HISTORY

- 3.1 There is no planning history directly relating to the proposed advertisements on this roundabout though it is noted that numerous applications have been submitted across the district for the same proposal. Some have been approved whilst others are still under consideration.

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
Objection. Signage is a potential distraction to road users.
- 4.2 Transportation DC
No objection

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The National Planning Policy Framework states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements that will clearly have an appreciable impact on a building or their surroundings should be subject to the Local Planning Authorities detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

5.2 Public Safety

The proposed signage is in line with the reduced size agreed within the first round of applications in 2013. These reduced scale signs have already been approved in a number of locations throughout South Gloucestershire.

5.3 Although concern has been raised by the Parish Council in relation to the potential distraction the signs could cause to road users it is noted that the Transport Officer has raised no objection. It is considered that the location, scale and design of the proposed signs would not cause a hazard to safe and free flow of traffic in this locality and there is no evidence to suggest that these types of signs are detrimental to highway safety. Accordingly there are no objections on grounds of highway safety.

5.4 Visual Amenity

The application proposes 4no. non-illuminated post-mounted signs, which have a dimension of 0.5m by 1m and a maximum height from ground level of 0.8m. The application site consists of a roundabout which is laid to grass with central tree planting. The locality is characterised by a mix of large scale retail and office development. The proposed signage is similar to existing roundabout signage seen elsewhere in South Gloucestershire and identical in terms of size to the signs approved on the MOD Roundabout which is situated to the southwest of the application site.

5.5 Due to the small scale and simple design of the proposed signs it is considered that the proposal would not have a detrimental impact on the visual amenity of the roundabout, the planting or the surrounding area. In accordance with guidance contained within the NPPF there are no objections on grounds of visual amenity, as the signs would not have an appreciable impact on the surroundings.

5.6 Cumulative Impact

The proposal has been considered cumulatively within the locality. Although there is a large amount of signage in the locality this reflects the commercial character of it. The proposed signs are small in comparison and, when considered cumulatively, would not clutter or detract from the visual amenity of the area. It is therefore considered that the signs would not have a cumulative detrimental impact on visual amenity.

6. RECOMMENDATION

6.1 That the application is APPROVED.

Contact Officer: Sarah Fordham
Tel. No. 01454 865207