



**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. 20/14**

**Date to Members: 16/05/14**

**Member's Deadline: 22/05/14 (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](mailto: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](mailto: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 you 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 Whitsun Bank Holiday Period 2014**

<b>Schedule Number</b>	<b>Date to Members 9am on</b>	<b>Members Deadline 5pm on</b>
No.21	Thursday 22 May	Thursday 29 May

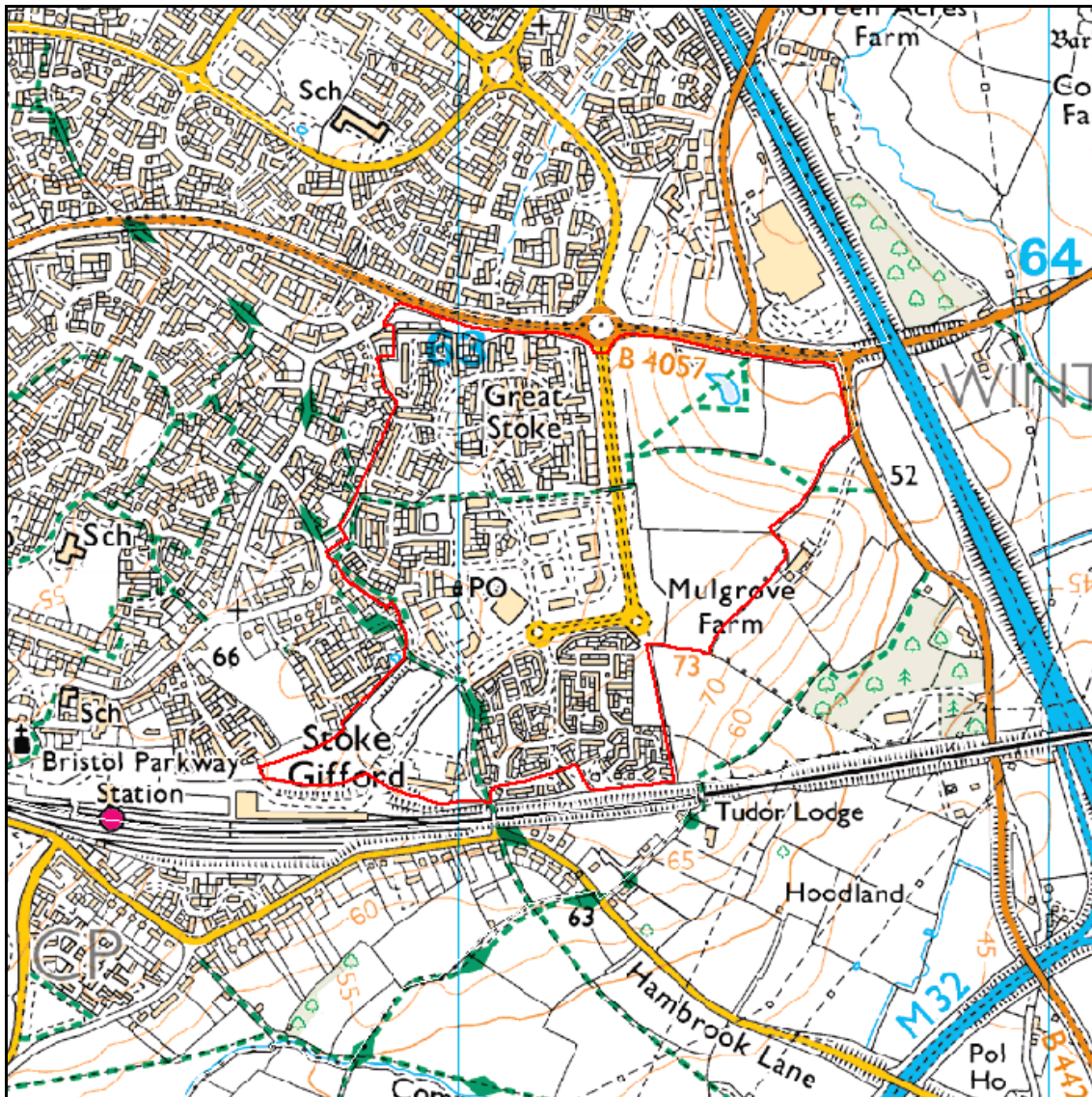
Above are details of the schedules that will be affected by date changes due to Whitsun (end of May) Bank Holiday.

# CIRCULATED SCHEDULE 20/14 – 16 MAY 2014

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	MODT13/3223	Non Determination	Land To The East Of Bristol Parkway Station Great Stoke Way Stoke Gifford South Gloucestershire BS34 8YU	Stoke Gifford	Stoke Gifford Parish Council
2	PK14/0460/F	Approve with Conditions	26 Central Avenue Hanham South Gloucestershire	Hanham	Hanham Parish Council
3	PK14/1037/F	Approve with Conditions	23 Palmers Close Barrs Court South Gloucestershire BS30 7SD	Parkwall	Oldland Parish Council
4	PK14/1114/F	Approve with Conditions	2A Teewell Hill Staple Hill South Gloucestershire BS16 5PA	Staple Hill	None
5	PK14/1305/CLP	Approve with Conditions	8 Bellevue Road Kingswood South Gloucestershire	Woodstock	None
6	PK14/1364/TRE	No Objection	44 Lilliput Court Chipping Sodbury South Gloucestershire BS37 6EB	Chipping	Sodbury Town Council
7	PT13/3785/F	Approve with Conditions	Henfield Paddock Henfield Road Coalpit Heath South Gloucestershire BS36 2TG	Westerleigh	Westerleigh Parish Council
8	PT13/4031/F	Approve with Conditions	49 Church Road Frampton Cotterell South Gloucestershire BS36 2NJ	Frampton Cotterell	Frampton Cotterell Parish Council
9	PT13/4286/F	Approve with Conditions	Hillcrest 22 Down Road Winterbourne Down South Gloucestershire BS36 1BN	Winterbourne	Winterbourne Parish Council
10	PT13/4536/F	Approve with Conditions	76 Woodend Road Coalpit Heath South Gloucestershire BS36 2LH	Frampton Cotterell	Frampton Cotterell Parish Council
11	PT14/0113/RVC	Approve with Conditions	Police Station Rock Street Thornbury South Gloucestershire BS35 2BA	Thornbury North	Thornbury Town Council
12	PT14/0425/F	Refusal	Old Down Cricket Club The Park Alveston Road Old Down South Gloucestershire BS32 4PH	Severn	Olveston Parish Council
13	PT14/0600/R3F	Deemed Consent	15.85 Hectares Of Land Between Parkway North Roundabout At The Southern End Of Great Stoke Way And The A4174 Avon Ring Road To The North East Of	Winterbourne	Winterbourne Parish Council
14	PT14/1223/F	Approve with Conditions	8 Langthorn Close Frampton Cotterell South Gloucestershire BS36 2JH	Frampton Cotterell	Frampton Cotterell Parish Council
15	PT14/1365/F	Approve with Conditions	154 Badminton Road Coalpit Heath South Gloucestershire BS36 2SZ	Westerleigh	Westerleigh Parish Council

**CIRCULATED SCHEDULE NO. 20/14 – 16 MAY 2014**

<b>App No.:</b>	MODT13/3223	<b>Applicant:</b>	Crest Nicholson Operations Ltd
<b>Site:</b>	Land To The East Of Bristol Parkway Station Great Stoke Way Stoke Gifford South Gloucestershire BS34 8YU	<b>Date Reg:</b>	30th August 2013
<b>Proposal:</b>	Modification of S106 Agreement attached to planning application P92/2321	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	363172 180102	<b>Ward:</b>	Stoke Gifford
<b>Application Category:</b>		<b>Target Date:</b>	18th October 2013



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 100023410, 2008. **N.T.S.** **MODT13/3223**

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

The application relates to the modification of a S106 legal agreement and as such is required to be referred to the Circulated Schedule.

### **1. THE PROPOSAL**

- 1.1 The application relates Planning Permission P92/2321 as detailed in section 3 of this report. This application is made under section 106A of the Town and Country Planning Act in order to modify the section 106 legal agreement associated with the above planning permission (dated 15<sup>th</sup> August 1994).
- 1.2 Essentially, the application seeks to reduce the area of land (the 'blue land') which is required to be transferred to the Council (SGC) in order to provide a variety of uses for the benefit of the community associated with the development approved under P92/2321. These are set out in more detail in the main body of this report. The current area of 'blue land' measures approximately 12 hectares whilst the proposed area (the reduced 'blue land' measures approximately 4 hectares.
- 1.3 It should be noted that this application is now subject of appeal with the Planning Inspectorate against the failure of the Council to determine the application within 8 weeks of submission. The Local Planning Authority is no longer in a position to determine this application. The purpose of this report is to set out what the officer recommendation would have been had the Local Planning Authority been in a position to determine the application; and inform the position of the Local Planning Authority in relation to this proposal at the appeal.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
National Planning Policy Guidance March 2014 – Planning Obligations
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies)  
L1 Landscape Protection and Enhancement  
  
South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.  
CS1 High Quality Design  
CS24 Green Infrastructure, Sport and Recreation Standards  
CS27 East of Harry Stoke New Neighbourhood
- 2.3 Supplementary Planning Guidance  
East of Harry Stoke New Neighbourhood Development Framework SPD (Informal Draft for Consultation) November 2012.

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

- 3.1 **P92/2321** Development of 39.94 hectares (98.5 acres) of land for residential, offices, retailing and open spaces. Construction of roads and associated highway works including a park and ride facility and LRT station (outline)
- Approved 22<sup>nd</sup> December 1993
- 3.2 P94/2461 Development of 2.611ha of land for erection of 110,000 square feet of office/buildings (class B1 of the Town and Country Planning (Use Classes Order 1987). Construction of associated access roads and car parking (to be read in conjunction with P92/2321)
- Approved 16<sup>th</sup> February 1995
- 3.3 P94/2527 Residential development on 10 acres of land to include the erection of 102 houses and associated works. Construction of roads
- Approved 5<sup>th</sup> June 1995
- 3.4 P94/2624 Residential development on 11 acres of land to include the erection of 136 houses. Construction of roads, public open space and ancillary works. (to be read in conjunction with P92/2321)
- Approved 5<sup>th</sup> June 1995
- 3.5 P95/1840 Erection of 12 dwellings and associated works on land east of Bristol Parkway, Stoke Gifford (to be read in conjunction with P92/2321)
- Approved 15<sup>th</sup> September 1995
- 3.6 P96/1675 Erection of 20 dwellings (re-plan of previously approved site)
- Approved 13<sup>th</sup> August 1996
- 3.7 P96/1741 Erection of 50 dwellings (re-plan of part of previously approved site) and associated works
- Approved 30<sup>th</sup> September 1996
- 3.8 P99/2180 Development of land for residential purposes, and erection school site (outline).
- Approved 3<sup>rd</sup> May 2000
- 3.9 PT99/0270/RM Erection of 83 dwellings and associated works.

Reserved Matters Approved 14<sup>th</sup> July 2000

3.10 PT00/2213/RM Erection of 234 dwellings and associated works

Reserved Matters Approved 21<sup>st</sup> December 2000

3.11 PT09/0741/VAR Modification of Section 106 agreement dated 28th April 2000 attached to planning permission P99/2180 discharge of obligation to pay the education contribution to the Council.

Refused (June 2009) and Dismissed at appeal (April 2010).

3.12 PT09/5495/F Erection of 34 no. one, two and three bedroom dwellings with associated parking, landscaping and works. New access.

Approved 5<sup>th</sup> October 2010

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

##### 4.1 Stoke Gifford Parish Council

Local Member to be approached regarding the possibility of calling a site meeting

##### 4.2 Community Infrastructure Officer

There is an identified need in the following areas;

Category 1 Formal Open Space (pitches, courts and greens)

Category 2 Equipped Children's Play Provision

Category 3 Unequipped Children's Play Provision

Informal Recreational Open Space

Natural and Semi-Natural Open Space

Allotments

##### 4.3 Landscape Officer

The land identified within the 106 continues to provide the functions for which it was identified, giving accessible countryside within reach of the adjoining population of Parkway North and Stoke Gifford via the public footpaths. Residents access to the wider countryside is limited by the proximity of the M4 motorway.

The prominence and distinctive nature of the landform creates a local landmark, forming an attractive setting for the farm building. The land forms part of an important view from the wider countryside, buffering the existing urban edge. These attributes of the landscape can be protected by its use for agriculture, forestry or informal recreation in accordance with the provisions of



the 106 agreement and is compatible with a role within an area of Strategic Green Infrastructure.

### **Other Representations**

#### 4.3 Local Residents

No comments have been received

## **5. ANALYSIS OF PROPOSAL**

5.1 This application does not seek to carry out development, rather it is an application to discharge the previously agreed term under the section 106 agreement in order to modify the obligation to transfer land (the 'blue land') to the Local Authority for various uses for the benefit of the new community associated with development as approved under P92/2321. The modification is essentially a reduction of the area of the 'blue land' covered by the obligation. To this end, this application is not a planning application but is submitted under section 106A of the Town and Country Planning Act 1990. For the purpose of this report, the development is that which has been developed on the land so approved under Outline Planning Permission P92/2321 and subsequent associated planning permissions.

#### 5.2 The Purpose of the 'Blue Land' as referred to in the S106 Legal Agreement

The Section 106 Legal Agreement (s106) requires that an area of land, roughly triangular in shape and located immediately East of Harry Stoke Way (between Great Stoke Roundabout and Parkway North Roundabout), South of Winterbourne Road (between Great Stoke Roundabout and Old Gloucester Road) and due Northwest of Mulgrove Farm (drawing number 500\_34 Rev A as provided by the applicant) is to be transferred to South Gloucestershire Council. For the purpose of this report (and application) this land is referred to as 'the blue land'. At this time, 'the blue land' has not been transferred and remains in the control of Crest Nicholson Operations Ltd.

5.3 The s106 requires that the land is to be held for informal recreation or other approved purpose (or combination of such uses) as specified in the s106; but for no other purpose. The approved uses are;

agriculture,  
forestry,  
cemetery,  
outdoor leisure and recreation,  
community uses,  
appropriate ancillary buildings

#### 5.4 The Proposed Modification to the Section 106 Legal Agreement

The applicant (Crest Nicholson Operations Ltd) proposes to reduce the area of land to be transferred to South Gloucestershire Council to an area located in the Northwest corner of 'the blue land' identified in the s106. Again this is enclosed to the West by Great Stoke Way and to the North by Winterbourne Road (drawing number 500\_35 as provided by the applicant).

- 5.6 Essentially, the applicant draws specific attention to the South Gloucestershire Local Plan; Core Strategy policy CS27 which identifies the land as part of the 'East of Harry Stoke New Neighbourhood. The applicant argues that the obligation to transfer the 'blue land' to South Gloucestershire Council no longer serves a useful purpose; or a useful planning purpose for the following reasons.
- i) the 'blue land' forms an integral part of the new neighbourhood allocation under Policy CS27 and the delivery of the new neighbourhood is critical to fulfil the South Gloucestershire Housing Requirements,
  - ii) the 'blue land' was not allocated for housing at the time that the original obligation was secured. To continue to require the full obligation would be contrary to planning policy
  - iii) the new neighbourhood straddles the mainline railway and the land to the north of the line has been identified for housing in the Core Strategy. The applicant argues that it cannot deliver the entire housing allocation on the land to the south of the railway line and the land to the north would make a significant contribution to achieving the objectives of Policy CS27 of the Core Strategy.
  - iv) Policy CS27 and the supporting draft Supplementary Planning Document represent a material change in the planning context of the site since the obligation was entered into and as such the planning purpose that existed at that time has fallen away. The applicant argues that to retain the full obligation would be contrary to the South Gloucestershire Local Plan Core Strategy and the supporting Supplementary Planning Document.

5.7 Analysis of the Proposal to Modify the Agreement

The development to which this agreement is subject to was approved under outline planning permission P92/2321 and was determined under the North Fringe Local Plan; policy LP37 now superseded. The purpose of the obligation to transfer the 'blue land' to South Gloucestershire Council was to secure land to provide open space, whether functional or visual. In particular the original assessment of the outline application required that the development should provide additional space for localised recreational uses having regard to the previous use of the development site for informal recreation. The land to the east of the development (the 'blue land') would act to serve that purpose. It was also considered that the land would also act to preserve the open character of the landscape so acting as a buffer whilst providing for uses such as informal recreation, amenity land, agriculture and forestry. It should be noted that this land has been in such uses as set out and included within the legal agreement.

- 5.8 Essentially, Section 106(6) of the Town and Country Planning Act does not require that the obligation continues to serve the *original purpose*; rather that the obligation continues to serve a *useful purpose*. In this instance, officers continue to identify a shortfall in respect of open space and consider that the

provisions of the s106 agreement remain valid, and that the land is still required for the purposes set out in the in the agreement.

- 5.9 There is case law which is particularly relevant to the consideration of Section 106A applications in order to modify a section 106 legal agreement. It has been held in *R (oao Garden and Leisure Group Ltd) v North Somerset District Council* [2003] EWHC 1605 ([28]-[29], [46]) (applied, *R (Renaissance Habitat Ltd) v West Berkshire District Council* [[2011] EWHC 242) that:

In considering an application under section 106A of the 1990 Act, there are four essential questions to be considered:

*i) what is the current obligation?*

The current obligation is set out at paragraph 5.3 of this report.

*ii) what purpose does it fulfil?*

*iii) is it a useful purpose?*

For the reasons set out in this report, officers are of the view that the land continues to serve a useful purpose and would act to secure land which to provide informal open space and community uses in the interests of the existing and future communities associated with this area

*iv) if so, would the obligation serve that purpose equally well if it had effect subject to the proposed modifications? The words “equally well” are to be read as ordinary English words importing a principle of equivalence.*

The effect of the proposed modification is such that the area of land subject to the current obligation would be materially reduced in size (from approximately 12 hectares to 4 hectares). The land would not be available to provide informal open space and community uses as set out above and as such the proposed modification would not be capable of serving the useful purpose ‘equally well’.

- 5.10 The applicant’s core argument is that the ‘blue land’ lies within the new neighbourhood allocation under policy CS27 of the South Gloucestershire Local Plan, and the supporting Supplementary Planning Document (SPD). The SPD carries limited weight as it is not yet adopted. Nonetheless, the document does not specifically identify the ‘blue land’ for housing. The SPD does make reference to the need to create a strong landscape framework for the area and to create a robust and attractive local network of open spaces; working within the existing topography of the area and reinforcing landscape features. In particular, the area to the north of the railway line and associated with Mulgrove Farm is identified in the aims of the SPD as forming an area of significant open space utilising the topography of the area (attractive hill slopes). The SPD suggests that appropriate uses in this area includes allotments and community uses. Furthermore, the SPD suggests that the principles of the SPD should be translated into a ‘master plan’ for the new neighbourhood site as a whole and it is expected that the ‘blue land’ would be included within the area covered by the master plan.

- 5.11 It is clear that the intentions of South Gloucestershire Council is to consider the open space needs of both the existing community together with the needs of the new community allocated within the Core Strategy in the round. This would be addressed through an appropriate master planning process for the new neighbourhood. At this stage, given that there is an identified shortfall, the Local Planning Authority cannot accept less open space that would be required by existing and future communities in the area.
- 5.12 The applicant argues that the policy context (Policy CS27 of the Core Strategy) of this site is such that it is now allocated for housing development and as such the effective purpose of the s106 has been superseded by that policy. Whilst it is acknowledged that there is a material change in the development plan policy since the original s106 agreement was signed, officers consider that there continues to be a useful purpose to the obligation in hand. At this stage, there is insufficient certainty about how the development of the new neighbourhood would come forward, the open space provision as set out in the s106 agreement remains of importance. The SPD has not acted to remove the original purpose of the s106 and in particular continues to identify a need for a significant open space as part of the new neighbourhood. The thrust of Policy CS27 and the supporting SPD is to ensure that development on the allocation comes forward in a comprehensive manner. This is essential if the new neighbourhood is to become a high quality and sustainable environment. Accordingly, the SPD requires that the development comes forward as part of a master planning process. The balance of uses (residential against open space) would only be identified when such a master plan comes forward that fixes parcels of development on the site; or a planning permission is granted to the same effect. Ultimately, it is only when a planning permission is in place that certainty will be established and until such time there is no basis for concluding that the 'blue land' will be built upon.
- 5.13 The Local Planning Authority has engaged in negotiation regarding this proposal and have indicated to the applicant that South Gloucestershire Council is not averse to modifying the s106 legal agreement. Such a modification could release part of the area of 'blue land' provided that it is off set elsewhere on the site without undermining the key objectives of the SPD. However, in discussions, officers have maintained that such a modification cannot be agreed until such time that more certainty is established in respect of the balance of uses on the allocation site (CS27 and supporting SPD); that being until a master plan for the development of the whole site has been secured.
- 5.14 Having regards to the above assessment, officers consider that the obligation to transfer the 'blue land' (as shown on drawing number 500\_34 Rev A as provided by the applicant) continues to serve a useful purpose and would act to secure land which would act to provide informal open space and community uses in the interests of the existing and future communities associated with this area.

## **6. RECOMMENDATION**

- 6.1 Had the Local Planning Authority been in a position to determine this application that the application would have been refused and that the s106 planning obligation continue to have effect without modification for the following reason;

**Contact Officer: Simon Penketh**  
**Tel. No. 01454 863433**

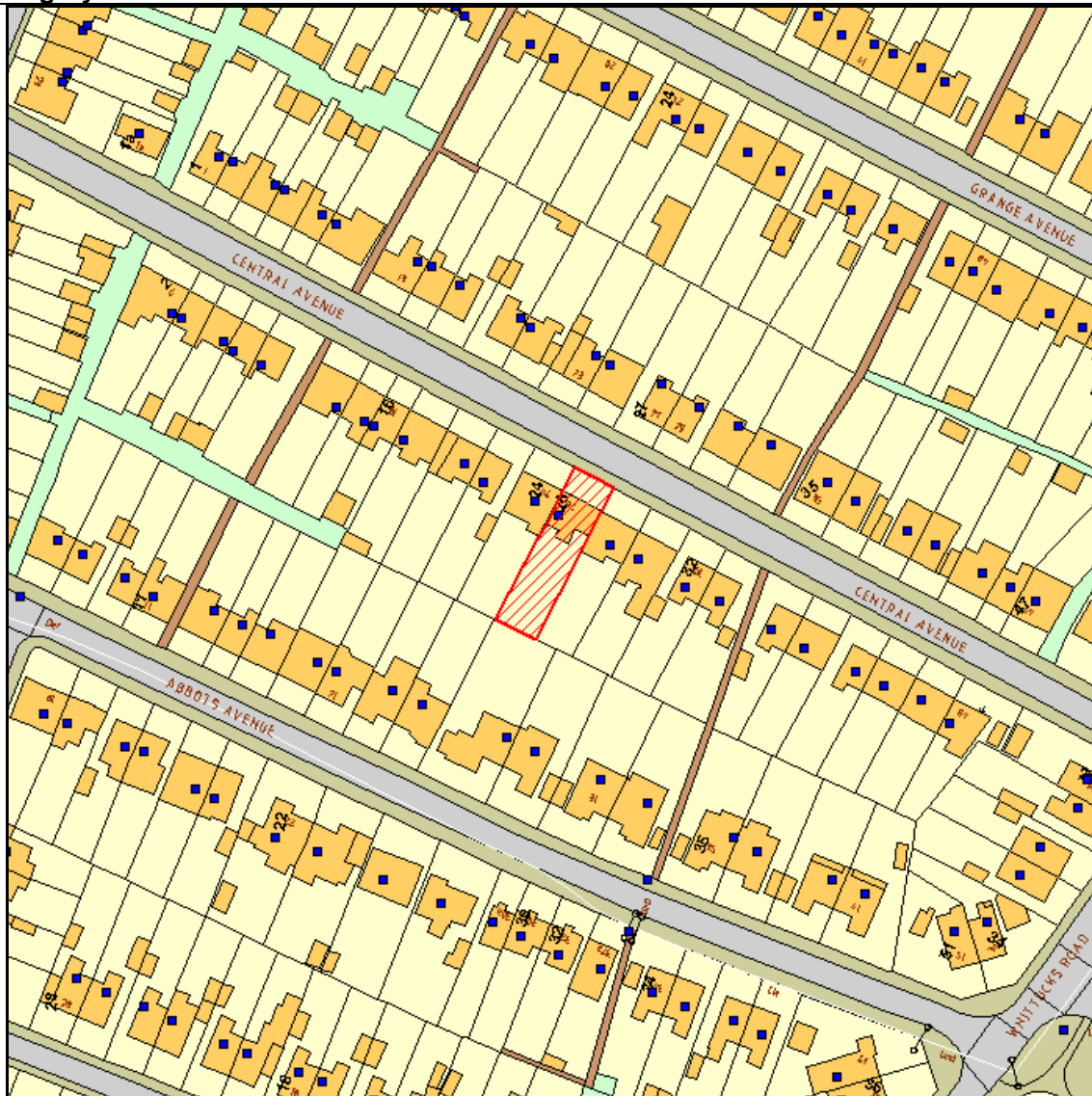
## **REASONS FOR REFUSAL**

1. The obligation under the section 106 legal agreement (dated 28th April 2000) attached to the outline planning consent P99/2180 continues to serve a useful purpose in order to provide openspace in the interests of the existing and new communities and in the interests of the visual amenity of the surrounding landscape. The proposal would be contrary to the provisions of Policy CS27 of the South Gloucestershire Local Plan; Core Strategy (adopted) December 2013; and Saved Policy L1 of the South Gloucestershire Local Plan (adopted) January 2006.

# ITEM 2

## CIRCULATED SCHEDULE NO. 20/14 – 16 MAY 2014

<b>App No.:</b>	PK14/0460/F	<b>Applicant:</b>	Mr And Mrs Castiglione
<b>Site:</b>	26 Central Avenue Hanham Bristol South Gloucestershire BS15 3PQ	<b>Date Reg:</b>	4th April 2014
<b>Proposal:</b>	Erection of two storey side and single storey rear extension to form additional living accommodation.	<b>Parish:</b>	Hanham Parish Council
<b>Map Ref:</b>	364485 171987	<b>Ward:</b>	Hanham
<b>Application Category:</b>	Householder	<b>Target Date:</b>	27th May 2014



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100023410, 2008. **N.T.S.** **PK14/0460/F**

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This application appears on the Circulated Schedule because an objection has been received from Hanham Parish Council and a member of the public contrary to the Officers recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a 2-storey and single storey rear extension to provide additional living accommodation.
- 1.2 The application site comprises a two-storey semi detached property situated on the southwestern side of Central Avenue within the established residential area of Hanham.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)  
H4 Residential Development within Existing Residential Curtilages  
T12 Transportation Development Control Policy for New Development  
  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Residential Parking Standards SPD (adopted)

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

- 3.1 No relevant planning history.

### **4. CONSULTATION RESPONSES**

- 4.1 Hanham Parish Council  
Objection – this extension will result in the removal of an existing off street parking space and will add to on street parking issues.
- 4.2 Transportation DC Officer  
No objection to revised plan submitted
- 4.3 Drainage Officer  
No objection subject to informative

## **Other Representations**

### **4.4 Local Residents**

One letter of objection has been received from members of the public. The following is a summary of the reasons given for objecting:

- Design overhangs my flat roofed property;
- Design will cause issues because of over-hanging guttering, hence water related problems;
- Encroachment will stop my property being developed in the future;
- Insufficient space for maintenance and the properties will become terraced and not semi-detached.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Policy H4 of the South Gloucestershire Local Plan (adopted) January 2006 (saved policy) allows for the principle of the development. The main issues to consider are the appearance/form of the proposal and effect on the character of the streetscene; the residential amenity effects; and transportation effects.

### **5.2 Appearance/Form**

The proposal, which replaces a single garage, extends the existing ridge and eaves level of the property across for approximately 3 metres to form the extension, and extends level with the existing front and rear elevations of the property. Whilst the extension would not appear subservient to the existing dwelling, this design approach has already been accepted by the Local Planning Authority, as a number of properties along Central Avenue have been extended the same way.

5.3 The applicant has specified the materials render to match the existing dwelling for the walls; the existing roof tiles will be re-used on the front roof slope, whilst concrete roof tiles to match will be used elsewhere; doors and windows will be uPVC. The proportions of the windows will match the existing dwelling, which is the correct approach.

5.4 Although the applicant has clarified that the extension will not be attached to the existing neighbouring flank wall, it will extend very close. Whilst this will have a somewhat terracing effect on the semi-detached pair of dwellings, it is not considered that the loss of spacing between the dwellings will have a significant adverse effect on the character of the area. The area is characterised by linear rows of semi-detached and terraced properties; in this context the proposal will not appear adversely out of keeping.

5.5 The proposal also includes a single storey rear lean-to extension, which projects approximately 2.3 metres into the rear garden. This part of the scheme is acceptably in keeping with the character of the existing dwelling.

### **5.6 Residential Amenity**



Whilst it is noted that the proposal extends very close to the wall of the neighbouring property, it is not considered that the proposal, which moves the flank wall approximately 3 metres closer to the neighbouring property, will have a significantly adversely greater effect on the residential amenity of neighbouring occupiers than the existing situation in terms of loss of natural light or outlook. Weight is given to the fact that the neighbouring property is located to the southeast of the host dwelling. No windows are proposed in the southeastern side elevation of the dwelling; therefore, it is not considered that there will be a significant adverse effect on the privacy of neighbouring occupiers.

- 5.7 The majority of the extension will be screened by existing built form and therefore, it will not have a material effect on occupiers of the adjoining property to the northwest.
- 5.8 Concerns have been raised by neighbours regarding encroachment. However, the applicant has signed Certificate A in the application form to declare that the extension will be contained within land that is solely owned by the applicant. Whilst this is a separate legal matter outside the scope of the application process, the applicant has provided a more detailed plan of the eaves, which shows that the gutter will be set behind a parapet wall and will not extend over the neighbouring boundary. Based on the details submitted, it is not considered that the proposal will encroach onto the neighbouring property. Matters relating to maintenance are outside the scope of the application process and is a civil matter between the applicant and neighbour. There is relevant guidance available in the Party Wall Act. An informative note is recommended on this basis.
- 5.9 Transportation  
The proposal replaces an existing garage and will provide an additional bedroom at first floor level. The total number of bedrooms in the property will be four. The Council's Transportation Officer originally objected to the scheme as an insufficient level of parking was shown, especially to overcome the loss of the garage. The Council's Residential Parking Standards SPD specifies that a minimum of two spaces is required for four bedroom properties. A revised plan has been submitted which demonstrates an acceptable level of parking in-line with the Council's Parking Standards SPD. The Council's Transportation Officer has no objections to the revised plan.

## **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 Planning permission is GRANTED subject to the conditions in the decision notice.

**Contact Officer: Jonathan Ryan**  
**Tel. No. 01454 863538**

### **CONDITIONS**

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

Reason

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

2. The off street parking spaces shall be provided in accordance with plan "parking" no. 313K.11 received by the Council on 6th May 2014 prior to the first occupation of the extension hereby approved and retained thereafter.

Reason

To provide an acceptable level of parking within the site to reduce levels of on-street parking in the area in the interests of congestion, highway safety and the amenities of the area and to accord with policy T12 of the South Gloucestershire Local Plan (adopted) January 2006 (saved policy); and the South Gloucestershire Residential Parking Standards SPD (adopted).

3. No windows at any time shall be inserted into the southeastern side elevation of the extension hereby approved.

Reason

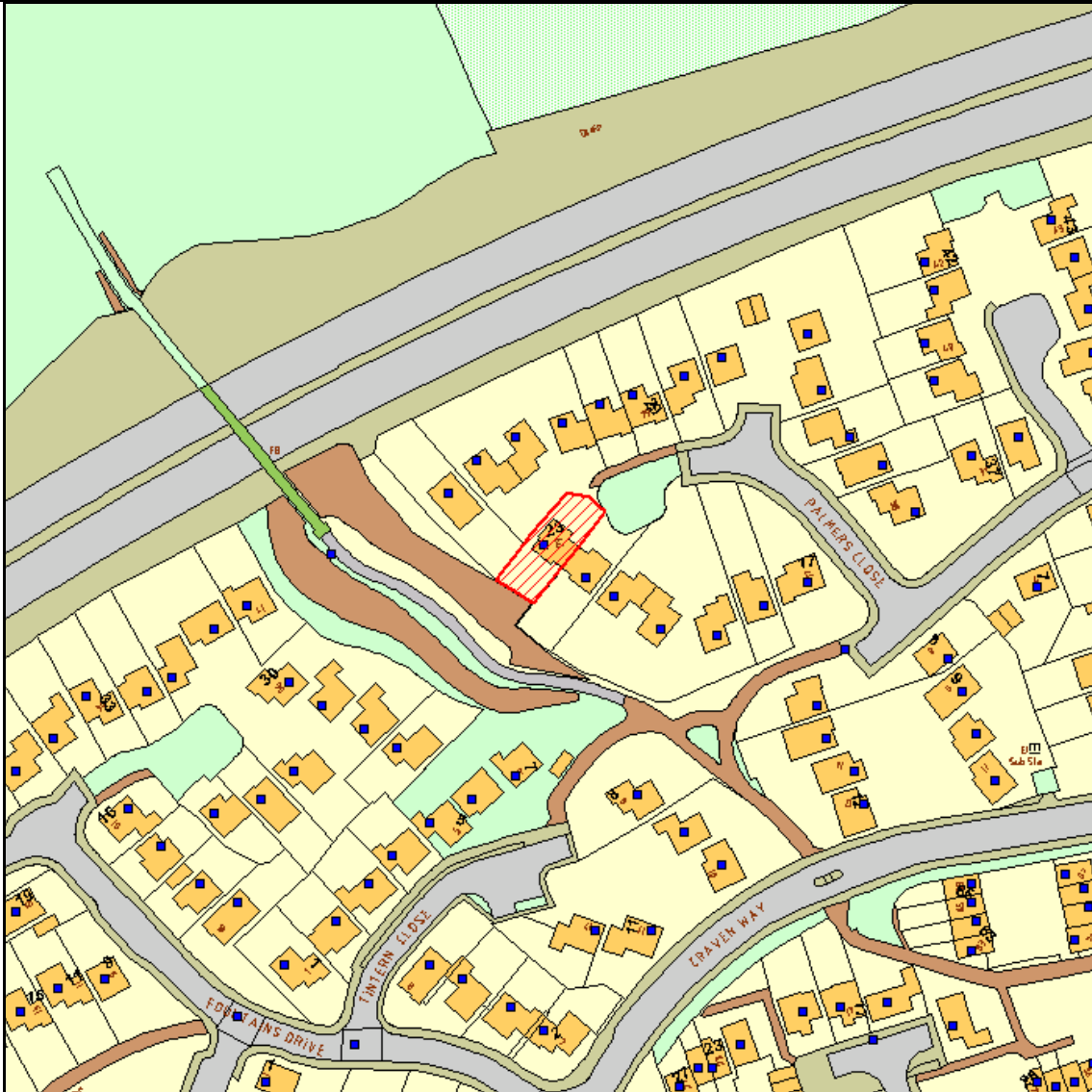
In the interests of the privacy of neighbouring occupiers and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.



# ITEM 3

## CIRCULATED SCHEDULE NO. 20/14 – 16 MAY 2014

<b>App No.:</b>	PK14/1037/F	<b>Applicant:</b>	Mr I Crees
<b>Site:</b>	23 Palmers Close Barrs Court South Gloucestershire BS30 7SD	<b>Date Reg:</b>	19th March 2014
<b>Proposal:</b>	Erection of first floor extension over existing garage to form additional living accommodation	<b>Parish:</b>	Oldland Parish Council
<b>Map Ref:</b>	365910 172621	<b>Ward:</b>	Parkwall
<b>Application Category:</b>	Householder	<b>Target Date:</b>	9th May 2014



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100023410, 2008. **N.T.S.** **PK14/1037/F**

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This application has been referred to the Circulated Schedule following the receipt of an objection from a local resident, the concerns raised being contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application relates to a two-storey linked detached dwelling, located at the end of a cul-de-sac of a residential development of Barrs Court.
- 1.2 It is proposed to erect a first floor extension above an existing garage to provide a bedroom with en-suite shower room. The proposed extension would measure 2.5 metres by 5.3 metres and 6.8 metres to its ridge. The proposal would not extend the footprint of the garage.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

The National Planning Policy Framework (NPPF) March 2012.

#### 2.2 Development Plans

##### South Gloucestershire Local Plan (Adopted) January 2006 (Saved policies)

H4	Development within Residential Curtilages
L1	Landscape Protection and Enhancement
T12	Transportation Development Control Policy for New Development.
EP1	Environmental Protection
L17 & L18	The Water Environment.

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

CS1	High Quality Design
CS29	Communities of the East Fringe of Bristol Urban Area

#### 2.3 Supplementary Planning Guidance

The South Gloucestershire Design Check List SPD (Adopted) 23 Aug 2007.

South Gloucestershire Residential Parking Standards (Adopted December 2013)

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

None.

### **4. CONSULTATION RESPONSES**

- 4.1 Oldland Parish Council  
No objection

#### 4.2 Other Consultees [including internal consultees of the Council]

##### Highway Drainage

No objection

##### Highway Officer

No objection subject to a planning condition is imposed to ensure 2 no. parking spaces will be provided.

#### **Other Representations**

#### 4.3 Local Residents

1 No response was received from the occupier of 22 Palmers Close who objects to the proposal; the concerns raised are summarised as follows:

- Concerning that the work will affect my property, particularly as the work would add substantial pressure to the footings in my garage.
- I am unclear as to what I should do now regarding the party wall. I don't really understand the party wall act and if I need to appoint a surveyor, will I have pay ?
- I also feel that the amount of light that comes into my landing window will be reduced,
- Affect the view and possibly my house value.
- Will my neighbours builders need to erect scaffolding on my drive ?
- Building work will also impact on the amount of parking spaces which are already too few

### **5. ANALYSIS OF PROPOSAL**

#### 5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that development within existing residential curtilages including extensions should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area, they shall not prejudice the amenities of nearby occupiers, and shall not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space. Policy CS1 of the South Gloucestershire Core Strategy seek to secure good quality designs in new development.

#### 5.2 Scale and Design

The proposed extension would be constructed above the existing garage. The ridgeline would be lower than that of the host dwelling and it would be significantly set back from the frontage of the building. In addition, the detailed design and the external materials would match those of the existing building.

It is considered that the design of the proposal is appropriate and the extension would adequately respect the massing, scale proportions, materials, overall design and character of the existing property. The proposal therefore accords

with Policy H4 of the adopted Local Plan and Policy CS1 of the adopted Core Strategy.

### 5.3 Impact Upon Residential Amenity

The nearest neighbouring property to the proposed extension is No. 22 Palmer Close.

The neighbour has raised concerns about a loss of view and light due to the proximity of the landing window. Officers acknowledge that the proposed extension would be adjacent to the neighbour's landing window. As it is not a habitable window and the ridge of the proposed extension would be lower than that of the host dwelling, it is considered that the potential overbearing impact and the loss of daylight would not be significant to be detrimental to the living condition of the neighbours.

As it is not proposed to install a window on the side elevation, therefore there is no overlooking issue caused to the neighbouring property. Furthermore, the new window on the front elevation would be overlooking the cul-de-sac and there would be an obscured glazed window on the rear elevation, therefore there is no issue of overlooking.

### 5.4 Highway Issues

Planning permission is sought to erect a first floor side extension over the existing garage to form additional living accommodation. After development the bedrooms within the dwelling will increase to four. The vehicular parking and access to the site are unaffected by the development.

Subject to a condition that at least two parking spaces are permanently maintained within the site boundary, there is no transportation objection to the proposed development. There are no highway objections to the proposal as it would accord with Policies H4 and T12 of the adopted South Gloucestershire Local Plan and The adopted South Gloucestershire Residential Parking Standards.

### 5.5 Landscape Issues

The proposal would not affect any landscape feature of the site and would not result in a loss of amenity of space. The proposal is therefore in accordance with Policies L1 and L5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

### 5.6 Other Issues

The local resident raised concerns over the devaluation of his property and building works including additional pressure on the neighbours' garage, party wall act, installation of scaffolding, parking for builders, etc. These issues would not be planning material consideration as they are private civil matters and it is the applicant's responsibility to resolve the issues with the adjoining landowner. The construction details will be subject to Building Regulations.

## 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 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 following conditions.

**Contact Officer: Olivia Tresise**  
**Tel. No. 01454 863761**

### **CONDITIONS**

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

Reason

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

2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

3. No windows shall be inserted at any time in the side elevation of the extension hereby permitted.

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 and Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

4. Prior to the first occupation of the extension hereby permitted, 2 no. parking spaces shall be provided and maintained thereafter.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy T12 of the South Gloucestershire Local Plan Adopted January 2006 and the Council Residential Parking Standards (Adopted December 2013).



5. The hours of working on site during the period of construction shall be restricted to 08.00am to 18.00pm Mondays to Fridays, 08.00am to 13.00pm 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 curtilage of site.

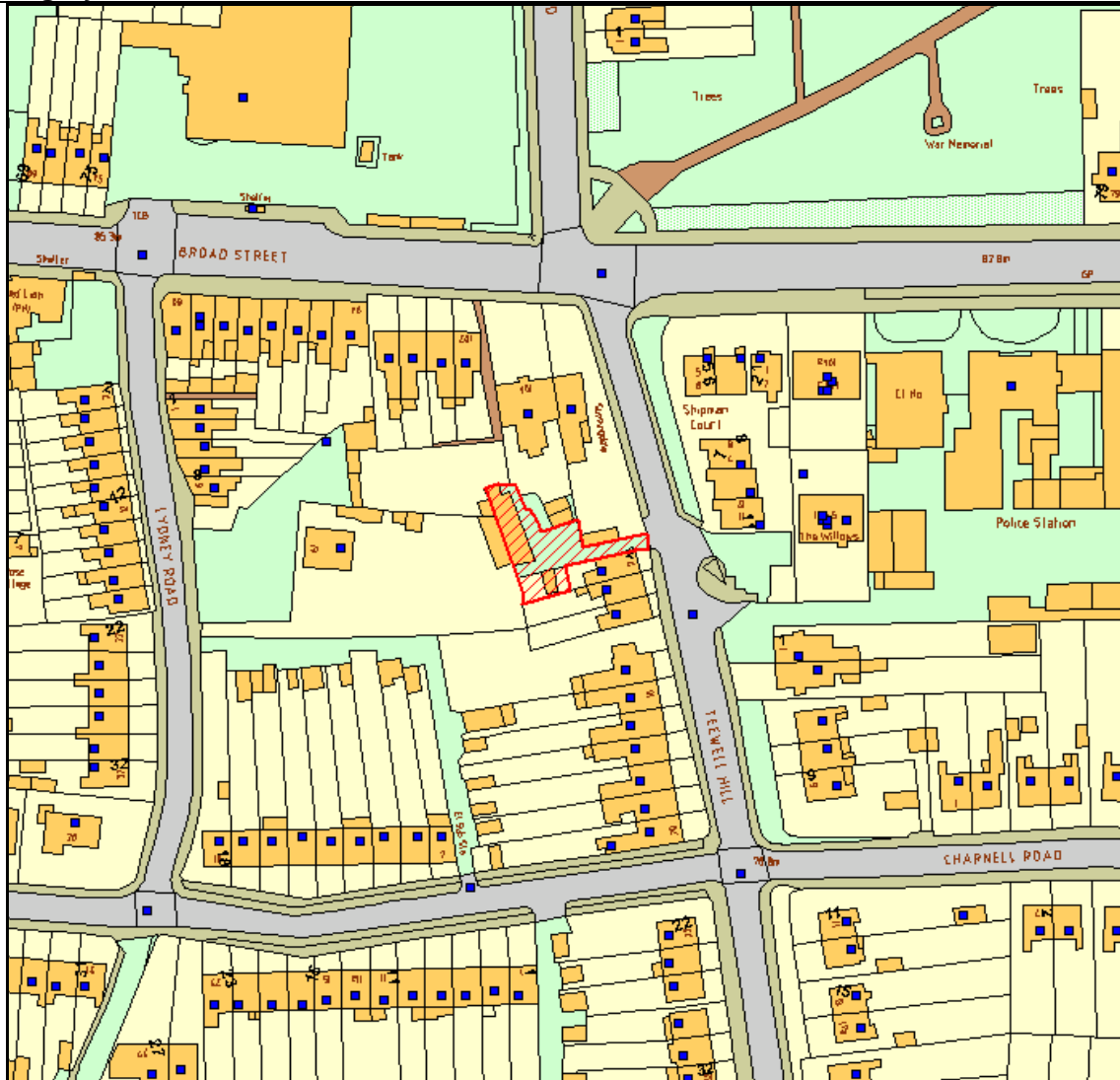
Reason

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

# ITEM 4

## CIRCULATED SCHEDULE NO. 20/14 – 16 MAY 2014

<b>App No.:</b>	PK14/1114/F	<b>Applicant:</b>	Ground Level Up Developments
<b>Site:</b>	2A Teewell Hill Staple Hill South Gloucestershire BS16 5PA	<b>Date Reg:</b>	26th March 2014
<b>Proposal:</b>	Conversion of existing building to 2no. semi detached dwellings with parking and associated works. (Resubmission of PK13/4249/F)	<b>Parish:</b>	None
<b>Map Ref:</b>	365353 175824	<b>Ward:</b>	Staple Hill
<b>Application Category:</b>	Minor	<b>Target Date:</b>	16th May 2014



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100023410, 2008. **N.T.S.** **PK14/1114/F**

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This application has been referred to the Council's Circulated Schedule as a result of objections received from a local resident regarding the proposed development.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the change of use of a two storey office building (B1 use) to residential use (Class C3) at No. 2A Teewell Hill, Staple Hill. (also known as the Old Bakery).
- 1.2 The site consists of a Victorian building at the rear of properties in Broad Street. The access to the site is from a narrow lane, which is also shared to No. 104 Broad Street. To the west of the site is a large garden belonging to 13 Lydney Road.
- 1.3 The main difference of the current proposal from the previous planning applications is that the existing 2 no. garages at the rear of No. 2 Teewell Hill will be demolished in order to provide additional parking spaces.

### **2. POLICY CONTEXT**

- 2.1 South Gloucestershire Local Plan (Adopted) January 2006
  - H5 Reuse of buildings for residential use
  - T12 Transportation Development Control Policy for New Development
  - T7 Cycle Parking Standards
  - EP2 Flood Risk and Development

#### South Gloucestershire Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS13 Non Safeguarded Economic Development sites
- CS16 Housing Density
- CS17 Housing Diversity
- CS29 Communities of the East Fringe of Bristol Urban Area

- 2.2 Supplementary Planning Guidance
  - Design Checklist
  - Residential Parking Standards SPD

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

- 3.1 K526/3 Change of use to residential and alterations to elevations.  
Refused 6/6/1988 on the grounds of a cramped form of development with unsatisfactory access and parking arrangements, no private garden area and unsatisfactory outlook onto the adjoining garages serving no. 104 Broad Street.
- 3.2 PK02/2487/F Erection of first floor side extension.  
Approved 04.11.2002

- 3.3 PK05/1400/F Demolition of existing commercial offices to facilitate  
Erection of two dwellings  
Refused June 2005 on highway grounds and residential  
Amenity.  
Dismissed at appeal ONLY highway grounds upheld.
- 3.2 PK07/2877/F Demolition of existing commercial offices to facilitate  
Erection of two dwellings  
Refused June 2005 on highway grounds
- 3.3 PK10/0672/F Change of use of first floor from offices to residential  
Withdrawn May 2010
- 3.4 PK10/2255/F Change of use from office (Class B1) to Residential (1 no.  
dwelling) (Class C3) (Resubmission of PK10/0672/F). Approved 15.10.10
- 3.5 PK11/2310/F Change of use from office (Class B1) to 2 no. semi-  
detached dwellings (Class A3). Refused 21.09.11
- 3.6 PK13/4249/F Demolition of 2 no. garages and lean-to and change of use  
from Office (Class B1) to 2 no. semi-detached dwellings (Class C3).  
Withdrawn 18.03.14

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

4.1 Parish/Town Council  
The site is not within the parished area.

4.2 Internal consultees of the Council]

Highway Officer

No objection subject to the conditions regarding the provision of parking and turning area.

Highway Drainage

No objection subject to a planning condition seeking details and the implementation of sustainable drainage and permeable hardstanding.

#### **Other Representations**

4.3 Local Residents

Six letters have been received from local residents raising the following objections regarding the proposed development, which have been summarised by the Planning Officer as follows:

Residential amenity issues:

- Overlook my rear bedroom, kitchen, dining room and rear gardens and a loss of privacy
- Boundary wall between Unit 2 and 104 Broad Street need to reinstate

- Noise and intrusion
- The existing boundary wall is low, and there is no guarantee that any thing will be up in place to protect neighbour's privacy.
- No windows on the side of unit 2 to protect the privacy of 104 broad Street
- The sun-pipe is frosted and fixed
- Obscured windows need to be used to the front of the property.

#### Highway issues:

- Lack of parking, not complied with the regulations.
- Turning is difficult and is already used by the owners of Stable Hill Lodge who own most of the parking.
- Exit from the site onto Teewell Hill is very dangerous and will become even worse when improvements to Teewell Hill bridge are completed, and lots of parents with prams, school children walk past the existing access every day
- More cars leaving this narrow lane just below the traffic lights will cause congestions
- The access lane is very narrow that vehicles have hit the end wall on numerous occasions
- Cannot get an ambulance or fire engine up the lane
- The site has been subject to a number of planning applications with refusal in the past because there have been not enough (zero) or too many (three) onsite parking spaces resulting in unsafe onsite traffic or dangerous public road traffic.
- There are too many parking space for safe onsite and yet not enough to retain highway safety
- Misleading information regarding the use of existing garages and parking space – there are only two spaces, one of which was regularly used. The existing garages were used for storage and as garden shed.
- Previously, the traffic volume was one vehicle access in the morning and one vehicle egress in the evening on the majority of the days and negligible movement at all on weekends.
- The parking does not show any dimensions other than for those of a 'medium' car.
- It is concerning that two spaces are now being squeezed into an area that previously accommodated one.
- Difficult to manoeuvre unless the turning area and Right of Way are kept clear at all times.
- It is not easy to turn into the access lane
- The access lane is very narrow and unlit, and there is inadequate pedestrian access
- Vehicles would get extremely close to the houses leading to risk of collision
- No details how the safety of pedestrians and cyclist will be ensured during construction and other works.
- Boundary security must be maintained during the construction and other works.
- Retention of Rights of Way and parking for 104 Broad Street construction and other works.

- It is wrong that a sheltered housing car park is used as a turning area for another set of housing
- Dangerous to the elderly walk that road if houses get build and cars start coming from it.

Other issues

- The ownership boundary is incorrect
- Neighbours have not been involved in the pre-application process or site meeting

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The proposal stands to be assessed against Policy H5 of the adopted Local Plan, Policies CS13, CS16 and CS17 of the adopted Core Strategy which allows for the conversion of non residential buildings within the existing urban area subject to a number of criteria being satisfied and any other relevant development plan policies with respect to design and visual amenity, residential amenity, public highway safety.

Regard must be had for an appeal decision, which is a material consideration in the determination of this application. Application PK07/2877/F relating to this site sought planning permission for the erection of two dwellings. This application was refused on highways grounds and residential amenity grounds, and was subsequently dismissed at appeal on highway grounds only. Following the dismissal of the appeal, planning permission was granted for the conversion of the existing office to 1 no. dwelling. Therefore there is no objection to the principle of the proposal on this site.

### 5.2 Design and Visual Amenity

The site is tucked away off Teewell Hill, and is not highly visible from the public realm, but can be viewed from the rear gardens of a number of properties.

It is proposed to convert the existing building into 2 no. dwellings. A small single storey lean-to building and 2 no. garages are to be demolished (one of them has already been removed when officer visited the site). No extension is proposed and no change is proposed to the height of the building. Most existing openings will remain, but an additional door will be installed to replace one of the windows on the front elevation, and the existing first floor window on the side (north) elevation will be removed. A sunpipe is proposed on the roof plane on the front elevation. There would be also bike box to the side of Unit 2 and near the southern boundary.

It is considered that the proposed changes would be minimal and the proposed bike box would not have adverse impact upon the character and appearance of the building and the locality.

### 5.3 Residential Amenity

Residents have raised concerns regarding the loss of privacy upon the neighbouring properties.

The site is surrounded by a group of residential properties. Part of the proposal is to demolish the existing single storey lean-to building and garages. Therefore there are no issues of overbearing impact.

The key issue for consideration is whether or the proposed alterations required to enable the change of use would have an adverse impact on neighbouring occupiers particularly in terms of loss of privacy.

No windows are proposed on the rear of the property. It is proposed to replace an existing window with a vertical window on the southern elevation. Previously planning condition was granted with a condition that the first floor window on this elevation will need to be of obscured glass to a level 3 standard or above and be permanently fixed in a closed position.

The applicant has demonstrated that the existing window does not overlook the neighbours' garden as the existing garage blocks the view from the existing window. By removing the existing garage, the new window would directly overlook the neighbour's garden, although the degree of overlooking would be slightly restricted due to its narrow width.

Whilst the applicant's opinion that the neighbours' gardens are already being overlooked, officers consider that the siting of the new window would be different from those of the existing windows of the surrounding properties. Officers also took into consideration that this window would be a secondary window to the new bedroom, therefore it is considered that it would not be unreasonable to seek this window will be obscured and fixed at a close position. On balance, officers consider that it would be reasonable and necessary to impose such planning condition to protect the privacy for the neighbouring properties.

The existing window on the northern elevation will be removed, therefore there is no overlooking issues to the neighbouring properties to the north.

Officers acknowledge residents' concerns over the front windows overlooking the neighbouring properties, No. 104 Broad Street. It should be noted that the site is situated an urban area, therefore it is accepted that there would be some degree of overlooking. Officers acknowledge the windows would be overlooking the garden of the neighbouring properties. However the impact would not be significant to warrant a refusal of this application on this ground. The proposal would not change the locations of the windows nor increase the number of windows. In addition, planning permission was already granted for the conversion of the existing building into 1 no. dwelling in 2010 without requiring obscured glazed windows on the front elevation. Also it would be unreasonable to impose a condition to require these windows to be obscured glazed as they are habitable (bedroom) windows. Therefore it is considered that the proposal would not result in unacceptable or significant overlooking upon the neighbouring properties.

The submitted drawing indicated that there would be 1.8 metres high timber fence along the southern boundary and some of the existing wall along the

northern boundary will be retained. The proposal also shows a small private amenity space for both dwellings and an area for keeping bin stores. It is considered that the proposed boundary treatment is acceptable in principle subject to a planning condition is imposed to ensure the boundary treatment will be constructed. Although the amenity space will be small in size, it is noted that Page Park is only 65 metres away. It is considered that the proposed amenity space would be adequate for these small 2 bedroom dwellings.

Local residents have requested that the sun-pipe needs to be frosted. Due to the nature and the location of sun-pipe, it is considered that the proposed sun-pipe would not cause any harm to the residential amenity of the neighbouring properties.

Concerns are also raised with respect to noise and nuisance. As the proposal is to convert the existing office building to residential use, it is considered that the residential use would not cause any noise or nuisance to the neighbouring properties as it is located within a residential area. Regarding the construction noise or nuisance, a planning condition is imposed to restrict the construction hours in order to protect the amenity of the neighbouring properties. Officers also note that concerns regarding the proximity of proposed parking spaces and the neighbours' garden. As there would be timber fencing along the boundary, it is considered that the noise and nuisance from moving vehicles would not be significant to the detrimental to the living conditions of the neighbouring occupiers.

#### 5.4 Highway issues

Officers acknowledge that a number of residents raise significant concerns regarding the parking issues and the public highway safety. Highway Officer has considered the proposal and took consideration residents concerns.

There is a lot of planning history on this site, the latest application being PK13/4249/F which sought to convert the existing building to two dwellings. There was transportation objection to the proposals as submitted due to parking and the lack of turning within the site. Following discussions with the applicant the planning application was withdrawn.

This current planning application again proposes the conversion of the building to two two-bed units. As requested the parking has been reduced to two spaces, one for each unit. This level of parking conforms with the Councils residential parking standards.

The vehicular parking is not relocated and the original parking area is now allocated to a turning area. This now allows all vehicles to enter and leave the site in forward gear. This is considered a betterment over what is currently available on site and goes some way to alleviating transportation concerns over the access onto Teewell Hill which cannot be improved.

It is considered that there is no transportation objection to the proposed subject to planning conditions be imposed to ensure that i. the proposed turning area to be marked out on site as a turning area and to be kept clear at all time i.e. no



parking etc at any time, ii the proposed parking and turning to be provided prior to first occupation of either of the dwellings.

#### 5.5 Other Issues

Concerns have been raised by the neighbour regarding the ownership of the land. As land ownership and rights of way are private civil matter therefore these would not be planning material consideration. Regarding the neighbour's concerns regarding pre-application discussion, it is the applicant's decision to invite the interested parties to be involved. Concerns with respect to highway issues, residential amenity and land ownership have been addressed as above.

### 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 planning permission be granted subject to the following conditions;

**Contact Officer: Olivia Tresise**  
**Tel. No. 01454 863761**

### CONDITIONS

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

Reason

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

2. The proposed turning area shall be marked out on site as a turning area and shall be kept clear at all time.

Reason

In the interests of highway safety, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The proposed parking and turning facilities shall be provided prior to the first occupation of either of the dwellings hereby approved.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy T12 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the Council Residential Parking Standards (Adopted December 2013).

4. The glazing on the first floor level of the southern elevation shall at all times be obscured glass to a level 3 standard or above and be permanently fixed in a closed position.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

5. No windows shall be inserted at any time on the first floor level of the northern elevation of the property.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

6. Prior to the commencement of development a section drawing across the boundary of the neighbouring property, No. 2 and No. 4 Teewell Hill and plans indicating the positions, design, materials and type of boundary treatments to be erected shall be submitted to the Local Planning Authority for approval. The boundary treatment shall be completed before the dwellings are occupied. Development shall be carried out in accordance with the approved details.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

7. The hours of working on site during the period of construction shall be restricted to 08.00am to 18.00pm Mondays to Fridays, 08.00am to 13.00pm 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 curtilage of site.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

8. Prior to the commencement of the development surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the first occupation of the dwellings hereby permitted.

Reason

To minimise the effect of any flooding which may occur and to comply with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

9. The surface of the parking and turning area shall be constructed of permeable materials or the rainfall shall be directed to a permeable soakage area (provided it does not cause flooding of adjacent property) within the curtilage of the dwellings hereby approved..

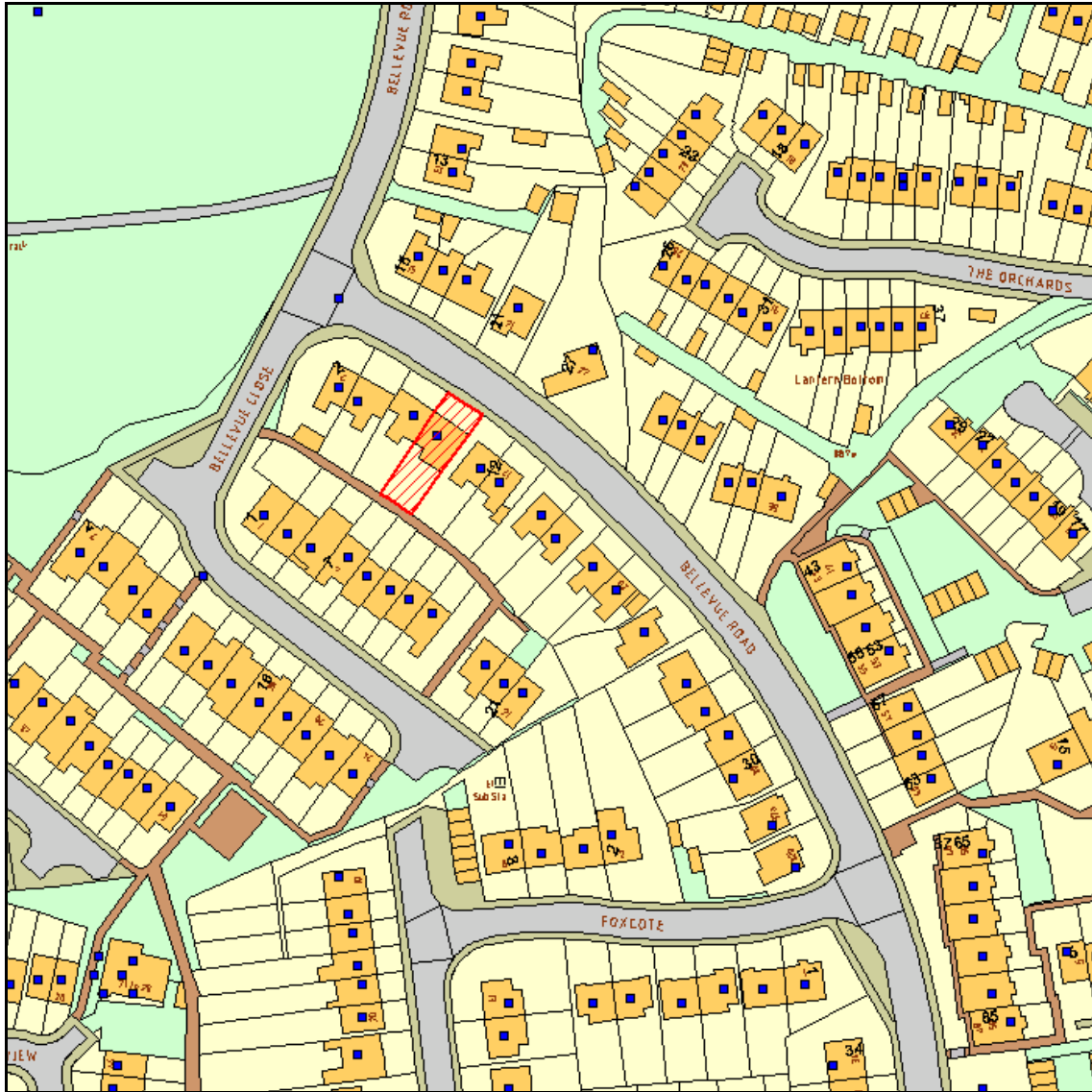
Reason

To minimise the effect of any flooding which may occur and to comply with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

# ITEM 5

## CIRCULATED SCHEDULE NO. 20/14 – 16 MAY 2014

<b>App No.:</b>	PK14/1305/CLP	<b>Applicant:</b>	Mr Jim Humphreys
<b>Site:</b>	8 Bellevue Road Kingswood Bristol South Gloucestershire BS15 9TU	<b>Date Reg:</b>	7th April 2014
<b>Proposal:</b>	Certificate of lawfulness for the proposed installation of rear dormer window and 2no roof lights to facilitate loft conversion	<b>Parish:</b>	None
<b>Map Ref:</b>	365530 173449	<b>Ward:</b>	Woodstock
<b>Application Category:</b>	Minor	<b>Target Date:</b>	28th May 2014



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100023410, 2008. **N.T.S.** **PK14/1305/CLP**

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

The 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 installation of a rear dormer window, 2 no. roof lights and a roofline alteration to facilitate a loft conversion at 8 Bellevue Road would be lawful.
- 1.2 The 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 solely on the facts presented.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
Town and Country Planning Act 1990 (As Amended) 1990 section 192  
Town and Country Planning (General Procedures) Order 1995 Article 24 Town and Country Planning (General Permitted Development) Order (GPDO) (As Amended) 1995

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

- 3.1 There is no relevant planning history for this site.

### **4. CONSULTATION RESPONSES**

- 4.1 Parish/Town Council  
The site is not within a parish boundary.

- 4.2 Other Consultees

Councillor  
No comment received.

Highway Drainage  
No comment received.

#### **Other Representations**

- 4.3 Local Residents  
None received.

### **5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION**

- 5.1 Existing Floor Plans, Proposed Floor Plans, Existing Elevations, Proposed Elevations. All dated 22/03/14, received at the Council on 02/04/14. Email correspondence from Julie Routledge (agent) dated 07/05/14.

## 6. ANALYSIS OF PROPOSAL

### 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 permission. Accordingly there is no consideration of planning merit, the application is based on the facts presented. The submission is not a application for planning permission and as such 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.

- 6.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, of the GPDO (As Amended) 1995.

- 6.3 The proposed development consists of a loft conversion facilitated by a dormer window in the rear roof slope of the property and 2 no. roof lights. The roof line of the property is to be altered in order to enlarge the loft space by changing the roof from a hipped roof to a gabled roof. This development would fall under the criteria of *Schedule 2, Part 1, Class B and Class C* of the Town and Country Planning (General Permitted Development) Order (as amended) 1995, which permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. This allows for dormer windows and roof lights subject to the following:

#### **B.1 Development is not permitted by Class B if –**

- (a) Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;**

The proposed dormer window would, at it's highest point, be 10cm below the highest part of the existing roofline, and the hip to gable alteration would remain at the same height. Therefore, the development meets this criterion.

- (b) Any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principle elevation of the dwellinghouse and fronts a highway;**

For the purpose of this application, it is considered that the principle elevation of the property is the elevation facing onto Bellevue Road, which is the north-east elevation. The alterations to the roofline do not extend forward of the existing front elevation roof slope. The two roof lights proposed on the forward facing slope are to be considered against Class C of Part 1 of the GPDO.

**(c) The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than-**

**(i) 40 cubic metres in the case of a terrace house, or**

The property is not a terraced house.

**(ii) 50 cubic metres in any other case;**

The dormer window has a volume of 28.74 cubic metres. Combined with the small hip to gable volume increase, this is below 50 cubic metres and therefore the proposal meets this criterion.

**(d) It would consist of or include-**

**(i) The construction or provision of a veranda, balcony or raised platform, or**

The proposal does not include the construction of any of the above.

**(ii) The installation, alteration or replacement of a chimney, flue or soil and vent pipe;**

The proposal does not include any alterations to the chimney, or the installation of a flue or soil and vent pipe.

**(e) The dwellinghouse is on article 1 (5) land.**

The dwellinghouse is not on article 1 (5) land.

### **Conditions**

**B.2 Development is permitted by Class B subject to the following conditions**

**(a) The materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.**

The applicant has stated in the application form that the materials of the dormer enlargement will match the existing dwellinghouse. The proposal therefore meets this condition.

**(b) Other than in the case of a hip to gable enlargement, the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 20cm from the eaves of the original roof; and**

This condition does not apply, as the proposal involves a hip to gable enlargement.

**(c) Any window inserted on a wall or roof slope forming the side elevation of a 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.**

The plans state that the side window will be non opening below 1.7 metres and obscure glazed.

Class C relates to any other alteration to the roof of the dwellinghouse, and is considered below.

**C.1 Development is not permitted by Class C if-**

- (a) The alteration would protrude more than 150mm beyond the plane of the slope of the original roof when measure from the perpendicular with the external surface of the original roof**

Correspondence with the agent has concluded that the roof light windows on the front elevation of the roof slope will not protrude more than 150mm from the roofline.

- (b) It would result in the highest part of the alteration being higher than the highest part of the roof; or**

The proposal does not exceed the highest part of the original roofline at any point, and therefore meets this criterion.

- (c) It would consist of or include-**

**(i) The installation, alteration or replacement of a chimney, flue or soil and vent pipe;**

**(ii) The installation, alteration or replacement of solar photovoltaics or solar thermal equipment.**

The proposal does not include any of the above.

**6. RECOMMENDATION**

- 6.1 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 within the curtilage of the dwellinghouse under Part 1 of The Town and Country Planning (General Permitted Development) Order 1995 (as amended).

**Contact Officer: Trudy Gallagher  
Tel. No: 01454 862217**

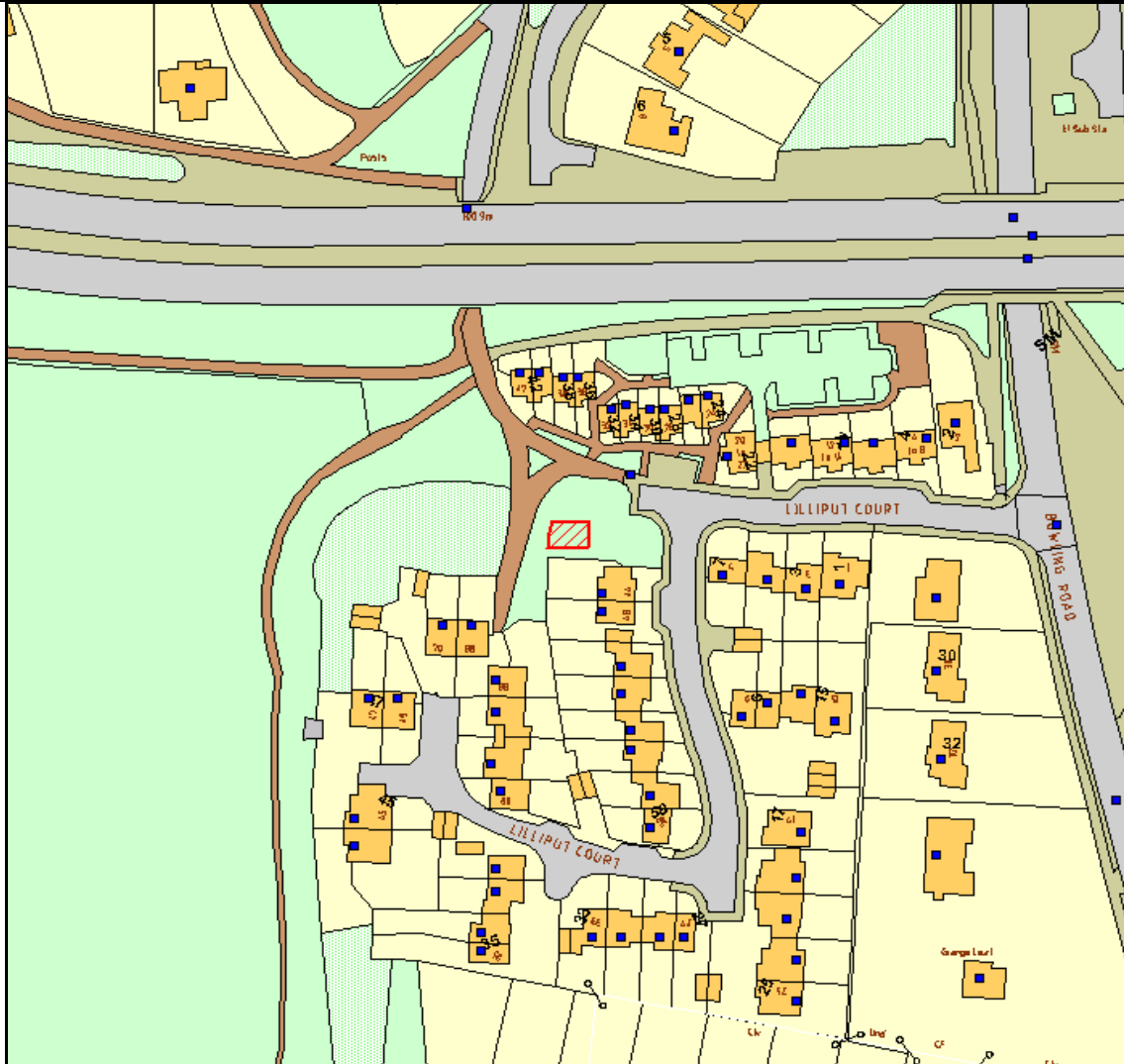




# ITEM 6

## CIRCULATED SCHEDULE NO. 20/14 – 16 MAY 2014

<b>App No.:</b>	PK14/1364/TRE	<b>Applicant:</b>	South Glos Council
<b>Site:</b>	44 Lilliput Court Chipping Sodbury Bristol South Gloucestershire BS37 6EB	<b>Date Reg:</b>	9th April 2014
<b>Proposal:</b>	Works to trees to crown reduce to previous pruning points 1no. Sweet chestnut tree and 1no Turkey Oak tree covered by Tree Preservation Order TPO 373 dated 27 June 1986	<b>Parish:</b>	Sodbury Town Council
<b>Map Ref:</b>	372481 181769	<b>Ward:</b>	Chipping Sodbury
<b>Application Category:</b>		<b>Target Date:</b>	30th May 2014



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100023410, 2008. **N.T.S.** **PK14/1364/TRE**

## **REASON FOR REPORTING TO THE CIRCULATED SCHEDULE**

This application has been referred to the Circulated Schedule as a matter of process as the application has been submitted by South Gloucestershire Council.

### **1. THE PROPOSAL**

- 1.1 This application seeks consent to undertake works to a Sweet Chestnut tree and a Turkey Oak tree covered by Tree Preservation Order TPO373 dated 27 June 1986.
- 1.2 The proposed works would reduce the trees to previous pruning points in the interests of the on-going management of the trees.
- 1.3 The trees are located on an area of Council owned land adjacent to no.44 Lilliput Court in Chipping Sodbury.

### **2. POLICY CONTEXT**

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

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

- 3.1 PK06/3219/TRE Approved with Conditions 04/12/2006  
Works to remove epicormic growth on trunk to 4 meters, on 1No. Turkey Oak tree & 1 No. Sweet Chestnut tree, covered by the Northavon District Council (Lilliput Court, Chipping Sodbury) Tree Preservation Order, 1986
- 3.2 PK04/3305/TRE Withdrawn 05/10/2004  
Works to fell 1no. Copper Beech and various other works to 1no. Black Pine, 1no. Sweet Chestnut and 1no. Turkey Oak covered by Tree Preservation Order 373 dated 3rd September 1986.
- 3.3 PK04/3262/TRE Approved with Conditions 19/11/2004  
Works to 1 no. black pine, 1 no. turkey oak, 1 no. sweet chestnut and 1 no. copper beach (G1, G2, G3) covered by South Gloucestershire Tree Preservation Order KTPO373 dated 27 June 1986.
- 3.4 Additional history is available, but due to the date (in excess of ten years) it is not considered relevant.

### **4. CONSULTATION RESPONSES**

- 4.1 Sodbury Town Council  
None received
- 4.2 Tree Officer

No objection

### **Other Representations**

- 4.3 Local Residents  
None received

## **5. ANALYSIS OF PROPOSAL**

5.1 This application seeks consent to undertake works to a tree protected by a preservation Order.

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

These trees have been subject to numerous works in the past. Therefore, in order to maintain the trees in their 'managed' state, on going works are required.

5.4 The proposed works would reduce the trees to the previous pruning points. These works are therefore considered to be reasonable and in the best interests of the health and longevity of the specimens.

5.5 As the works represent the on going management of the trees, they are acceptable and would not prejudice the visual amenity, health, appearance or long-term retention of the trees.

## **6. RECOMMENDATION**

6.1 It is recommended that NO OBJECTION be raised.

**Contact Officer: Griffith Bunce**  
**Tel. No. 01454 863438**

### **CONDITIONS**

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

Reason

In the interests of the long term health 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.

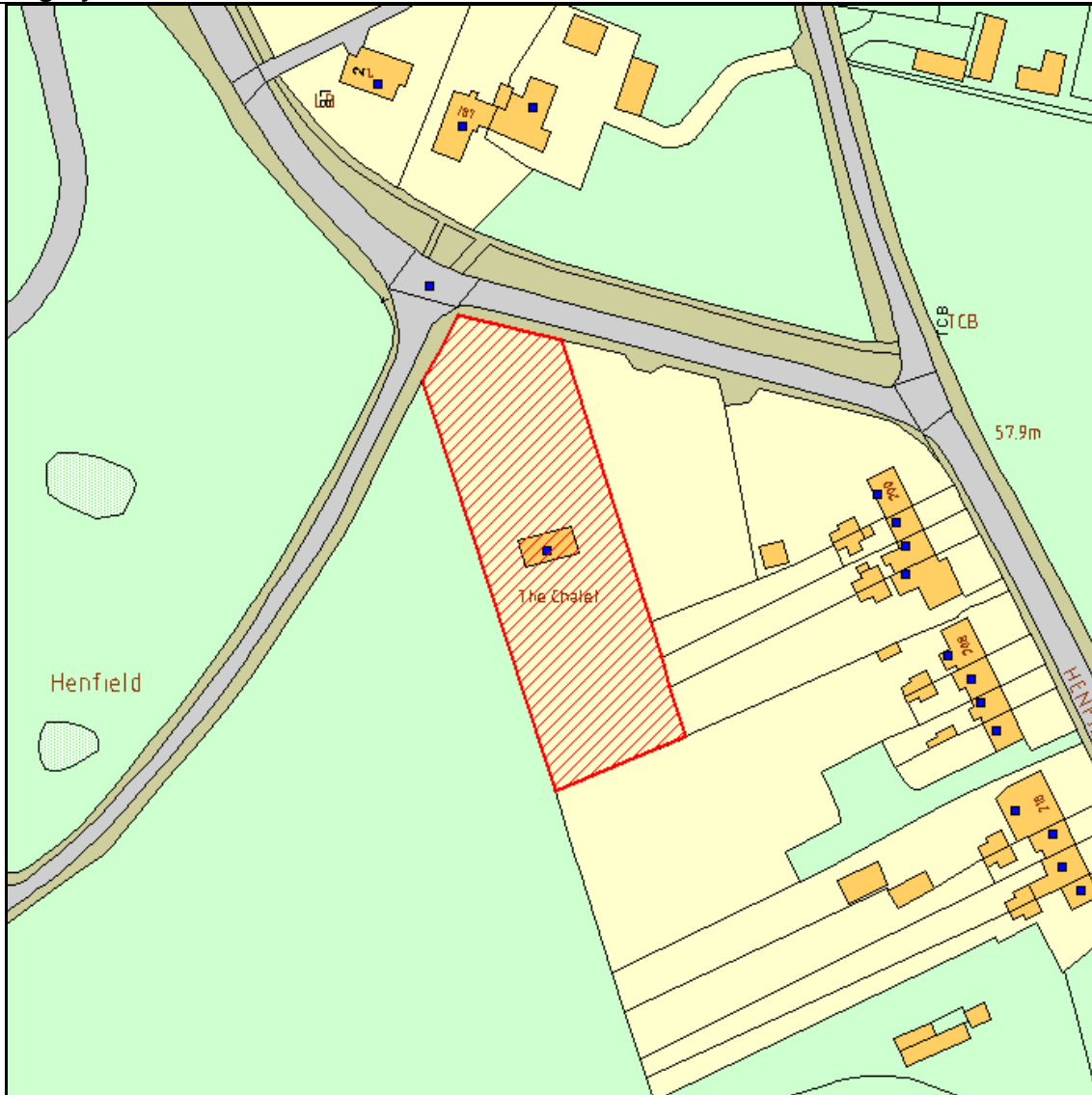
Reason

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

# ITEM 7

## CIRCULATED SCHEDULE NO. 20/14 – 16 MAY 2014

<b>App No.:</b>	PT13/3785/F	<b>Applicant:</b>	Mr L Harvey
<b>Site:</b>	Henfield Paddock Henfield Road Coalpit Heath South Gloucestershire BS36 2TG	<b>Date Reg:</b>	17th October 2013
<b>Proposal:</b>	Siting of 2no. additional static caravans on existing gypsy site with associated vehicles and storage of up to 5 no. touring caravans.	<b>Parish:</b>	Westerleigh Parish Council
<b>Map Ref:</b>	367843 179246	<b>Ward:</b>	Westerleigh
<b>Application Category:</b>	Minor	<b>Target Date:</b>	9th December 2013



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100023410, 2008. **N.T.S.** **PT13/3785/F**

## **REASON FOR REPORTING TO THE CIRCULATED SCHEDULE**

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

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the intensification of an existing gypsy pitch to include 2 additional mobile homes and up to 5 touring caravans. The additional mobile homes are to be occupied by immediate family members of the existing family. The proposal represents an extension of the existing authorised Gypsy Site known as 'Henfield Paddock'.
- 1.2 The application site is located within the Green Belt and in the open countryside. The site is a safeguarded gypsy site – identified as site 15 in policy CS21 of the Adopted Core strategy. This will be discussed in more depth in the body of the report below.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012  
NPPF accompanying document Planning Policy for Traveller Sites March 2012  
Ministerial Statement by the Rt. Hon. Brandon Lewis MP 2 July 2013.  
Planning Practice Guidance March 2014

#### **2.2 Development Plans**

##### **South Gloucestershire Local Plan (Adopted) January 2006**

L1	Landscape Protection and Enhancement
L9	Species Protection
T12	Transportation Development Control Policy
EP2	Flood Risk and Development
EP4	Noise Sensitive Development

##### **South Gloucestershire Local Plan : Core Strategy (Adopted) Dec 2013**

CS1	High Quality Design
CS5	Location of Development
CS9	Managing the Environment and Heritage
CS21	Gypsy and Traveller Accommodation
CS34	Rural Areas

#### **2.3 Supplementary Planning Guidance**

The South Gloucestershire Design Check List SPD Adopted August 2007  
Development in the Green Belt SPD Adopted June 2007  
South Gloucestershire Council Residential Parking Standards Approved 2013.

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

- 3.1 PT13/2384/F Siting of 4 no. additional static caravans on existing Gypsy site to include 4 no. utility blocks. Space for storage of up to 5 no. touring caravans and parking space for up to 8 no. vehicles  
Withdrawn August 2013  
*This application was withdrawn due to the lack of very special circumstances for 4 additional caravans.*
- 3.2 PT10/1556/F Demolition of existing buildings to facilitate erection of 1 no. outbuilding to provide ancillary accommodation. (Amendment to previously approved scheme PT08/2632/F)  
Approved November 2010  
*This application relates to the building marked 'chalet' on the plans currently for consideration*
- 3.3 PT08/2632/F Demolition of existing buildings to facilitate erection of 1 no. outbuilding to provide ancillary accommodation.  
Approved December 2008  
*This application relates to the building marked 'chalet' on the plans currently for consideration. This building was also personal*
- 3.4 PT05/3038/RVC Relaxation of conditions 4 and 6 attached to planning permission PT01/333/F to allow the continued use of land for motor vehicle sales.  
Refused November 2005
- 3.5 PT01/3333/F Change of use to residential and stationing of one mobile home.  
Approved January 2002  
*This application was necessary because the mobile home was in a different location (approximately 5 metres way) from the site approved by the inspector. It was subject to the same personal conditions attached by the inspector to application PT00/2488/F.*
- 3.6 PT00/2488/F Siting of one mobile home.  
Approved at Appeal October 2001  
*This was the appeal decision that originally granted approval for Mr Larry to occupy the site. It was subject to 11 conditions. Most importantly was that the conditions restricted the use of the site solely to Mr L Harvey, his wife and children. If the premises ceases to be used by Mr L Harvey, his wife and children, the use permitted shall cease all materials and equipment must removed from the site.*

### **4. CONSULTATION RESPONSES**

- 4.1 Westerleigh Parish Council  
Objects to the application for the following reasons:



- a) Highways grounds the site is on a dangerous bend in Henfield Road where there are already considerable speeding concerns. The site would generate an increase in traffic movements
- b) Over development of the site
- c) Development outside of existing building line
- d) Council wish to protect the green belt in this rural location
- e) Drainage issues the highway has suffered with drainage issues and the application does not state clearly what drainage measures are to be taken
- f) The application does not fit with this Councils development management policy whereby council are concerned that there is already overdevelopment in the Coalpit Heath area, existing local infrastructures and ability to cope with further development is in question, the development must be sympathetic to its surroundings and must demonstrate that it actually benefits and enhances the local community.

#### 4.2 Other Consultees (including internal consultees of the Council)

##### Housing Enabling

No affordable housing requirement on this site

##### Welfare Officer for the Ethnic Minority and Traveller Achievement Service

Confirms the personal circumstances of the applicant and his family

##### Landscape Architect

No landscape objection

##### Strategic Planning Policy Officer

Supports the application

##### Highway Drainage

No Objection

##### Highway Officer

No Objection

#### **Other Representations**

#### 4.3 Local Residents

32 letters of objection have been received from residents/businesses; the concerns raised are summarised as follows:

- Not aware of when Henfield Paddock was turned into an official gypsy site
- Object to any expansion
- Planning History should be taken into consideration
- Issues of maladministration
- Would more wash house facilities be required
- Frustration of not knowing whether the site will be turned into a transit site
- Devaluation of neighbour properties

- Granting permission would show no consideration to the community of Henfield
- Contravenes green belt policy
- Inappropriate and unsuitable for the area
- Unacceptably close to neighbouring properties
- Poor access on a dangerous bend
- Flooding and foul water drainage problems
- What are the special circumstances?
- The site only has temporary permission
- Increased noise and the quiet lane status of the area

In addition 1 letter of support has been received.

## **5. ANALYSIS OF PROPOSAL**

### Principle of Development

- 5.1 CLG released a written statement from Baroness Harnham on 27 March 2013 announcing the Government's decision to revoke the south-west regional strategy (RPG10) and the Joint Replacement Structure Plan (JRSP). An Order to revoke the Regional Strategy for the South West was laid in Parliament on 24 May 2013 and this came into force on 20 May 2013. As a result, RPG10 and the JRSP will therefore not be part of the development plan and therefore no longer carry any weight.
- 5.2 The Direction served on South Gloucestershire Council in August 2006 (which has not yet been formally removed), the West of England GTAA published in October 2007, the High Court judgment of April 2008, the outstanding level of need and lack of available sites, are all considered to be material considerations of some weight.
- 5.3 Progress with the South Gloucestershire Gypsy and Traveller Sites Allocation Development Plan Document (DPD) was halted in 2010 and the future policy context for considering Gypsy/Traveller applications was taken forward through the Council's Core Strategy. The draft DPD is therefore of limited weight. Notwithstanding this, the evidence base used to support the Gypsy & Traveller DPD has been used to prepare Policy CS21 of the Core Strategy. Given the demonstrable need and the evidence base that supports the policy framework for delivering Gypsy/Traveller sites which has been subject to extensive public consultation as part of both the G&T DPD and Core Strategy, weight can be attributed to it as a material consideration.
- 5.4 Planning Policy for Traveller Sites (PPTS) was published by the Government on 23 March 2012. This document replaces Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites and Circular 04/2007: Planning for Travelling Showpeople. The PPTS is a material consideration in the determination of planning applications and should be taken into account by Local Planning Authorities in the preparation of Development Plans. The overall aims of the document can be summarised as ensuring that outstanding need for Gypsy and Traveller sites are addressed by Local Planning Authorities and that sites should be located in sustainable and appropriate locations.

- 5.5 Whilst the South Gloucestershire Local Plan (SGLP), remains the extant development plan Policy H12 relating to Gypsy and Traveller Sites is no longer a saved Policy. The Council adopted the Core Strategy on 11<sup>th</sup> Dec. 2013. In accordance with para. 5.38(6) of the Planning and Compulsory Purchase Act 2004, this application falls to be considered in accordance with Policy CS21 (Gypsy and Traveller Accommodation) of The South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.
- 5.6 Policy CS21 (Gypsy and Traveller Accommodation) of the Core Strategy states that provision will be made through the intensification of existing, authorised sites, provision within the new neighbourhoods and those that come through the development management process or Policies, Sites and Places DPD. The application site 'Henfield Paddock', is listed within Policy CS21 as a Safeguarded Gypsy and Traveller Site. The supporting text to Policy CS21 at para. 10.76 states the following:
- “Existing, authorised sites will be safeguarded and this will apply to public and private Gypsy/Traveller provision. ‘Authorised’ land includes existing Gypsy and Traveller sites which benefit from a permanent planning permission or alternatively, a temporary planning permission. The term ‘safeguarded’ means that existing, authorised land for the accommodation of Gypsies and Travellers will be retained until such time as it can be proved no longer a need. In the case of sites with temporary planning permission, the site will be retained, or ‘safeguarded’ until such time as the existing permission expires and safeguarding status will no longer apply.*
- 5.7 Henfield Paddock was granted a personal consent for the sole use by Mr Harvey, his wife and children. This in effect means it is also a temporary consent for the purposes of Policy CS21 because when Mr Harvey and his family no longer occupy the site, it will no longer be a gypsy site.
- 5.8 CLG issued a Ministerial Statement on 2 July 2013 relating to 'Planning and Travellers' and applications that come forward for temporary and permanent traveller sites in the Green Belt. As the NPPF makes clear (para 87), such development is inappropriate development and should not be approved except in very special circumstances. According to the ministerial statement, the Secretary of State wishes to make it clear that, when determining applications, although each case is determined on its merits, 'he considers that the single issue of unmet demand, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the Green Belt and other harm to constitute the very special circumstances' justifying inappropriate development in the Green Belt'.
- Need for Gypsy & Traveller Sites
- 5.9 On the 29<sup>th</sup> January 2014, South Gloucestershires PT&SE Committee endorsed the findings of the South Gloucestershire & City of Bristol Gypsy & Traveller Accommodation Assessment (GTAA) 2013. In doing so they resolved to endorse the findings as far as they relate to South Gloucestershire for the purposes of informing the Council's planning policy framework and

development management decision making, thereby replacing the previous 2007 West of England GTAA.

5.10 The GTAA recommends that the following are required to be delivered in South Gloucestershire up to 2028:

- 46 additional Gypsy/Traveller residential pitches.

The new figures represent the most up to date evidence. As a result it should be regarded as the fully objectively assessed amount of provision which is necessary to meet the Council's statutory obligations towards the identifiable needs of the residential population arising in South Gloucestershire over the plan period, thereby complying with the requirements of the NPPF and PPTS.

5.11 The GTAA continues to reveal a demonstrable unmet need for permanent residential Gypsy/Traveller and Travelling Showpeople sites in South Gloucestershire. It is clear therefore that the Local Planning Authority still has a considerable number of new pitches to provide in order to meet the accommodation needs of Gypsies and Travellers in South Gloucestershire and that this continues to attract significant weight as a material consideration.

#### The proposed development

5.12 The application proposes an additional two Gypsy pitches and a touring caravan storage area at the established Gypsy & Traveller site known as 'Henfield Paddock'. The site was originally granted planning permission for use as a gypsy site by Mr Harvey in 2000 by the planning inspector. Policy has changed quite considerably since 2000. The applicant is seeking permission for occupation of the two mobile homes by members of his immediate family in accordance with the original conditions imposed by the planning inspector.

5.13 The Government attaches great importance to Green Belts. The NPPF is clear at paragraph 87 that in the case of proposals which come forward in the Green Belt, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, the NPPF also states that the fundamental purpose of the Green Belt is to preserve its openness. Policy CS21 also states that proposals for sites within the green belt will only be considered acceptable where it can be demonstrated that very special circumstances exist.

#### Very Special Circumstances for 2 additional Mobile Homes

5.14 The Council consider that the proposal represents inappropriate development in the Green Belt. The applicant has submitted a series special circumstances that could justify the inappropriate development in the Green Belt; and these are summarised by your officer as follows:

- i) The unmet need for further sites for Gypsies and Travellers;
- ii) The family's personal circumstances – one caravan is to be occupied by Mr Harveys daughter and her family. Mr Harveys daughter is expecting a baby imminently and the young family require a caravan due to overcrowding. The second caravan is to be occupied by Mr Harveys

son and family who currently live in 'bricks and mortar; and is suffering from depression because of his current way of life

- iii) Deficiencies with Development Plan policy provision for Gypsy and Traveller caravan sites in South Gloucestershire;
- iv) 5 year land supply of Gypsy Sites

- 5.15 At present, there is one mobile home on the site that is occupied by Mr and Mrs Harvey and their twins Billy Jo and Georgie Lee, and also by another daughter Sam and her partner Paul who are expecting a baby shortly. Evidence has been submitted to prove that Billy Jo and Georgie Lee attend a local school and have good records of attendance. Evidence has also been submitted to prove that Sam is pregnant and due to give birth imminently. It is therefore reasonable to allow Mr and Mrs Harvey and the twins to remain in the existing caravan. It is also reasonable to provide the growing family with sufficient space to meet their needs and afford a reasonable standard of living conditions.
- 5.16 Another daughter Joanne also lives on the site in the building marked 'chalet'. Joanne lives with her young daughter and medical information has been submitted to prove that Joanne has severe disabilities. Joanne's daughter also has serious medical issues and information has been submitted to prove this also. It is important and necessary for Joanne to live with her parents for support as the medical needs of her and her daughter are great.
- 5.17 The applicants also have another son who currently does not live on the site but lives in 'bricks and mortar.' This son has a wife and three children who also attend local schools and attendance records have been submitted to prove this is the case. One of the three children also has serious medical issues and is under treatment from local doctors. The current settled lifestyle is causing some considerable stress and is also overcrowded. Medical Professionals working on behalf of this family have tried to find more suitable alternative accommodation for this family in the past. Given the two children of school age are well settled into a local school and have good attendance, it is reasonable for them to remain in the local area to ensure that their schooling is not interrupted. Given the health issues of one of the sons, it is also reasonable for him to be provided with suitable accommodation with his own separate bedroom and also to maintain close contact with the medical health care professions who know his condition so well. It is not unreasonable for an individual of gypsy and traveller status to wish to reside in a mobile home rather than insisting they reside in 'bricks and mortar.'
- 5.18 Finally, the applicant Mr Harvey himself also has medical issues that may worsen with time – again documents have been received from health care professionals with regards to the health of Mr Harvey. There is concern that as Mr and Mrs Harvey age, because of existing medical issues, they may not be able to offer the care and support to the family members briefly outlined above. It is for this reason, the family wish to live together on the site. It is recognised by the councils Department for Children, Adults and Health that it is very normal for the gypsy traveller community to look after each other relieving strain on Health and Welfare services and also to support each other.

- 5.19 Therefore, in light of the information in paragraphs 5.14 to 5.18 above, it is considered that a set of strong and compelling very special circumstances have been put forward to justify two additional mobile homes on the site. These are summarised as the need to maintain good attendance at local schools, the serious medical conditions faced by several of the family members and the need for family support to assist with day to day living, the need to maintain close contact with local health care professionals, and the need to provide the residents with suitable living conditions,
- 5.20 As regards the need for Gypsy and Traveller Sites in South Gloucestershire, this matter is not contested, as evidenced in the preceding paragraphs of this report. The recent Ministerial Statement by the Rt. Hon. Brandon Lewis M.P. states that:
- “The Secretary of State wishes to make clear that, in considering planning applications, although each case will depend on its facts, he considers that the single issue of unmet demand, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the Green Belt and other harm to constitute the ‘very special circumstances’ justifying inappropriate development in the Green Belt’.*
- 5.21 Officers consider that the statement does not totally preclude every case of unmet need, making it clear that each case will depend on its facts. The statement goes on to confirm this by stating that it is ‘*unlikely*’ to outweigh harm to the Green Belt, therefore implying that in certain cases unmet need alone might outweigh the harm by reason of inappropriateness.
- 5.22 The Core Strategy lists those Gypsy/Traveller sites to be safeguarded at Policy CS21. The existing site at ‘Henfield Paddock’ is included in this list although on a temporary basis. It is Council policy that existing temporary sites will be retained or safeguarded until such time and the existing permission expires. Therefore, conditions would be attached to any consent granted to ensure that the two new mobile homes would be covered by the same temporary and personal consent as the existing authorised use.
- 5.23 Very Special Circumstances for 5 touring caravan pitches  
The applicant contends that travelling patterns for gypsies and travellers are linked to the seasons and work associated with the seasons. Gypsy horse fairs, Christian gatherings and social gatherings to name a few. Travellers do not travel on a daily basis or all year round. In order to allow the residents to follow their traditional way of life, the small touring caravans are required for use whilst travelling. Given the number of intended residents on the site (14) and the size of the touring caravans, five is considered to be a reasonable number to meet the needs of the intended future residents.
- 5.24 Personal Circumstances  
In terms of alternative Gypsy & Traveller Sites, given the needs of the families to live close to the Downed/Staple Hill/Mangotsfield Area (for education and health reasons), your officer is not aware of any existing authorised sites that could meet the identified need.

### Human Rights

- 5.25 Any violation of Human Rights would relate to Article 1 of the First Protocol (protection of property) and Article 8 (respect for private and family life and the home) of the European Convention on Human Rights, which is incorporated into the Human Rights Act 1998. Article 8 reads as follows:

#### *“Article 8*

*Right to respect for private and family life.*

- 1. Everyone has the right to respect for his private and family life, his home and his correspondence.*
- 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”*

Officers consider that the operation of the Planning system does not conflict with the Human Rights Act. The Council has not acted unfairly in preparing the Local Plan or Core Strategy and then making decisions based upon the policies contained therein. Both plans have been tested at public enquiry and subsequently found to be sound.

- 5.26 Visual Impact on Openness of the Green Belt

The site is well screened by existing vegetation. The landscape officer does not raise any object to the proposed works. The proposed mobile home and touring caravans will naturally, by their very existence, impact on the openness of the green belt. However, given that this is a personal and temporary consent for Mr Harvey and his family only, the impact will be short to medium term only. The very special circumstances demonstrated are considered to outweigh the small amount of harm to the openness of the green belt.

- 5.27 Green Belt Conclusion

Having regard to: the planning history of this site; the length of time that Gypsies have been associated with the site; the acknowledged unmet need for Gypsy & Traveller Sites within South Gloucestershire; the content of Core Strategy Policy CS21; the limited impact on the visual amenity of the Green Belt and the personal circumstances of the applicant, officers consider that the very special circumstances to overcome the harm by reason of inappropriateness and any other harm, to justify the development in the Green Belt, have on balance been adequately demonstrated. There is therefore, no in-principle Green Belt objection to this proposal.

### Other Considerations

- 5.28 Highway Issues

The NPPF (para. 32) is clear in stating that development should only be prevented or refused on transport grounds where the cumulative impacts of development are severe. The transportation officer raises no objection to the proposed application.

- 5.29 The original approval on the site was subject to appeal which the Planning Inspectorate approved back in 2001, with the stipulation that the then existing access was permanently closed and a new safer access created. This new access is the one currently proposed to serve the proposed additional caravans. Since the previous application a number of changes have occurred both in national guidance and also with the local highway network, visibility standards have been reduced in accordance with Manual For Streets 2 and the area is now designated a quiet lanes area.
- 5.30 It is against this history of the Planning Inspectorate approving both the principle and location of the access and the reduction of visibility requirements since the appeal and the designation of the Quiet Lanes Area that this application needs to be considered when assessing it from a transportation perspective.
- 5.31 The access in/out of the site is appropriate for the scale of development and affords appropriate visibility. It is noted that the site is within the Henfield Quiet Streets area, but this designation does not prohibit development, rather it is more of an ethos where Quiet Lanes are defined as a network of rural roads where minimal traffic calming measures are used to enable all road users to 'share with care'. ie Travel is easier for cyclists, walkers, horse riders and those in wheelchairs, Drivers are encouraged to travel at slower speeds. Everyone using the lanes must consider their behaviour towards other users and 'share with care'. Local authorities, interest groups and local communities develop a partnership to establish a local consensus about local travel. Research is carried out into how people travel Communities are encouraged to 'own' the lane.
- 5.32 People show respect for the local environment and its character and landscape is managed and conserved. Links with other routes may be developed to create local networks for communities to use. Although on the appealed application the access was to be installed as per the drawings, and hence by association it would imply that they would have to maintain the visibility as provided no condition was applied. The highway officer therefore suggest that in the event of any approval a condition is applied that requires visibility splays of 2.4m x 43m in each direction, with no obstruction greater than 0.9m within the visibility splay.
- 5.33 As such given that the number of vehicle movements associated with this proposal would in a worse case scenario represent an increase in the busiest times of the day (morning and evening peaks) of an extra 2 movements per hour it is felt that the proposed development would not be detrimental to the quiet lanes ethos. Impact on highway safety is therefore deemed to be entirely acceptable.
- 5.34 Officers consider that in light of the assessment above, and having regard to para.32 of the NPPF, a refusal reason based on highway grounds could not reasonably be justified in this case. In this respect, the proposal accords with Policies CS21 of The South Gloucestershire Local Plan Core Strategy



(Adopted) 6<sup>th</sup> Jan 2006 and Policy T12 of the South Gloucestershire Local Plan (Adopted) 6<sup>th</sup> Jan 2006.

5.35 Design Issues

The legal definition of a caravan was established in the Caravan Sites and Control of Development Act 1960; this was modified in 1968 to include twin-unit mobile homes and again in 2006 when the sizes were increased to the following:

- a) Length (exclusive of any draw bar) 20m (65.6ft)
- b) Width 6.8m (22.3ft)
- c) Overall height (measured internally from the floor at the lowest level to the ceiling at the highest level) 3.05m (10ft).

Given these definitions it is not normally the requirement for applicant's to submit plans of the mobile homes and caravans. In this case the dimensions of the mobile homes are give to be 6m x 11m. The plans do not show the provision of any day room and so these would need to be the subject of a separate planning application if any were required in the future.

5.36 The scheme therefore accords with Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 6<sup>th</sup> Jan 2006.

5.37 Environmental Issues

The site is not the subject of unacceptable levels of noise disturbance, air pollution, smell, dust or contamination and neither is the site prone to flooding. The site was previously considered to be habitable being granted consent at appeal and included within the list of safeguarded sites under Policy CS21 of the recently approved South Gloucestershire Local Plan Core Strategy, the plan having been tested at Public Enquiry.

5.38 Foul disposal would be via a nearby connection to the mains sewer. The Councils Drainage Engineer has raised no objection. The proposal therefore accords with Policies CS1 and CS21 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013.

5.39 Impact on Residential Amenity

The nearest residential properties likely to be affected are No's 200 to 206 Henfield Road. There is a distance of over 70 metres between the proposed mobile homes and the main rear elevations of these neighbouring dwellings. It is not disputed that the additional residents may generate further noise. There are currently 8 people living on site and this would increase to 14. Given that conditions would be attached restricting any commercial use from the site the only noise is likely to be that associated with 'normal' residential occupation. It is not considered that this would have any detrimental impact on the amenity of the neighbouring properties.

5.40 The proposed caravans are modest in scale and only single-storey. Given the level of existing and proposed tree and hedgerow planting that would enclose the site, any views in or out of the site would be well screened.

5.41 With appropriate conditions, officers consider that there would be no significant adverse impact on residential amenity over and above that which already occurs.

5.42 Other Issues

Of the concerns raised that have not been addressed in the above paragraphs:

- The impact on house values is not a material consideration in the determination of planning applications.
- The site was safeguarded as part of the adoption of the Core Strategy which was subject to examination in public. This planning applicant cannot re-visit the inclusion of this site on the safeguarded list.

**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 acknowledged harm to the Green Belt must be balanced against the continued unmet need for, and lack of availability of, alternative Gypsy and Traveller Sites; the planning history of the site and personal circumstances of the applicant and his family.

6.3 Policy CS21 envisages that some new Gypsy & Traveller Sites will be delivered through the development management process as windfall sites. Given that South Gloucestershire is heavily constrained with large areas of AONB (22%), Green Belt (43%) and areas of high flood risk (18%), finding sufficient land for Gypsy and Traveller Sites outside these areas is a considerable challenge for the Council. Given this situation officers consider that it most likely that in certain cases there will be circumstances whereby the provision of a Gypsy & Traveller Site will occur in these areas; indeed some of the safeguarded sites listed under Policy CS21 of the Core Strategy do lie within these areas and 'Henfield Paddock' is a case in hand.

6.4 The site at 'Henfield Paddock' is an existing Safeguarded Site and Policy CS21 of The Core Strategy, in the first instance seeks to provide additional pitches through the intensification of existing sites.

6.5 The applicant has set out a very strong case of very special circumstances for the need of the two extra mobile homes and space for five touring caravans. The occupants have local connections. There is little or no prospect of the present occupants finding an alternative Gypsy & Traveller site locally.

6.6 In this case officers consider that the combination of the personal circumstances of the applicant, combined with the unmet need of and lack of alternative Gypsy & Traveller Sites described previously and the planning history of the site, outweigh the limited level of harm to the Green Belt.

6.8 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 and 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 following conditions:

**Contact Officer: Marie Bath**  
**Tel. No. 01454 864769**

### **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 commercial activities shall take place on the land the subject of this consent, including the storage of materials. There shall be no outside storage of any kind.

Reason

To protect the visual amenity of the Green Belt and landscape in general to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

3. Prior to the commencement of development details of a visibility splay measuring 2.4 metres by 43 metres in each direction shall be submitted to the Council. If acceptable the Council will give written approval to the details so agreed. The visibility splay must be implemented exactly in accordance with the agreed details prior to the commencement of development and maintained at all times thereafter. There shall be no obstruction over 0.9 metres in height within the visibility splay at any time.

Reason

To ensure safe access and egress is maintained in accordance with the requirements of Policy T12 of the Adopted Local Plan and Policy CS21 of the Adopted Core Strategy.

4. The proposed parking, turning and manoeuvring areas shall be provided prior to the first occupation of the development hereby approved and those areas shall not thereafter be used for any purpose other than the turning and manoeuvring of vehicles.

Reason

In the interests of highway safety and to accord with Policy T12 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS21 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

5. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the land the subject of this consent.

Reason

To protect the visual amenity of the Green Belt and landscape in general to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

6. The use hereby permitted shall be carried on only by Mr L Harvey, his wife and children. Each of the residential units on site must be the primary residence of either Mr Harvey (senior), his wife or one of his children all times.

Reason

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

7. When the premises cease to be occupied by Mr L Harvey, his wife and children, the use hereby permitted shall cease. All materials and equipment bought onto the site in connection with the use, including all accommodation and/or caravans, shall be removed and the land restored to its condition prior to the granting of this permission within 2 months of the use ceasing.

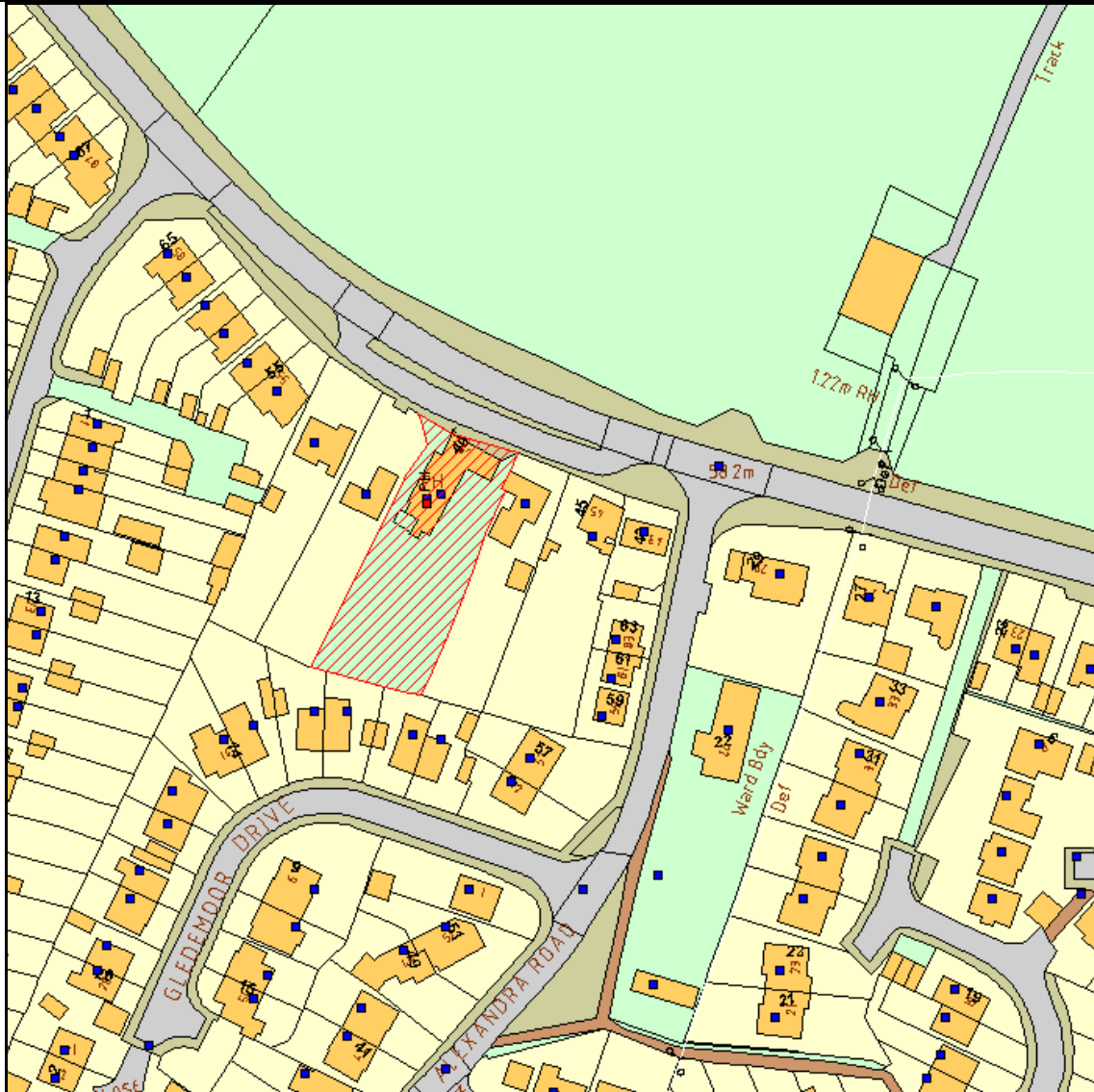
Reason

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

# ITEM 8

## CIRCULATED SCHEDULE NO. 20/14 – 16 MAY 2014

<b>App No.:</b>	PT13/4031/F	<b>Applicant:</b>	Mr & Mrs A Cake
<b>Site:</b>	49 Church Road Frampton Cotterell South Gloucestershire BS36 2NJ	<b>Date Reg:</b>	5th November 2013
<b>Proposal:</b>	Change of use from Public House (Class A4) to 2no. self contained flats (Class C3) as defined in Town and Country (Use Classes) Order 1987 (as amended). Erection of 2no. detached dwellings with associated works. (Resubmission of PT13/2868/F)	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	367682 181475	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Minor	<b>Target Date:</b>	26th December 2013



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100023410, 2008. N.T.S. PT13/4031/F

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This application has been referred to the Circulated Schedule following the receipt of objections from Frampton Cotterell Parish Council, The Bristol Pubs Group and a local resident; the concerns raised being contrary to the officer recommendation.

### **1. THE PROPOSAL**

1.1 49 Church Road or the currently vacant 'The Star' Public House, is a locally listed building dating to the early/mid 19<sup>th</sup> century with later extensions to the rear and 20<sup>th</sup> century windows and porch; the building has a clay tiled roof with painted rubble walling. The building occupies a slightly elevated position on a small slip road on the western side of and parallel to, Church Road. To the rear, the gardens of the public house extend south to the 20<sup>th</sup> century development which effectively wraps around the east, west and south sides of the site. The property lies just within the Established Settlement Boundary of Frampton Cotterell whilst on the opposite side of Church Road is open agricultural land lying within the Bristol/Bath Green Belt.

1.2 The proposal is to convert the ground floor of the former public house into two small flats, retaining the 1<sup>st</sup> floor flat as existing. This would be achieved without any significant changes to the principle street elevation, and is limited to changing the odd window to a door or vice versa.

1.3 It is also proposed to erect two detached, two-bedroom dwellings in the former pub garden to the rear of the existing pub building. A vehicular access into the site would lie between the existing building and neighbouring no.47. The scheme as now proposed has been designed in close consultation with the Council's Conservation Officer and represents a re-submission of an earlier application PT13/2868/F and a revision to the scheme originally submitted under the current application.

1.4 The application is supported by the following documents:

Planning Statement  
Coal Mining Risk Assessment  
Flood Risk Assessment

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

The National Planning Policy Framework (NPPF) and accompanying Historic Environment Planning Practice Guide.  
The Planning Practice Guidance (2014)

#### **2.2 Development Plans**

##### **South Gloucestershire Local Plan (Adopted) January 2006**

E6 Employment Development in the Countryside  
H6 Affordable Housing  
L1 Landscape Protection and Enhancement

- L9 Species Protection
- L11 Archaeology
- L15 Buildings and Structures Which Make a Significant Contribution to the Character and Distinctiveness of The Locality
- EP2 Flood Risk and Development
- EP4 Noise Sensitive Development
- T7 Cycle Parking
- T12 Transportation Development Control Policy for New Development
- LC1 Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions).
- LC2 Provision for Education Facilities (Site Allocations and Developer Contributions).
- RT11 Retention of Local Shops, Parades, Village Shops and Public Houses

South Gloucestershire Local Plan Core Strategy (Adopted) 11 December 2013

- CS1 High Quality Design
- CS5 Location of Development
- CS6 Infrastructure and Developer Contributions
- CS9 Managing the Environment and Heritage
- CS15 Distribution of Housing
- CS16 Housing Density
- CS17 Housing Diversity
- CS18 Affordable Housing
- CS23 Community Infrastructure and Cultural Activity

2.3 Supplementary Planning Guidance

- The South Gloucestershire Design Checklist (SPD)
- Trees on Development Sites (SPG) Adopted Nov 2005
- The Affordable Housing SPD (Adopted) Sept. 2008
- The South Gloucestershire Council Residential Parking Standards (Adopted).
- Development in the Green Belt (Adopted June 2007)
- The Local List SPD (Adopted) Feb. 2008
- The Frampton Cotterell Village Design Statement

**3. RELEVANT PLANNING HISTORY**

- 3.1 P94/2505/A - Display of signs on front elevation.  
Advertisement Consent 5 Dec. 1994
- 3.2 P98/1961/A - Display of 2 red banners measuring 1800mm x 900mm (retrospective).  
Refused 10 Sept. 1998
- 3.3 PT13/2868/F - Change of Use of Public House (Class A4) to 2no. self contained flats (Class C3) as defined in Town and Country (Use Classes) Order 1987 (as amended). Erection of 3no. terraced dwellings with associated works.  
Withdrawn 21 Oct. 2013

#### 4. CONSULTATION RESPONSES

*The following are responses to the scheme as originally submitted*

##### 4.1 Frampton Cotterell Parish Council

Object on the grounds cited by SGC's Conservation Officer.

##### 4.2 Other Consultees

###### Environmental Protection

No objection subject to standard informatives relating to construction sites.

###### Sustainable Transport

No objection. The proposal has parking and cycle storage in accordance with the Council's standards.

###### The Coal Authority

No objection subject to a condition to secure remedial works in the event of shallow workings being found.

###### Housing Enabling

The number of dwellings and site area fall below the threshold for an affordable housing contribution.

###### Highway Drainage

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

###### The Bristol Pubs Group

Object on the following grounds:

- The pub is in a sustainable location.
- No evidence to prove the pub's lack of viability.
- Have three years trading accounts been submitted?
- A pub's viability relies on how the licensee runs it.
- The letter from the previous landlord is not signed.
- Frampton Cotterell is not flooded with supermarkets selling cheap alcoholic drink.
- The previous landlords did not maintain the property.
- Other pubs in the village are thriving.
- If the pub was well run there would be no anti-social incidents.
- Clarity should be sought as to whether any of the offers were from people intending to re-open the pub.
- Sale of the bungalows could finance the restoration of the pub.
- The beer duty has been frozen.
- The pub could serve food.
- There is only one pub in easy walking distance of The Star – the Badminton Arms, which is on a busy road in Coalpit Heath.

###### Conservation Officer

The proposed conversion of the public house will involve minimal external alterations to the locally listed building and is acceptable in principle. The



design of the new dwellings has been revised and the numbers reduced but the resultant dormer bungalows fail to respect or enhance the character, distinctiveness and amenity of the site and the setting of the locally listed building. Whereas the previous scheme attempted to replicate some of the Victorian design and proportions found in the locality, the current scheme has little regard to the traditional character of the main building and simply brings the 20<sup>th</sup> century encroachment of modern development closer to the historic buildings. Despite the reduction in units on the site, the landscaping and parking arrangements remain unaltered which is regrettable. In terms of options, the site has a distinctly linear arrangement to the rear of the main building and this alignment could form the basis for the new buildings rather than have them sit across the width of the site. The depth of the building footprint should be reduced to respect the proportions of the main building and, in terms of design, one option may be to echo converted outbuildings/coach house that, when viewed together, form a coherent group with the main building on the site rather than contrasting with it.

As presented, I am of the opinion that the new design is a retrograde step from the withdrawn application which attempted to respect the local character and distinctiveness of the site. The design, form, scale, massing and detailing of the dormer bungalows is considered detrimental to the setting of the locally listed building, contrary to Policy D1 of the adopted Local Plan and the guidance contained in the adopted Local List Supplementary Planning Document.

### **Other Representations**

#### **4.3 Local Residents**

1no. letter of objection was received from a local resident. The concerns raised are summarised as follows:

- The proposed change of use is contrary to Core Strategy Policy CS23.
- An enterprising landlord would make a success of the pub.
- The food could be extended to serve food.
- Loss of community facility contrary to paras. 69 & 70 of the NPPF.
- A CAMRA pub viability assessment has not been submitted.
- No trading information has been submitted.
- The previous landlords did not maintain the pub.
- Were there offers from people wishing to re-open the pub?
- Previous anti-social behaviour was limited.
- The pub was a hub for social events.
- The pub garden provides privacy for local residents.
- The pub facility is needed to cater for future population growth.
- The pub is important for the rural economy.
- Alternative pubs are too far away and therefore not in accordance with Core Strategy Policy CS23.

***Subsequent to the receipt of the above comments a revised scheme was submitted and a re-consultation carried out which generated the following responses:***

4.4 The Coal Authority  
No further comment

Highway Drainage  
No further comment

Housing Enabling  
The scheme still falls below the threshold for an affordable housing contribution.

Conservation Officer  
No objection. The revised layout and design now positively responds to the site and the setting of the main building and is acceptable.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The NPPF has recently superseded various PPS's and PPG's. The NPPF carries a general presumption in favour of sustainable development. Para.2 of the NPPF makes it clear that applications for planning permission must be determined in accordance with the development plan and this includes the Local Plan. Para 12 states that the NPPF does not change the statutory status of the development plan as the starting point for decision-making. Proposed development that conflicts with an up-to-date development plan should be refused unless material considerations indicate otherwise. At para. 211 the NPPF states that, for the purposes of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF.

5.2 In this case the relevant Local Plan is The South Gloucestershire Local Plan, which was adopted Jan 6<sup>th</sup> 2006. The Council considers that the Local Plan policies referred to in this report provide a robust and adequately up to date basis for the determination of the application.

5.3 The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec2013 has now been adopted and the policies therein form part of the development plan.

### Loss of the Public House

The existing pub business is now in private ownership and the Council cannot enforce the owners to re-open the pub business if they are not inclined to do so. There is no guarantee therefore that even if this planning application were refused, that the pub would re-open.

5.4 Policy RT11 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 states that:

The change of use of existing public houses, which serve the local community will only be permitted where:

A. There are satisfactory alternative facilities available in the locality; **or**

- B. It can be demonstrated that the premises would be incapable of supporting a public house use.

The supporting text to Policy RT11 at para. 9.111 states the following:

*'In the case of public houses, the Council acknowledges that it would be unreasonable to resist a change of use where local patronage is such that a public house is no longer viable. In these circumstances, applicants will need to demonstrate that the existing use is not well supported and is not capable of being viably operated, or that there are satisfactory alternative facilities available within a convenient walking distance.'*

It falls upon the applicant therefore to demonstrate that one of the above criteria is met.

- 5.5 Core Strategy Policy CS23 relates to Community Infrastructure and Cultural Activity. The supporting text to the policy at para.10.74 confirms that local pubs and clubs fall into this category. Policy CS23 states that:

Existing community infrastructure will be retained, unless it can be demonstrated that:

- The use has ceased and there is no longer a demand; **or**
- The facility is no longer fit for purpose; **and**
- Suitable alternative provision is available within easy walking distance to the required standard.

The supporting text to Policy CS23 at para. 10.77 states the following:

*'Where the redevelopment of an existing community facility is proposed for another use, the developer should clearly demonstrate that the use has ceased. In doing so it should be demonstrated that a reasonable amount of time has lapsed for an alternative agency or organisation to re-establish the use, or the facility no longer provides for the needs of its users to modern day standards and alternative suitable provision is available within a reasonable walking distance. Distances should be measured along suitable walking routes (easy walking distance is considered to be approximately 800m).'*

- 5.6 In this case either one of the first two criteria must be met along with the third criterion.

#### Marketing and Viability

- 5.7 'The Star' Public House is a relatively small pub, lying on the eastern periphery of the village. Whilst benefitting from a beer garden to the rear, it has no dedicated parking area for customers. The pub has tended to rely on wet sales and given its small size, the potential for food sales of any significance is limited. When it was open however, the pub did offer some live entertainment and apparently has sold food in the past.

- 5.8 The property left the ownership of the parent company Pubfolio after the company went into administration in September 2010. The then licensee Mr Ricky Townsend had been running the pub for the previous 7 years. The property was brought to the market by Christie & Co. when it was bought by the current owners (and applicants) on the 25<sup>th</sup> April 2013. The pub ceased trading around the end of April 2013 and was boarded up in the following May and has remained as such since.
- 5.9 Signed correspondence from Christie & Co. confirms that the pub first came to the market on the 1<sup>st</sup> August 2012 and at that time the pub was being run by TAW with no trading information available. The sales campaign included exposure on Christie & Co.'s website, a regional and national e.mail campaign, the display of a 'For Sale' board and a local press release. The pub was to be sold as seen, without any trading accounts, which limited buyers to cash only purchasers due to bank funding being very limited.
- 5.10 The campaign generated 'a lot of interest' with 24 viewings and 9 offers. Christie & Co. confirm however that the proceedable offers received were all for redevelopment and residential purposes only; there appears to have been no interest in resurrecting the use of the building as a public house. The property was not deemed to be viable as a Public House by the offerees, especially given the number of pubs in the area e.g. The Badminton Arms, The Rising Sun, The Globe, The New Inn and The Live and Let Live etc. The previous landlord, Mr. Ricky Townsend has also confirmed in writing that in his opinion the property was no longer viable as a public house, citing the economic downturn and lack of customers as the reason.
- 5.11 The Bristol Pubs Group, in their consultation response, has brought into question some of the above submitted information. In their opinion, the pub lies in a sustainable location, and consider that, with the right investment and if run by an enterprising landlord, the pub could again be viable for the benefit of the local community. The applicants have confirmed however that in fact 5 different landlords have run the pub since 1994, apparently without success.
- 5.12 It is a matter of fact that throughout the country many pubs have closed in recent years. Contributory factors are no doubt the difficult trading climate brought on by a number of factors such as the recession, tighter drink drive rules, the smoking ban, increased rent and utility costs, escalating beer duty (although now frozen), the availability of cheap drink resulting in more people drinking at home and not least the competition from other pubs within the area.
- 5.13 The Bristol Pubs Group in their response acknowledge the last two factors but make the case that Frampton Cotterell- 'unlike most areas of the country' – is not flooded with supermarkets, which have had a reputation for selling low-cost alcoholic drinks. This may be the case, but officers consider that it is hardly beyond the wit of local residents to take the short journey into Yate to visit Tesco's and stock up on cheap drink.
- 5.14 The Bristol Pubs Group are not convinced that there was no interest from prospective purchasers, in re-opening the pub. The property was however on

the open market and one must assume that if it were viable to do so, the property could have been purchased for this purpose.

#### Availability of Alternative Facilities

- 5.15 The applicant has submitted a plan showing the location of the public houses within the vicinity of 'The Star'. The nearest pub is The Badminton Arms on Badminton Road. This pub lies approximately 470m away i.e. well within the 800m required by Core Strategy Policy CS23. The pub benefits from being located on the main road and main bus route to/from Yate. The pub also has a large car park to cater for passing trade; it serves a variety of food and also stages live entertainment. As such the Badminton Arms alone is considered to be an accessible and suitable alternative to 'The Star'.
- 5.16 Moving further afield, The Rising Sun lies approximately 0.5 miles to the north-west of 'The Star'. This is a very popular pub being one of the few Independent Real Ale Houses in Bristol. The pub specialises in good food and regularly features in the CAMRA Good Beer Guide, having been a former CAMRA Pub of the Year. Further to the north-west The Live and Let Live lies approximately 0.6 miles from 'The Star' and is again a popular real ale and food pub. Further afield still The Globe lies 0.7 miles from 'The Star' on Church Road.
- 5.17 Whilst it is noted that some of these pubs lie a little further away from The Star than what would be considered a reasonable walking distance i.e. 800m, they do have a somewhat more central location within the village. The Bristol Pubs Group themselves acknowledge that discerning clientele who like a choice of what and where they eat and drink will tour the pubs within an area.

#### Conclusion

- 5.18 Officers have considered the information available to them and concluded that: whilst the evidence submitted regarding the viability of the property as a public house is not necessarily conclusive, it does appear that on the balance of probability, the business is no longer viable. Whilst the loss of a long established pub is always regrettable, in this case, given the level of investment required, the limitations of the existing building and the level of competition within the village; together with the apparent lack of interest in resurrecting the business; there seems to be little prospect of 'The Star' re-opening as a pub. There are clearly attractive alternatives to 'The Star' within an acceptable distance. If the demand for 'The Star' were there, it has hardly manifested itself in the consultation responses to this application; there being only one letter received on behalf of a local resident and that from a person living in St Peters Crescent, which is only a short distance from The Live and Let Live. Whilst officers acknowledge the concerns raised by The Bristol Pubs Group, the case for retaining the building as a pub is not a compelling one.
- 5.19 The use of the building as a public house has clearly ceased and from the consultation responses received or lack of them, it appears that there is no longer a demand for this pub. There are clearly alternative facilities available and therefore the tests within the criteria attached to Policies RT11 and CS23

respectively are met. In policy terms therefore officers consider that that the loss of the pub cannot, in this particular case, be reasonably resisted.

#### 5.20 Conservation Issues

The proposed conversion of the public house would involve minimal external alterations to the locally listed building and is acceptable in principle. Over the years the building has been somewhat neglected and the proposal offers the opportunity to restore this building of local interest. The design of the new dwellings has been revised again and the layout and design have now been altered to give a much more coherent arrangement with the public house. The building footprints have been reduced and one plot has been rotated to align with the rear wing of the main building. The second plot sits at right angles to enclose the parking area which has a greater degree of landscaping. The buildings share a similar style of tall central boarded opening with natural stone and brick quoins/detailing, and each has a single-storey addition providing a living room. Garden sheds/cycle stores are tucked against the buildings in discrete locations. The revised layout and design positively responds to the site and the setting of the main building and is therefore now acceptable. Subject to conditions to secure the detailed design and samples of materials, there are no objections on conservation grounds.

#### 5.21 Transportation Issues

Whilst the site is identified within the application as being on Church Road, it has the advantage of being accessed off possibly an older alignment of Church Road or what could be a service road that runs parallel with Church Road. This means that the traffic flow on this stretch of the highway is minimal, as it only serves a few dwellings. The extant use of the building as a public house has the potential to generate more traffic movements than the proposed residential scheme.

5.22 The proposal would utilise an access to the side of the existing building and extend it into the rear of the site to provide adequate turning areas, thus allowing traffic to enter and exit the site in forward gear. 9no. parking spaces are provided to serve the 2 x 2 bed houses and 3 x 1 bedroom flats; this level of on-site parking provision more than satisfies the minimum requirements i.e. 6 spaces, of The South Gloucestershire Council Residential Parking Standards SPD and should help to free up more on-street parking space to the front of the former public house. Secure cycle parking would also be provided within the site.

5.23 There are therefore no transportation objections to the proposal which accords with policies T7 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

#### 5.24 Landscape Issues

The site lies directly opposite the open Green Belt land to the north; the site is however not generally visible from the fields due to the high boundary hedge next to Church Road. In any event the actual appearance of the building in the street scene would barely alter from that which has been traditionally seen over the years, the new build being to the rear and well screened. A basic landscaping plan has been submitted which officers have accepted in-principle.

Subject to a condition to secure a detailed planting plan, the scheme is considered acceptable in landscape terms, the visual amenity of the site being significantly enhanced by the proposed landscaping. It is considered that there are no landscape character or visual amenity objections to the development with regard to Policies L1, L5 or L15 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 or the Green Belt SPD.

5.25 Impact Upon Residential Amenity

The proposed residential use is likely to have less impact on residential amenity than the previous pub use, both in terms of noise or disturbance from the traffic generated and clientele visiting the site. The general outlook for neighbouring occupiers would be acceptable given the previous commercial use of this building; the appearance of the curtilage would also be enhanced by the new landscaping. Whilst there would inevitably be some disturbance for neighbouring occupiers during the conversion/construction phase, this would be on a temporary basis only and could be adequately mitigated for by imposing a condition to limit the hours of working.

- 5.26 The nearest residential properties most affected are the two-storey houses immediately to the rear of the site. In re-designing the scheme, the impact on these houses in terms of overbearing impact and overlooking has been carefully considered. The two-storey elements of the proposed new houses would now be set well back from the southern boundary of the site. As there would be no significant first floor windows in the rear or side elevations of the new houses, there would be no significant loss of neighbouring amenity over and above that which already exists. Adequate areas of private amenity space would be provided for future occupants. The addition of further windows can be restricted by condition. The proposal therefore accords with Core Strategy Policy CS1.

5.27 Environmental Issues

There are no environmental implications to result from the proposal. A Flood Risk Assessment has been submitted which demonstrates that the site is not prone to flooding. A Coal Mining Risk Assessment has been submitted to the satisfaction of the Coal Authority, who raise no objection, subject to a condition to establish the presence or otherwise of shallow mine workings and mitigation measures, should they be found. The proposal therefore accords with Policy EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Core Strategy Policies CS5 and CS9.

5.28 Drainage Issues

The existing drainage systems and mains sewers would be utilised. The Council's Drainage Engineer raises no objection subject to a condition to secure a SUDS Drainage Scheme. The proposal therefore accords with Policy EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.29 Ecology Issues

There are no ecological constraints to the proposed development; the proposal is in accordance with Policy L9 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.30 Affordable Housing

The proposal is for 2 houses and 2 flats only, which is below the Council's threshold for affordable housing provision.

5.31 Education Service

The development comprises 2 houses and 2 flats only and this is below the threshold (5) for contributions towards Education.

5.32 Community Services

The proposal is for 2 houses and 2 flats 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 Whilst the loss of the public house is regrettable, there no longer appears to be sufficient demand that would make a pub business viable on this site. There are alternative comparable or superior facilities within an acceptable distance of the site. Given the period of time that the building was marketed and the lack of demand to retain the pub, the proposed change of use is not resisted. Further material considerations include the enabling development that would restore this locally listed building and enhancements to its setting, plus the provision of badly needed low cost open market housing. The scheme is therefore on balance considered to be acceptable.

6.3 The recommendation to grant 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. The hours of working on site during the period of construction and conversion shall be restricted to 07.30 to 18.00 Mondays to Fridays, and 08.00 to 13.00 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 curtilage of site.

Reason

To minimise disturbance to neighbouring properties and to accord with the provisions of the NPPF.

3. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; 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 Policies L1 and L15 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The off-street parking facilities (for all vehicles, including cycles) and manoeuvring areas shown on the Proposed Site Plan hereby approved, shall be provided before the new dwellings are first occupied, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking and manoeuvring facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T7 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and The South Gloucestershire Council Residential Parking Standards (Adopted) SPD.

5. No development shall commence until the design and details, including materials and finishes, of the following items have been submitted to and approved in writing by the local planning authority:

- a. Eaves, verges and ridges
- b. All windows (including glazing bars, cill, reveal and lintels)
- c. All external doors/screens (including furniture & fittings)
- d. Dormers (including eaves and verges)
- e. Rooflights

The design details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 together with cross section profiles. Cross sections through mouldings and glazing bars shall be submitted at full size. The scheme shall be implemented strictly 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) 11 Dec 2013.

6. No development shall commence until representative samples of all external facing materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved samples.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec 2013.

7. No development shall commence until sample panels of facing stonework of at least one square metre, showing the stone, coursing, joints, mortar and pointing, has been constructed on site and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved panel, which shall be retained on site until the completion of the scheme, to provide consistency.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec 2013.

8. No development shall commence until a sample panel of render of at least one square metre, showing the colour, texture and finish has been constructed on site and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved panel, which shall be retained on site until the completion of the scheme, to provide consistency.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec 2013.

9. The boundary treatments as approved in the landscaping details (see Condition 3) shall be completed before the dwellings hereby approved are first occupied.

Reason

To protect the privacy of existing and future occupiers in accordance with the provisions of the NPPF.

10. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no windows, dormer windows or rooflights [other than those expressly authorised by this permission] shall be constructed within the new dwellings hereby approved.

Reason 2

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec 2013.

Reason 1

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with the requirements of the NPPF.

11. 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. The drainage scheme so approved shall be implemented prior to the first occupation of the development hereby approved.

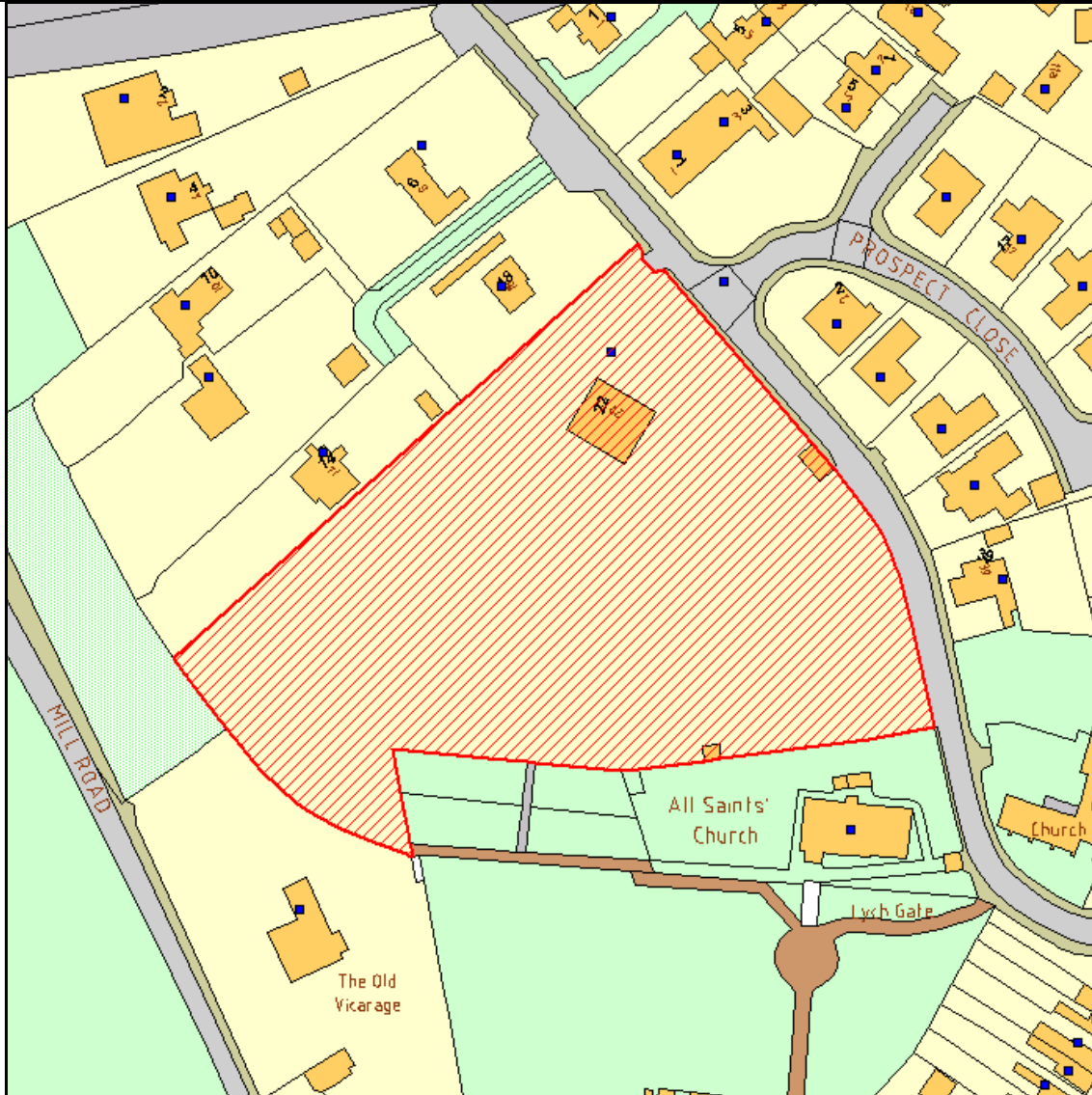
Reason

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 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

**ITEM 9**

**CIRCULATED SCHEDULE NO. 20/14 – 16 MAY 2014**

<b>App No.:</b>	PT13/4286/F	<b>Applicant:</b>	MD & MN Savory
<b>Site:</b>	Hillcrest 22 Down Road Winterbourne Down Bristol South Gloucestershire BS36 1BN	<b>Date Reg:</b>	25th November 2013
<b>Proposal:</b>	Demolition of existing dwelling and the erection of 6 no. dwellings and associated garages, new access, landscaping and associated works.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365026 179784	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Major	<b>Target Date:</b>	19th February 2014



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100023410, 2008. **N.T.S.** **PT13/4286/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. Furthermore the affordable housing and CYP contributions as well as the works to the highway need to be secured by a S106 Legal Agreement.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of six detached dwellings and a new vehicular access. It is proposed to demolish the existing dilapidated property and erect 4 detached dwellings and a pair of semi-detached houses, the latter would be affordable housing. Vehicular access would be from Down Road. The existing site access would be modified to serve the 2 x 2 bedroom semi-detached houses. A new access would serve the 4no. detached dwellings which comprise 2 x 4 bed and 2 x 5 bed houses.
- 1.2 The application site comprises a little over 1 hectare of land and relates to the substantial curtilage of 22 Down Road, Winterbourne. The host dwelling forms a detached two-storey property that is derelict, with the garden area overgrown; much of the land resembles woodland.
- 1.3 The site lies within the Winterbourne Established Settlement Boundary but beyond the Green Belt and Conservation Area. The southern site boundary adjoins the Grade II Listed All Saints Church and the southwest boundary is shared, albeit at a substantially lower level, with the Grade II Listed Old Vicarage. Residential properties lie to the north-west and opposite the site frontage to the north-east.
- 1.4 Within the site there are significant changes in level, with a small historic quarry to the south of the dwelling. Levels across the site generally fall gradually from north to south with a far steeper fall adjoining the southern boundary. A large number of trees within the site are subject to Tree Preservation Orders (individual, group and woodland orders).
- 1.5 The application seeks to overcome the refusal reasons for the previously submitted scheme (see para. 3.8 below). The application is supported by the following documents:

- Arboricultural Report
- Archaeological Assessment
- Archaeological Evaluation
- Design and Access Statement
- Ecological Survey
- Ecology Assessment
- Flood Risk Assessment
- Heritage Statement
- Planning Statement
- Statement of Community Engagement
- Transport Statement

### **2. POLICY CONTEXT**

## 2.1 National Guidance

The National Planning Policy Framework March 2012  
Planning (Listed Buildings and Conservation Areas) Act 1990  
Housing and Growth - Ministerial Statement by The Rt. Hon. Eric Pickles  
(Secretary of State for Communities and Local Government). Sept 2012  
Planning Practice Guidance March 2014

## 2.2 Development Plans

### South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013

CS1 - Design  
CS5 - Location of Development  
CS9 - Managing the Environment and Heritage  
CS15 - Distribution of Housing  
CS16 - Housing Density  
CS17 - Housing Diversity  
CS18 - Affordable Housing

### South Gloucestershire Local Plan (Adopted) 6th January 2006

L1 - Landscape Protection and Enhancement  
L5 - Open areas  
L9 - Species Protection  
L11 - Archaeology  
L13 - Listed Buildings  
L15 - Buildings/Structures which Make a Significant Contribution to the Character and Distinctiveness of the Locality  
H4 - Development within Existing Residential Curtilages, including Extensions and New Dwellings.  
EP2 - Flood Risk and Development  
EP4 - Noise Sensitive Development  
EP6 - Contaminated Land  
T7 - Cycle Parking Provision  
T8 - Parking Standards  
T12 - Transportation Development Control Policy for New Development  
LC2 - Provision for Education Facilities (Site Allocations and Developer Contributions)  
LC3 - Proposals for Sports and Leisure Facilities Within the Existing Urban Areas  
LC4 - Proposals for Educational and Community Facilities Within the Existing Urban Area.

### Supplementary Planning Guidance

South Gloucestershire Design Checklist (SPD) adopted 23<sup>rd</sup> August 2007  
South Gloucestershire Council Residential Parking Standards (Adopted) 2013.  
Trees on Development Sites SPD Adopted Nov. 2005  
The Affordable Housing SPD Adopted Sept. 2008  
The South Gloucestershire Landscape Character Assessment (Adopted)  
The Winterbourne Village Design Statement (Endorsed Nov 2012).  
The Local List (Adopted) Feb 2008

### 3. RELEVANT PLANNING HISTORY

- 3.1 PT99/0078/F - Erection of four 4-bedroom houses, two 5-bedroom houses together with garages, landscaping and access road.  
Withdrawn: 15 December 1999
- 3.2 PT07/2277/O - Erection of 4 detached dwellings (outline) with siting/layout, access and landscaping to be considered; all other matters reserved.  
Refused: 12 October 2007  
Appeal Allowed: 24 July 2008
- 3.3 PT09/068/SCR - Screening Opinion issued in respect of then current planning application. Decision:  
Environmental Impact Statement not required- 24 December 2009
- 3.4 PT09/5961/O - Erection of 64-bedroom nursing care home, 4 single-storey sheltered homes and single-storey warden house with associated parking and new vehicular access (outline). Access to be considered with all other matters reserved.  
Refused: 19 March 2010  
Appeal Dismissed: 9 June 2011
- 3.5 PT10/2266/O - Erection of 48no. bed Nursing Care Home two-storey and ten single-storey homes and single-storey warden house with associated parking and new access (Outline) Access and scale to be considered, all other matters reserved. (Re-submission of PT09/5961/O).  
Refused 01 Dec. 2010
- 3.6 PT11/2193/RM - Erection of 4 dwellings. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PT07/2277/O). Refused: 12 September 2011
- 3.7 PT12/035/SCR - Demolition of existing dwelling and erection of 6 detached dwellings with associated garages and parking; creation of new vehicular access from Down Road. Screening Opinion for PT12/3078/F.  
EIA not required: 3 October 2012
- 3.8 PT12/3078/F - Demolition of existing dwelling and erection of 6no. detached dwellings with associated garages and parking. Creation of new vehicular access from Down Road.  
Refused 31 Dec. 2012 for the following reasons:
1. *On the basis of the information received, it is considered that by reason of the scale, massing, design and position of the dwellings proposed, and the resultant loss of vegetation, the proposals would have a detrimental impact on the character and the visual amenities of the site and its locality and would be likely to result in further pressure for the loss of vegetation at this prominent and sensitive hilltop position that is characterised by dense vegetation and small-scale development. The proposal is therefore*

*considered to be contrary to Planning Policies D1, L1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006, the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document and the Landscape Character Assessment (Adopted) Supplementary Planning Document.*

- 2. On the basis of the details received, it is considered that by reason of the scale, massing, position and design of plots 2 and 3 combined with the resultant loss of vegetation proposed, the proposals would fail to preserve the setting of the adjoining Grade II Listed Church and its associated graveyard. The proposal is therefore considered to be contrary to Planning Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.*
- 3 The application fails to include any affordable housing and is therefore contrary to Policy CS19 of the South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications (September 2012) and Planning Policy H6 of the South Gloucestershire Local Plan (Adopted) January 2006.*
- 4. By reason of the scale, massing and position of plot 4, the proposal would have an unacceptable and overbearing impact on the residential amenities of the neighbouring occupiers at 14 Down Road. The proposal is therefore considered to be contrary to Planning Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.*
- 5. In the absence of an appropriate legal agreement to secure the necessary highway works, the proposal is contrary to Planning Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.*

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

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

The comments of the Parish Council are no objection. However, more care should be taken with the views from Bury Hill and Worrells Lane. The Winterbourne Down Village Design Statement should be considered.

##### **4.2 Other Consultees**

###### **Highway Drainage**

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

###### **Environmental Protection**

No objection subject to a condition relating to contaminated land.

###### **Wessex Water**

No objection. Consent will be required to connect to Wessex Water Systems.



The Environment Agency

No objection subject to a condition to ensure that the development is carried out in accordance with the Flood Risk Assessment.

Avon Wildlife Trust

No response

Historic Environment

No objection subject to a condition to secure further archaeological investigations.

Ecology Officer

The mitigation measures proposed in both ecology reports should be actioned via planning conditions to safeguard site ecology during and after the construction period. A further condition regarding reptiles should also be imposed.

Trading Standards and Licensing

Although Hillcrest is not within a vehicle weight restricted area, it is in close proximity to Winterbourne Railway Bridge. The structure has a 10T MGW Weak Bridge structural weight restriction imposed upon it.

Tree Officer

No objection subject to a condition to secure a detailed arboricultural method statement for the construction of the garage adjacent to T12.

Landscape Officer

No objection. The planting proposals are acceptable.

Urban Design Officer

The scale, forms and appearance is considered to be in keeping with the general 'ambience' of the village. Subject to landscape and arboricultural comments that confirm the ridgeline will be protected, adjustment to the layout with respect plots 5 & 6 and clarification of the sustainability standards, I have no objection.

Conservation Officer

The proposal will not have a harmful impact on the setting of the Grade II listed church and will accord with Policy L13 of the adopted Local Plan and Policy CS9 of the Core Strategy. Samples of all external materials should be conditioned, as should sample panels of the new walling for the buildings and the rebuilt boundary wall.

Sustainable Transport Officer

No objection subject to a S106 Agreement to secure the access works, and conditions to secure the access points, visibility splays and footpaths.

Children and Young People

The total contribution required for additional school provision is £22,014.

### New Communities

No comment, the proposal for 6no. dwellings falls below the current threshold for contributions.

### Housing Enabling

In accordance with policy CS18 and guidance in the affordable housing SPD, the following requirements are sought:

- 35% of dwellings to be delivered as affordable housing, as defined by the NPPF. The applicant has shown provision of 2 affordable homes which are accepted by the Council.
- Tenure split of 78% social rent, 6% affordable rent and 16% intermediate housing, as identified by the West of England Strategic Housing Market Assessment (SHMA) 2009 and Addendum to SHMA 2009. The 2 affordable homes should be provided for social rent.
- A range of affordable unit types to meet housing need based upon the findings from the SHMA 2009 and Addendum to SHMA 2009. The applicant is providing 2 x 2 bed houses which meet the greatest need evidenced by the SHMA.

### **Other Representations**

#### 4.3 Local Residents

9no. letters/e-mails of support have been received (some with the proviso that the access is re-located). The comments in support are summarised as follows:

- This would be an appropriate use of the site.
- Every aspect has been researched and looked into.
- Neighbours have been consulted by the developer.
- The setting of the Grade II Listed Church and Vicarage will be protected.
- The Woodland is in need of management.
- The scheme will compliment neighbouring properties.
- This is a reasonable and proportionate use of the land.
- This is residential development in a residential area.
- The position of the development in relation to no.14 Down Road is acceptable.
- The lowering of and re-location of the boundary wall will improve safety for pedestrians and road users.
- The new buildings will not be visible from the Church Yard.
- There has been years of neglect of the trees and wall.
- There will be preservation of wildlife areas.
- There is currently anti-social behaviour on the site.

2no. letters/e-mails have been received objecting on the following grounds:

- The access is dangerous.
- Poor visibility at the pedestrian access.
- Trees should not be felled.
- The scheme does not accord with the Winterbourne Village Design Statement.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

This site lies within the Urban Area where the principle of residential development is acceptable. Furthermore, the acceptance in principle of the residential development of this site using the access proposed was established when the appeal against the refusal of application PT07/2277/O was allowed.

5.2 The NPPF (para. 14) states that; at the heart of the Framework is the presumption in favour of sustainable development. Sustainable development is defined in the Framework as having three dimensions, which lead to three roles – an economic role, a social role and an environmental role. The proposal, which now includes an element of social housing, would lie close to Winterbourne with its shops and services, and would create job opportunities for the building trade; as such it complies with the stated aims and objectives of the NPPF. Furthermore The South Gloucestershire Local Plan Core Strategy has now been adopted (Dec 2013) so the policies therein are now 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. 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. Council Officers have worked closely with the applicants to amend the scheme from its original proposal to its current design.

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. Paragraph 50 of the NPPF sets out the importance of delivering a wide range of residential accommodation and makes specific reference to the importance of planning for inclusive and mixed communities and this policy stance is replicated in Policy CS17 of the Core Strategy.

### 5.4 Density

The scheme would provide 6 units of accommodation on the 1.08ha site, which equates to 5.55 dph. The density would be well below what one would normally expect in a suburban area, however this low figure for the density of the development merely reflects the constraints of developing this site, which has steeply sloping land in places, is highly vegetated and lies adjacent to Grade II Listed Buildings. Having considered the site constraints, officers are satisfied that the proposed density would make the most efficient use of the site.

### 5.5 Scale and Design

The layout shows 6 dwellings (4 in large plots) arranged around a 'courtyard'. The low density is a consequence of the need to protect existing vegetation.

Further units and subdivision of plots would no doubt lead to added pressure to fell trees located on this locally important ridgeline. The proposed new stone wall and garage blocks would provide a distinct entrance into the site. The layout is predominantly organised around the existing trees. Retention and protection of a number of large trees in and around the site boundary is absolutely paramount to respecting the wooded appearance and views of this important ridgeline. The layout is therefore acceptable.

- 5.6 The proposed houses are 2-2.5 storey split level units, which are generally in scale with nearby dwellings. Low pitched roofs, contemporary styled chimneys, large modern windows and balconies (which take advantage of views and the wooded setting) are combined with pennant stone, brick and timber cladding. This gives a modern appearance that responds to the woodland setting and local distinctiveness.
- 5.7 In terms of sustainability, it is noted that principle windows / rooms have been orientated due south to maximise solar gain. This is important given the propensity for overshadowing from the existing trees.
- 5.8 The Winterbourne Village Design Statement (VDS) refers to the importance of protecting landscape setting, including this important ridgeline. The dwellings are also predominantly proposed in generous plots, a feature noted in the VDS, which provides space for the protection and enhancement of existing landscape features and provision of gardens and play space. The development also incorporates and replaces the existing stone wall along the frontage and utilises traditional materials. The scale, form and appearance is therefore considered to be in keeping with the general 'ambience' of the village.
- 5.9 Conservation Issues  
The site forms a prominent tree covered escarpment within the surrounding landscape, which is of primary importance regarding visual amenity within the surrounding villages. The Grade II Listed All Saints' Church, the Grade II Lychgate, the Grade II Listed Old Vicarage and the Locally Listed Methodist Church are all located at the peripheries of the site boundary. In accordance with paragraphs 131 and 132 of the NPPF, setting is a material consideration in assessing the impact of the proposed development.
- 5.10 The church, built in 1858, is an important landmark on Down Road, occupying a prominent position beside the road that terminates the views on the approach from the south. Its three tall gables create a strong feature which is echoed by the gabled roof structure of the lychgate that forms the pedestrian entrance from the pavement. The setting is also enhanced by the adjacent locally listed Methodist Church which sits opposite the church in a slightly elevated position. Together, these three structures (nationally and locally listed) form an important historic and architectural group which is viewed against a verdant backdrop that positively contributes to their setting. The graveyard is a very secluded, verdant area surrounded by a number of mature, high quality trees. Despite the background motorway noise, the site is very atmospheric and it has a sense of isolation and intimacy that is desirable to protect. The site to the north has an almost wild, woodland character, with extensive tree planting and dense undergrowth that contributes to the setting of the graveyard.

- 5.11 The Old Vicarage is located to the south-west of the site but is set lower down the hillside than the church and proposed development. The levels in this area mean that views of the development in the immediate vicinity of the Old Vicarage should be screened by the remaining trees. In longer distance views, however, the building is a dominant feature in the landscape, sitting at the lower edge of the tree covered escarpment. Together with the nearby Old School House, they are the only buildings seen in certain views of the development site. The Design and Access Statement includes two photos showing the proposed development and how it will be screened by the existing tree cover; the belt of trees on this side of the site should act as a good screen to the development and ensure that the Old Vicarage remains the dominant feature in these longer views.
- 5.12 Further information has been submitted in support of the application and specifically in relation to the potential impact of the development on the setting and character of the graveyard. The details include photomontages of the plot closest to the church (plot 2), taken at points along the graveyard. It is accepted that in the area immediately to the west of the church, the extensive evergreen tree and shrub cover provides good screening of the development site. There is also a substantial level difference which reduces the line of sight and means only the uppermost areas of the buildings are visible.
- 5.13 To the west of the church is the later 20<sup>th</sup> century extension to the graveyard. This comprises the original walkway from the church to the Vicarage at the lower level, with two terraces of graves running parallel with the boundary wall. A central set of steps provides access to the two levels. From the lowest level, the historic walkway from the Vicarage to the church, it is possible that glimpsed views will be had of the roof and part of the upper floor of plot 2 although the orientation of the building means that it will quickly recede into the distance and be obscured by the boundary wall and vegetation. At the upper levels of this part of the graveyard, it is inevitable that views into the site will be available and more of the individual buildings will be seen. Close to the boundary, virtually the entire site can be seen and there will inevitably be inter-visibility between the graveyard and any development in the application site. As the principle of residential development has been previously allowed at appeal (although now lapsed), a degree of intervention into the setting of the graveyard has been considered acceptable. This area is relatively divorced from the immediate setting and historic graveyard around the Church, and it doesn't feature in key views of the Church from Down Road and the graveyard to the south. Consequently, it would be difficult to resist the principle of development providing it does not become unduly intrusive and imposing given the sense of isolation and intimacy that is desirable to protect. The proposed layout of plot 2 is a considerable improvement on the previous submissions which had two 3-storey buildings positioned in a much more imposing position close to the boundary. To reduce any potential views, a belt of 'native structure planting' is proposed against the southern boundary.
- 5.14 Having regard to all of the above, the proposed development would remain well screened by the existing and proposed trees and planting that form an important backdrop to the Church and historic graveyard. Limited views of Plot

2 would be available from the later 20<sup>th</sup> century graveyard to the west of the Church although these would be restricted to the upper levels of the terracing and filtered through the proposed native structure planting. It is now considered that the proposal would not have a harmful impact on the setting of the Grade II listed church and will accord with Policy L13 of the adopted Local Plan and Policy CS9 of the Core Strategy. Samples of all external materials would be conditioned, as would sample panels of the new walling for the buildings and the rebuilt boundary wall.

5.15 Landscape/Tree Issues

The site contains a detached dwelling set in a large garden containing a former quarry. The more significant trees on the site are all covered by a TPO. The site lies within the Frome Valley landscape character area (Area 13). The SG Landscape Character Assessment describes the landscape character of the area as '*a diverse and intricate area*' and continues, '*The combination of some of the key characteristics of the area, the undulating landform plus the varied and textured vegetation structure help to integrate some of the settlement edges, urban edge and roads within the wider landscape. Despite the extensive areas of settlement and urban edges, there are areas of landscape and pockets within settlements which retain, or largely retain, a distinct rural character*'.

- 5.16 The site is one such small '*pocket*' that has significance both in the immediate locality and in the wider landscape being a landscape feature comprising a wooded hilltop visible over a wide area. Nevertheless it is important to note the tree cover that provides the most important element of the feature is not located just within the site, but there are trees and areas of woodland outside of the site which in combination with the site vegetation make up the overall feature and give it significance. It is equally important to note the site has been neglected and many trees are not in the best of condition, much of the shrubby understorey has been lost and as a result the landscape feature has become degraded. This degradation has the potential to gradually reduce the significance and value of the landscape feature. The principle of development on the site has previously been accepted but any development coming forward on the site must acknowledge the value of the landscape feature and seek to protect and enhance it. Development on the site offers the opportunity to put in place landscape enhancement and management that could ensure the long term protection of this part of the overall landscape feature.
- 5.17 During the most recent appeal on the site, the importance of this wooded hilltop was recognised and in long views the most significant trees, forming the crest of this wooded outline, were identified as the group of trees within the highest area of the site; which within this latest layout, would be the area of plot 3. This group of trees comprises T25 – T31. The Purple Beech, T25 is identifiable within the long views and as it is a grade B tree, would ideally be retained within the layout. The proposed layout provides a total of 6 dwellings, which includes 2 affordable units at the front of the site. Proposals include filling in the existing quarry area to provide a larger developable area
- 5.18 Each dwelling is set within a generous plot, providing good amenity space and allowing room for garden planting in the future within the treed framework. The

critical boundary regarding long views of the site is the southern boundary with the churchyard; the site layout indicates that the existing vegetation will be retained along this boundary and supplemented with additional tree planting, which is welcomed. The new tree and shrub planting proposed as part of the development has been well considered and focuses on reinforcing the screening of this southern boundary, as well as providing a new native hedge and tree planting behind the reconfigured stone boundary wall onto Down Road. It is considered that, the proposed planting should provide adequate mitigation for the development and preserve and enhance the screening of the site in long views.

- 5.19 The site is covered by a TPO, which applies to 27 individual trees, 2 groups and 1 woodland. The tree survey identifies 65 trees; 2 grade A, 18 B and 36 grade C and also 18 tree groups; 2 grade B and 16 grade C. All category A trees will be retained within the proposed layout, with a total of 42 grade C and 2 grade B trees being lost to accommodate the development.
- 5.20 In consideration of the potential for harm to the adjoining Green Belt in the context of the NPPF guidance, this rests upon whether or not the development would be conspicuous from the Green Belt. It is considered that the layout has been designed to retain the majority of the existing significant trees on site and provide landscape enhancement, thereby preserving the screening element within the identified long views from the Green Belt to the south and west.
- 5.21 Having considered all of the above there are no landscape objections to the proposal, which accords with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 5.22 Impact on Residential Amenity  
The nearest properties that are most likely to be affected are the two adjoining properties that sit to the north of the application site: that fronting Down Road i.e. no.18 and that behind, no.14. In respect of 18 Down Road, the main outlook from this dwelling is to the front and rear (i.e. away from the application site) there being no windows in the southern end elevation; furthermore dense vegetation restricts views along this boundary. The proposal would introduce two two-storey dwellings (plots 5 and 6) the rear of which would face towards this boundary, albeit with views primarily orientated towards the front of this dwelling and with the proposals inset in excess of 20m from this boundary. On this basis, and with the screening provided, it is not considered that any significant adverse impact in residential amenity would be caused to this property.
- 5.23 Plots 3 and 4 adopt a similar position but are considerably larger and positioned closer to the boundary. Nevertheless they have been designed so as to have minimal impact on nos. 18 and 14 respectively, with the scale and massing significantly reduced from that which was previously refused; plot 4 has been moved further away from the boundary with no. 14. Again the dense vegetation on the northern boundary helps to screen any views into or out of the site. No.14 is single- storey with no significant habitable room windows in the southern elevation.

- 5.24 All other neighbouring dwellings are positioned at an appreciable distance from the site of the proposals. Adequate private amenity space would be retained to serve the new dwellings. On this basis, there would be no significant adverse impact on local residential amenity.
- 5.25 Transportation Issues  
Vehicular access would be taken from Down Road. The existing site access would be modified to serve the 2no. 2-bedroom semi-detached houses whilst a new access would be taken from Down Road to serve the 4 detached dwellings. The latter would be achieved by setting back the existing boundary wall with visibility splays of 2.4m x 43m provided for each access; the former would be provided by lowering the height of the wall to 0.9m. Whilst some concerns have been expressed about this access arrangement the acceptance in principle of such an access was previously established in the appeals relating to applications PT07/2277/O and PT09/5961/O.
- 5.26 Prior to the recent attempts to provide a nursing home on this site, outline permission was granted for the erection of four detached dwellings in addition to the host dwelling that was to be retained (PT07/2277/O). This was initially refused for reasons relating to the proposed access and the absence of affordable housing but was allowed at appeal.
- 5.27 At this time, the Inspector noted that the street scene was characterised by the tall trees and walling that enclose this part of Down Lane but stated that *'change does not necessarily equate to harm and, in my view, the loss of enclosure resulting from the proposed realigned wall and removal of mature trees would not harm the character and appearance of the street scene.'* The Inspector noted that *Down Road 'is more open than it would have been prior to Prospect Close being developed, although I do not find that this harms its character and appearance'.*
- 5.28 Regarding traffic speeds and the new access, it was noted that *'Concerns have been expressed about the speed of traffic along Down Road and the positioning of the access in relation to the adjoining bend. However, the technical evidence before me demonstrates that traffic speeds past the appeal site are generally below the 30mph speed limit and that the proposed access would provide adequate visibility in both directions. I have also had regard to the fact that the Council raised no highway objections'.*
- 5.29 In respect of the more recent appeal decision, the Inspector wrote: *'I note the concern of some interested parties regarding the impact upon the stone boundary wall. However, as I have noted, permission exists for a new access to serve the permitted 4 additional houses. That scheme would include similar alterations to this boundary feature and is a fall back position available to the appellant. Whilst I understand that at the current time that permitted scheme is not viable, the previous Inspector found that such access works would not be harmful. Although the scale of these additional dwellings is likely to be very different to the scheme before me, the impact upon the roadside wall would not be a sound basis for withholding permission.'*



- 5.30 Notwithstanding the above, it should be noted that the outline planning permissions referred to have now lapsed; nevertheless the appeal decision letters are material considerations of significant weight, so much so, that officers consider that it would now be unreasonable to refuse the current application on highway grounds, given that it incorporates similar access arrangements.
- 5.31 Officers do however consider that the access points should be constructed to the extent whereby the proposed visibility splays of 2.4m x 43m should be provided, with no obstruction greater than 0.9m within said visibility splays, prior to any other works on site commencing. Thereafter the access works, including footpaths should be completed to an adoptable standard prior to the first occupation of the houses. A S106 legal agreement would be required to secure the access works as the majority of the works are within the public highway.
- 5.32 Adequate parking and turning space would be provided within the site to serve the proposed development. There are therefore no transportation objections to the proposal as now submitted.
- 5.33 The proposals for the re-development of the site include the requirement to make alterations to the existing ground profile, including the infilling of the small quarry within the site, with inert aggregate. There will be a requirement for imported fill material to infill the quarry and initial calculations suggest the volume of this fill to be in the order of up to 450-500 cu.m. This is likely to equate to approximately 25-30 no. 20 tonne vehicle deliveries. These deliveries would however be made over a relatively short time period, likely to be within a single week.
- 5.34 The applicant is willing to accept a condition requiring a construction management plan (CMP). It is likely that such a CMP would determine the access into the site along with adequate on-site turning area to allow for any large vehicle to either enter or exit the site in forward gear plus details of wheel wash facilities. Temporary signage would be provided to warn motorists of turning lorries and a banksman would help direct traffic.
- 5.35 Affordable Housing  
The site falls within the Winterbourne settlement boundary that is identified as a rural settlement by Policy CS18 of the South Gloucestershire Council Local Plan Core Strategy (Adopted) 11 Dec. 2013 and Affordable Housing Supplementary Planning Document thus the threshold of 5 units/0.2 hectares applies. On this basis, 35% of dwellings are required to be delivered as affordable housing and this equates to 2 affordable dwellings that are to be delivered without public subsidy.
- 5.36 The greatest affordable need is for 2-bedroom houses for social rent. The proposed provision of two 2-bedroom houses is therefore acceptable on this site.

5.37 Ecology

An updated ecological survey has been provided (Ethos Environmental Planning February 2014). This confirmed the findings of an earlier report and re-assessed the building and outbuilding on site as having low potential for roosting bats, no signs of bat use being noted.

5.38 The site also has a potential to support reptiles albeit a low one, as although none were found during the 2010 reptile survey slow-worms have been recorded in the adjacent churchyard. The site does support badgers (foraging only) and breeding birds (including red and amber listed species) and has potential to support European hedgehog (the latter is not protected but is a South Gloucestershire Priority Species given its substantial decline).

5.39 The mitigation measures proposed in both ecology reports would be actioned via planning conditions to safeguard site ecology during and after the construction period. A further condition regarding reptiles would be imposed. Subject to these conditions there are no objections on ecological grounds.

5.40 Archaeology

This application has been accompanied by a desk-based assessment and the results of archaeological field evaluation, the former of which is considerably out of date. The evaluation has specified that no evidence for the putative Bronze Age barrow on the site survives, but the trenches were small and therefore archaeological deposits may still survive. Furthermore, the trial trenches only covered a small area of this current development site. Considering the works that have already taken place, further pre-determination assessment is not required, but a condition for a programme of archaeological work should be applied to any consent granted.

5.41 This programme of work would be divided into two phases – the first a programme of trial trenching leading to a mitigation strategy and the second the implementation of that strategy. No construction should be permitted to start until Phase 1 has been undertaken and the mitigation strategy accepted by the council. Thereafter the mitigation strategy should be implemented in full and again in accordance with a brief. Subject to the aforementioned condition, there are no objections on archaeological grounds.

5.42 Education

Current Department for Education cost calculators give a figure of £10,898 per additional primary pupil place, based at the Quarter 4 2011 value of the Royal Institute of Chartered Surveyors Building Cost All-In Tender Price Index.

5.43 At primary level there is a projected deficit of places in the local area. The proposed development of 6 dwellings will generate 2 additional primary pupils according to the pupil number calculator. A contribution of £22,014 is required for additional primary provision. There is a projected surplus of places at secondary schools in the local area. No contribution is required for additional secondary provision.

- 5.44 The total contribution required for additional school provision is therefore £22,014.00p, this to be secured by S106 Agreement.
- 5.45 New Communities  
The proposal for 6no. dwellings falls below the current threshold (10) for contributions.
- 5.46 Drainage  
Policy EP2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, requires the proposed development to ensure that foul and surface water disposal arrangements are acceptable and incorporate sustainable drainage principles. In addition, development will not be permitted where it could increase the risk of flooding. A flood risk assessment has been submitted, nevertheless an appropriate condition to secure a SUDS drainage scheme would be imposed, should consent be granted. Subject to this condition the scheme would accord with Policy EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 5.47 Environmental Issues  
The site does not lie within an area at significant risk from former coal mining, neither is the site within a zone of risk from flooding. Given that the existing house would be demolished, officers consider it appropriate to impose a condition to secure the prior submission and approval of a Waste Management Audit. The historic use of the site as former quarried areas and filled ground, may have caused contamination which could give rise to unacceptable risks to the proposed development. A suitable condition should therefore be included in any approval.
- 5.48 Furthermore the developer would be recommended to register the site under the 'Considerate Contractors scheme'. The scheme would also be the subject of Building Regulation Control and controls embodied within The Environmental Health Act. Subject to the aforementioned condition, the Council's Environmental Health Officer has raised no objections on Environmental Protection grounds.
- 5.49 CIL  
Officers consider that the S106 requests meet all of the tests listed under Para. 20 of the NPPF and Reg 122 of the CIL Regs 2010 in being:
- Necessary to make the development acceptable in planning terms;
  - Directly related to the development; and
  - Fairly and reasonably related in scale and kind to the 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 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 (1) That authority be delegated to the Director of Environment and Community Services to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) to secure the following:
- (i) The access works shall be carried out in accordance with the principles shown on the approved 'Site Plan as Proposed' Drawing No. 258.P.001.
  - (ii) A financial contribution of £22,014.00p towards the provision of 2 additional Primary School places.
  - (iii) 35% of the approved dwellings i.e. 2 units, shall be delivered as affordable housing, as defined by the NPPF. The 2 units to comprise 2 x 2 bed houses i.e. plots 5 and 6 as shown on the approved 'Site Plan as Proposed' Drawing No. 258.P.001.
  - (iv) A S106 monitoring fee to the value of 4% of the total contributions i.e. £880.56p.

The reasons for this Agreement are:

- (i) In the interests of highway safety on Down Road in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6<sup>th</sup> Jan 2006.
  - (ii) To meet the needs of the increased population to result from the development and to accord with Policy LC2 of the South Gloucestershire Local Plan (Adopted) 6<sup>th</sup> Jan 2006.
  - (iii) To ensure the provision of Affordable Housing in accordance with Policy CS18 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.
  - (iv) To cover the Council's costs of monitoring the S106.
- (2) That the Head of Legal and Democratic Services be authorised to check and agree the wording of the agreement.
- 7.2 Should the agreement not be completed within 6 months of the date of the committee resolution that delegated authority be given to the Director of Environment and Community Services to refuse the application.

**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. 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 and approved by the Local Planning Authority.

Reason

To comply with Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The accesses, footpaths, car parking and manoeuvring areas shall be implemented in full accordance with the approved layout details shown on the Site Plan As Proposed Drawing No. 258.P.001 P4, prior to the first occupation of the buildings and retained for that purpose.

Reason

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.

4. No development shall commence until representative samples of all external facing materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved samples.

Reason

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

5. No development shall commence until sample panels of facing stonework and boundary walling of at least one square metre, showing the stone, coursing, joints, mortar and pointing, has been constructed on site and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved panel, which shall be retained on site until the completion of the scheme, to provide consistency

Reason

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

6. Prior to the commencement of development a plan indicating the positions, design, materials and type of boundary treatment(s) to be erected shall be submitted to the Local Planning Authority for approval. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.

Reason

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

7. Prior to the commencement of the development hereby approved, a Woodland Management Plan shall be drawn up and agreed in writing by the Local Planning Authority. The plan should include, protection measures for the retained woodland during the period of construction, details of all semi-natural habitats, future management and enhancements, most most notably for European Hedgehog, to provide increased biodiversity across the site. All works are to be carried out in accordance with the approved plan.

Reason:

To promote an increase in the biodiversity of the site and provide appropriate long-term management for the site in accordance with policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec 2013 and retained policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013.

8. All proposed planting shall be carried out in accordance with the approved Planting Plan Drawing No. BRS.4546\_08-C, within the first planting season following completion of the building works.

Reason:

To screen the development and provide acceptable mitigation for the development, to accord with retained policies L1, L13 and H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006..

9. The developer shall appoint an archaeological contractor not less than three weeks prior to the commencement of any ground disturbance on site, and shall afford him or other archaeologist nominated by the Local Planning Authority access at all reasonable times in order to observe the excavations and record archaeological remains uncovered during the work. This work is to be carried out in accordance with the attached brief.

Reason

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

10. Prior to the commencement of the development hereby approved, a detailed Arboricultural Method Statement for the construction of the garage adjacent to Tree T12 (as identified in the submitted Tree Survey). Thereafter the works shall be undertaken in accordance with the Arboricultural Method Statement so approved.

Reason

In the interests of the long term health of the tree and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the Trees on Development Sites SPG Adopted Nov. 2005.

11. The hours of working on site during the period of construction and demolition 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 and the provisions of the NPPF..

12. Prior to the commencement of the development a Waste Management Audit shall be submitted to and approved by the Local Planning Authority in writing. The Waste Management Audit shall include details of:
  - (a) The volume and nature of the waste which will be generated through the demolition and/or excavation process.
  - (b) The volume of that waste which will be utilised within the site in establishing pre-construction levels, landscaping features, noise attenuation mounds etc.
  - (c) Proposals for re-cycling/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.
  - (d) 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.
  - (e) 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 as an alternative to landfill.

The approved works shall subsequently be carried out in accordance with the agreed details.

Reason

To accord with the Council's adopted Waste Management Strategy, and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 6th 2006 and Policy 37 of the South Gloucestershire Minerals and Waste Local Plan (Adopted) May 2002.

13. Prior to the commencement of any works on the site or site clearance, the proposed points of access shall be constructed to the extent whereby the proposed visibility

splays of 2.4m x 43m shall be provided, with no obstruction greater than 0.9m within said visibility splays.

Reason

In the interests of highway safety and the amenity of the area in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

14. Prior to the commencement of the development hereby approved, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority; thereafter the development shall be carried out in strict accordance with the approved CMP.

(For the avoidance of doubt the CMP should as a minimum include access and turning provisions, wheel wash details, details of type and position of temporary signage, and routing of all plant and vehicles to/from the site during the demolition, leveling (including quarry infill) and construction phases.)

Reason

In the interests of highway safety and the amenity of the area to accord with Policies T12 and H4 of The South Gloucestershire Local Plan (Adopted) 6th Jan. 2006.

15. The development hereby approved shall be carried out in accordance with the mitigation proposals cited in Section 6.14 of the Ecology Assessment August 2010 (Arbor Vitae Environment Ltd), and those in Section 4 of the Ecology Survey February 2014 (Ethos Environmental Planning).

Reason

In the interests of protected species and the ecology of the site in accordance with Policy L9 of The South Gloucestershire local Plan (Adopted) 6th Jan 2006.

16. Should reptiles be found during the construction period, a suitably qualified ecologist shall be contacted for advice, thereafter the works shall be carried out in accordance with the advice given.

Reason

In the interests of protected species and the ecology of the site in accordance with Policy L9 of The South Gloucestershire local Plan (Adopted) 6th Jan 2006.

17. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) by Andrew Gough Development Consultant and the following mitigation measures detailed within the FRA:

1. Construction of soakaway systems for each dwelling as detailed in drawing WB-DL-101.
2. Finished floor levels are set no lower than 150mm above existing typical ground level.

Reason

To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and to reduce the risk of flooding to the proposed development and



future occupants in accordance with Policy EP2 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec 2013.

18. A) Previous historic uses(s) of the site may have given rise to contamination. Prior to commencement, an investigation (commensurate with the nature and scale of the proposed development) shall be carried out by a suitably qualified person into the previous uses and contaminants likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.
- B) Where potential contaminants are identified, prior to the commencement of development, an investigation shall be carried out by a suitably qualified person to ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks. Thereafter the development shall proceed in accordance with any agreed mitigation measures.
- C) Prior to occupation, where works have been required to mitigate contaminants (under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.
- D) If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing to the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Note: An appropriate investigation is likely to include the following:

- i) A comprehensive desk study to identify all potential sources of contamination both arising on-site and migrating onto site from relevant adjacent sources.
- ii) A comprehensive ground investigation including sampling, to quantify the extent and nature of contamination.
- iii) An appropriate risk assessment to determine the scale and nature of the risks to human health, groundwater, ecosystems and buildings arising from the contamination. This will normally be presented in the form of a conceptual model.
- iv) A report detailing the remediation options including the final proposals for mitigating any identified risks to the proposed development.
- v) All works should be carried out with reference to the most relevant, appropriate and up to date guidance.

#### Reason

Having regard to possible contamination of the land and in the interests of future occupiers in accordance with Policy EP6 and H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

**CIRCULATED SCHEDULE NO. 20/14 – 16 MAY 2014**

<b>App No.:</b>	PT13/4536/F	<b>Applicant:</b>	Mr P Endicott
<b>Site:</b>	76 Woodend Road Coalpit Heath South Gloucestershire BS36 2LH	<b>Date Reg:</b>	13th December 2013
<b>Proposal:</b>	Erection of single storey side and front extension to form office and store and erection of flat roofed open steel framed covered working area.	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	367383 181270	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Minor	<b>Target Date:</b>	5th February 2014



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 100023410, 2008. **N.T.S.** **PT13/4536/F**

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

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

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the erection of two extensions to the existing buildings – an open sided canopy to the front elevation and a single storey extension to the side and front.
- 1.2 This application site relates to a vehicle maintenance and MOT garage sited on a small rectangular plot of land on the eastern side of Woodend Road opposite the Lower Stone Close junction within the established residential area of Coalpit Heath. Until 2009 the garage operated in a completely unrestricted manner with no planning conditions – conditions were only added to the 2009 application.
- 1.3 This application is retrospective in that the extensions are already in place. During the course of the application amended plans were received to show a reduction in the size of the proposed front canopy. The necessary re-consultation was carried out.

### **2. POLICY CONTEXT**

- 2.1 National Planning Guidance  
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

E3	Employment Development within the Urban Area
T12	Transportation Development Control
T8	Parking Standards
EP2	Development and Flood Risk

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	Design
CS5	Location of Development
CS34	Rural Areas

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

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

- 3.1 PT13/2925/RVC Variation of condition 2 attached to planning permission  
PT13/1788/RVC  
Approved August 2013

- 3.2 PT13/1788/RVC Variation of conditions no. 4 of PT09/5477/F to change hours of operation from Mon-Fri 8am to 6pm, Sat 8am to 1pm, none on Sundays/Bank Holidays to Mon - Fri 7am - 7pm, Sat 8am to 4pm, none on Sunday/Bank Holidays  
Approved July 2013
- 3.3 PT09/5477/F Erection of replacement building as MOT station and vehicle maintenance garage with associated works.  
Approved January 2010
- 3.4 PT07/2795/F Demolition of existing garage to facilitate erection of 2 no. dwellings and associated works.  
Approved November 2007

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

- 4.1 Frampton Cotterell Parish Council  
Objects on the grounds that this is overdevelopment of a small site
- 4.2 Transportation Officer  
Queries raised over the location of off street parking
- 4.3 Highway Drainage  
No Objection

#### **Other Representations**

- 4.4 Local Residents  
Three letter of support have been received from local residents raising the following points:
- No Objection
  - Respectful and friendly. Good garage
  - Should be allowed to extend to help their business
  - Cannot see why this would cause a problem to anyone

#### **5. ANALYSIS OF PROPOSAL**

- 5.1 The application seeks consent to extend the existing building. Part of the extension is to provide office space and store with a second part forming a covered working area. The purpose of the proposed extensions are both to improve on and build the existing business. The application site lies in the rural area. Point 7 of Policy CS34 of the Adopted Core Strategy is supportive in principle of protecting rural employment sites. The general thrust of Government Guidance both centrally and locally is focused on promoting economic development.
- 5.2 Design and Visual Impact.  
The proposed side extension to form additional office space and store room will read as an extension to an existing single storey side extension. It will have an asymmetrical roof and be constructed of materials to match the existing.

The design is considered to be entirely acceptable and integrates completely with the existing building.

5.3 The proposed front extension is of a somewhat different appearance. It comprises a steel frame with a clear roof. It has a very gently sloping roof and projects out to the front of the existing building. Although not of traditional appearance, the canopy is not considered to detract from the built quality of the surrounding area. The canopy does not look out of keeping on what is a commercial premises. Both elements of the application are considered to be acceptable in terms of design and visual amenity.

#### 5.4 Residential Amenity

The proposed single storey side extension, by virtue of its limited eaves height and the fact that part of it is set away from the boundary, will not impact on existing levels of residential amenity by means of overbearing or overshadowing. Similarly, the front extension, because of its very lightweight and translucent materials also will not have any overbearing or overshadowing effect on the adjacent occupiers.

5.5 A current condition prevents the use of machinery or powered hand held tools, on the forecourt area to the front of the garage. A similar condition will be attached to this application to ensure that the impact on neighbouring properties remains acceptable.

#### 5.6 Transportation Issues

The application is retrospective and so the applicants have already demonstrated that the site can operate successfully with the extensions in place. The canopy will not change the parking or access situation at the site as it is constructed over the area that has always been used for working on vehicles anyway. Although the side extension will project into the front yard, the impact on the way the site is used will be minimal. It is also understood that the applicants have separate arrangements to use off site land to provide additional parking. This however is not subject of this planning application.

## 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 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 on the decision notice.

**Contact Officer: Marie Bath**  
**Tel. No. 01454 864769**

### **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 or powered hand held tools shall be operated outside of the workshop - either in the yard area or under the covered working area hereby permitted. For the avoidance of doubt this precludes the following activities from being undertaken outside of the replacement building - grinding, drilling, cutting, metal fabrication.

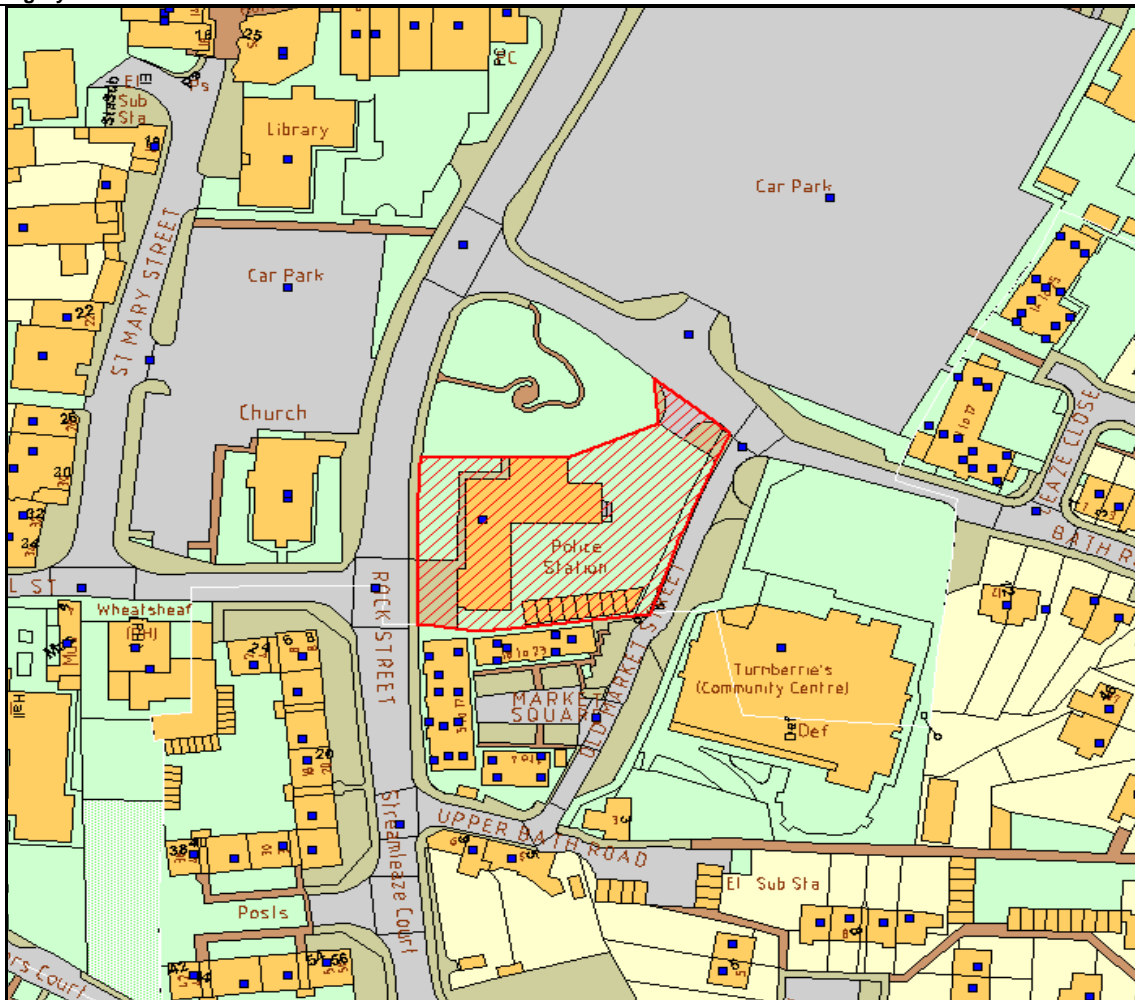
Reason

To minimise disturbance to occupiers of neighbouring properties and to accord with Policy E3 of the South Gloucestershire Local Plan (adopted) 2006.

# ITEM 11

## CIRCULATED SCHEDULE NO. 20/14 – 16 MAY 2014

<b>App No.:</b>	PT14/0113/RVC	<b>Applicant:</b>	Churchill Retirement Living
<b>Site:</b>	Police Station Rock Street Thornbury South Gloucestershire BS35 2BA	<b>Date Reg:</b>	27th January 2014
<b>Proposal:</b>	Variation of condition 17 (Approved Plans) attached to application PT13/1435/F dated 25 November 2013 to substitute drawing numbers 10057TH-PA10, 10057TH-PA11, 10057TH-PA02, 10057TH-PA03, 10057TH-PA14, 1498-SK-001, 10057TH-PA04B, 10057TH-PA05A, 10057TH-PA06A, 10057TH-PA07A, 10057TH-PA08A, 10057TH-PA09B, 10057TH-PA012A and 10057TH-PA013A with 10057TH-PA10A, 10057TH-PA11A, 1498-3001 01, 10057TH-PA04C, 10057TH-PA05D, 10057TH-PA06D, 10057TH-PA07D, 10057TH-PA08A, 10057TH-PA09C, 10057TH-PA12A and 10057TH-PA13A, plus appropriate re-wording of conditions 2, 3, 7, 8, 9, 10, 11, 12, 15 and 16.	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	363799 189871	<b>Ward:</b>	Thornbury North
<b>Application Category:</b>	Major	<b>Target Date:</b>	23rd April 2014



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100023410, 2008. **N.T.S.** **PT14/0113/RVC**

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This application has been referred to the Circulated Schedule because it incorporates a modification to an existing S106 Planning Agreement, the original application having been previously determined via the Circulated Schedule.

### **1. THE PROPOSAL**

1.1 Full planning permission PT13/1435/F was previously granted for the erection of a 2-3 storey apartment block of 35no. sheltered apartments for the elderly. It is proposed to erect the building on the site of the existing Thornbury Police Station, which has now been demolished to facilitate the development. The site lies within the Established Settlement Boundary of Thornbury, outside but close to, the edge of the Thornbury Conservation Area and opposite the Grade II Listed Congregational Church.

1.2 The scheme design followed extensive consultation with the Council's Urban Design and Conservation officers, in order to take account of the street scene, setting and character of the nearby Conservation Area and Listed Building.

1.3 The scheme was the subject of a viability assessment and was also the subject of a public exhibition at pre-application stage, which was generally well received. The application was supported by the following suite of documents:

Arboricultural Report  
Archaeological Desk Based Assessment  
Building for Life 12 Assessment  
Design and Access Statement  
Ecological Appraisal and Initial Bat Survey  
Bat Survey  
Geo-Environmental Desk Study  
Historical Built Environment Appraisal  
Need for Retirement Housing  
Planning Statement  
Supporting Stakeholder Engagement Statement  
Transport Statement  
Affordable Housing Statement

1.4 In preparing the working drawings however, a rationalisation of the development/accommodation has been undertaken by the applicant, which has resulted in some proposed changes to the originally approved scheme, these being as follows:

- The scheme has an additional unit – now 36 units
- Plots 6 & 7 have additional windows to the newly added en-suites (as shown on the north elevation).
- Plot 18 has an additional window to the living room (as shown on the south elevation)
- Plots 10 & 17 to have obscure glazed windows in the shower rooms (as shown on the south elevation)



- Staircase 2 smoke vent shown on south elevation.

*NB there are no alterations proposed to the actual scale and form of the approved building.*

- 1.5 Condition 17 of the original consent PT13/1435/F related to the originally approved plans and reads as follows:

The Development hereby approved shall be carried out in accordance with the following approved plans:

Ground Floor Plan Drawing No. 10057TH-PA10 received 30 April 2013  
First Floor Plan Drawing No. 10057TH-PA11 received 30 April 2013  
Existing Elevations Sheet 01 Drawing No. 10057TH-PA02 received 30 April 2013  
Existing Elevations Sheet 02 Drawing No. 10057TH-PA03 received 30 April 2013  
Distances Plan Drawing No. 10057TH-PA14 received 30 April 2013  
Landscape Strategy Drawing No. 1498-SK-001 received 30 April 2013

Proposed Site Plan Drawing No. 10057TH-PA04B received 12 June 2013  
Elevations Sheet 01 Drawing No. 10057TH-PA05A received 12 June 2013  
Elevations Sheet 02 Drawing No. 10057TH-PA06A received 12 June 2013  
Sections Drawing No. 10057TH-PA07A received 12 June 2013  
Street Elevations Drawing No. 10057TH-PA08A received 12 June 2013  
Lower Ground Floor Plan Drawing No. 10057TH-PA09B received 12 June 2013  
Second Floor Plan Drawing No. 10057TH-PA12A received 12 June 2013  
Roof Plan Drawing No. 10057TH-PA013A received 12 June 2013

#### Reason

For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved details.

- 1.6 In order to incorporate the proposed revisions, which cannot be addressed as non-material amendments, the applicant seeks, through this current application, to merely vary condition 17 by substituting the revised plans incorporating the proposed amendments. The varied condition would therefore read as shown at the end of this report (see new condition 11).
- 1.7 The original consent was granted subject to a number of other conditions relating to a variety of matters. In submitting the current application, the applicant has also sought to address the requirements of these conditions. A suite of additional plans are therefore also added to the new Condition 11.
- 1.8 The original consent was subject to a S106 Legal Agreement, within which, amongst other things, a financial contribution of £115,682.00p was secured for off-site provision of affordable housing. As the number of units within the scheme would increase by one, to a total of 36no., it is necessary to increase

the contribution by a pro-rata amount of £8,665.00p and the new sum of £124,347.00p needs to be secured via a Deed of Variation to the original S106 Agreement.

## **2. POLICY CONTEXT**

### 2.1 National Guidance

National Planning Policy Framework March 2012  
The Planning Practice Guidance 2014

### Primary Legislation/ Statutory Instruments

- 2.2 Planning and Compulsory Purchase Act 2004  
Planning (Listed Buildings and Conservation Areas) Act 1990

### 2.3 Development Plans

#### South Gloucestershire Local Plan (Adopted) January 2006

EP1	Environmental Pollution
EP2	Flood Risk and Development
L1	Landscape Protection and Enhancement
L9	Species Protection
L11	Archaeology
L12	Conservation Areas
L13	Listed Buildings
T7	Cycle Parking
T8	Parking Standards
T9	Car Parking Standards for People with Disabilities
T12	Transportation Development Control Policy for New Development
LC1	Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions).

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

Policy 37 Waste Management

#### South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec 2013

Policy CS1	High Quality Design
Policy CS5	Location of Development
Policy CS6	Infrastructure and Developer Contributions
Policy CS9	Managing the Environment and Heritage
Policy CS15	Distribution of Housing
Policy CS16	Housing Density
Policy CS17	Housing Diversity
Policy CS18	Affordable Housing
Policy CS23	Community Infra-Structure and Cultural Activity
Policy CS32	Thornbury

### 2.4 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD.

Trees on Development Sites SPG Adopted Nov. 2005.  
Affordable Housing SPD (Adopted) Sept. 2008  
South Gloucestershire Residential Parking Standards SPD (Adopted)

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

- 3.1 N2700 - Erection of wireless mast attached to building for police use.  
No objection 23 June 1976
- 3.2 PT13/1435/F - Demolition of the Police Station and erection of building to form 35no. sheltered apartments for the elderly including communal facilities, landscaping, parking, access and associated works.  
Approved S106 Signed 25<sup>th</sup> November 2013

### **4. CONSULTATION RESPONSES**

- 4.1 Thornbury Town Council  
No objection subject to Conservation Officers approval.

4.2 Other Consultees

Highway Drainage  
No comment

Sustainable Transport  
The proposed alterations have minimal impact upon the transportation impact of the development, and as such there is no transportation objection to these modifications.

Wessex Water  
Wessex Water have no interest in these changes which will require the approval of your Authority.

Community Services  
No response

Police Community Safety Officer  
No response

Environmental Protection  
No adverse comments

Avon Wildlife Trust  
No response

Housing Enabling  
The applicant has agreed to pay an affordable housing S106 sum of £124,347 i.e. an increase of £8,665, to account for the additional unit, which is acceptable.

Conservation Officer

No objection

Tree Officer

No response

Urban Design Officer

The general form, scale and mass of the scheme remains as previously submitted and therefore I have no objection. In terms of materials and detailing I defer to the Conservation Officer.

Historic Environment

No objection

Landscape Officer

I confirm that there is no landscape objection to the proposals with regard to CS1 and retained Local Plan policy L1. The landscape proposals indicate a sufficient level of detail to allow implementation of the tree and shrub planting and details of all boundary treatments have also been submitted and are acceptable, with regard to landscape. A landscape compliance condition should be added to the planning approval notice, requiring the planting as shown on the landscape proposals drawing, to be implemented within the first planting season, following building completion. Also, the standard condition requiring any plant failures within the first 5 years to be replaced, should be included, in order to ensure the successful establishment of the planting scheme.

Ecology Officer

No response

**Other Representations**

4.3 Local Residents

No responses

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition(s) previously imposed on a planning permission. The Council can grant such permission unconditionally or subject to different or varied conditions. The original planning permission however, will continue to subsist, whatever the outcome of this application under section 73. On this basis the consideration of this application relates to whether it is considered acceptable to vary planning condition 17 attached to planning permission PT13/1435/F as proposed. Consideration of this application therefore relates in the first instance to the acceptability or otherwise of allowing the proposed amendments.

Changes to the Policy framework

- 5.2 The policies used to consider application PT13/1435/F are much the same in the current adopted Development Plan. The only difference is that the Core Strategy has now been formally adopted and as such some of the policies within the Local Plan are no longer saved.

Other material considerations:

- 5.3 The application is for the variation of a planning condition and as such guidance in the Government's recently published Planning Practice Guidance (PPG) is relevant. The PPG includes a list of 6 criteria (the 6 tests) that a condition should meet and any planning condition should be imposed only if it satisfies all 6 criteria. The 6 tests are:

- i. necessary;
- ii. relevant to planning;
- iii. relevant to the development to be permitted;
- iv. enforceable;
- v. precise; and
- vi. reasonable in all other respects.

Any application for removal or variation of a condition should be considered against the guidance and the 6 tests therein and failure to meet any of the tests should carry significant weight in determination of the application.

- 5.4 The opportunity to review the original decision.

As indicated at the start of Para.5.1, a Section 73 application does allow the opportunity to review the other conditions attached to the original planning consent where the conditions are relevant to the consideration of this application. In this case there are a number of conditions attached to approval PT13/1435/F which, given the level of information now submitted, it would be appropriate to remove, amend or update.

- 5.5 Design/Visual Amenity and Impact on Conservation Area

The application site lies just outside of the Thornbury Conservation Area and lies opposite the Grade II Listed Congregational Church. In light of the site's context, the original proposals were the subject of a significant level of pre-application negotiation and revision post-submission.

- 5.6 Prior to the development of the Police Station the site was occupied by terraced buildings fronting directly on to Rock Street. Unfortunately a large number of the traditional buildings in this area have been lost as a result of modern development and the creation of the car park, much of which has had a negative impact on the character of this part of the town and the setting of the listed chapel. This scheme proposes the replacement of the Police Station building, which was of no architectural or historic interest. It provides the opportunity to enhance the appearance of the area and reintroduce a level of enclosure to the street, which has previously been lost.

- 5.7 A simple 'L' shaped block is proposed that provides continuous frontages to Rock Street with an area of open space on Bath Road. A communal garden is proposed to the rear of the block. Parking is provided at the site entrance and 'undercroft'. The development is predominantly 2.5 & 3 storey and as such is

consequently of similar scale to the Church opposite. The architectural approach has also sought to break down the scale and mass of the apartment block into what looks like a terrace of buildings.

- 5.8 The principle of the development is therefore considered acceptable, and the layout proposed would reintroduce the historic pattern of enclosure. The terraced pattern of development, the varied ridge and eaves heights and the use of locally distinctive materials and details are proposed to be used within the development to enhance local distinctiveness and allow the development to 'fit' comfortably with its surroundings. The outstanding areas of detailing including materials to be used have now been agreed through this current application and these are now shown on the submitted plans.
- 5.9 The proposed amendments do not affect the form or scale of the originally approved building and the overall appearance would not significantly alter from that originally approved. It is considered that the scheme incorporating the now proposed amendments would display through its design, form and materials, an aesthetic appearance that demonstrates sufficient regard to its historic context and one which represents an architectural enhancement of the location. The scheme therefore accords with Policies L12 and L13 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec 2013.

#### Affordable/ Enabling Housing

- 5.10 The scheme proposed by Churchill Retirement Homes now comprises 36 units (i.e. an increase of 1) of 1 and 2 bed apartments for sheltered accommodation for the elderly and therefore is subject to Core Strategy Policy CS18 and required to achieve 35% on-site affordable housing on all new developments to meet identified housing need in South Gloucestershire.
- 5.11 However in light of viability issues the affordable housing contribution is to be met by an off-site contribution. The amount previously agreed upon was £115,682. Given that the revisions now proposed would add another unit within the building, an increase in the off-site contribution of £8,665 is justified.
- 5.22 Therefore in conclusion, if a revised off-site, financial contribution of £124,347 towards affordable housing is paid by the applicant, the proposed scheme can be considered policy compliant. This simply requires a Deed of Variation to the originally signed S106 Agreement.

#### Transportation

- 5.23 Car ownership levels amongst the elderly are relatively low, and due to the proximity to the town centre the number of trips generated by those car owners will be similarly low. This site is situated within easy walking distance of the town centre where, there are good local services and amenities. This proximity helps to reduce dependence on the private car. The site is located within a short walking distance of public transport, as such the site is considered sustainable.

- 5.24 Whilst the authority has adopted, for the purposes of development control, new minimum residential parking standards, the consideration of these standards in the context of care homes is considered more flexible than the application to standard residential developments. In this particular regard, the proposals may be considered to approximate between the models for 'unassisted' and 'assisted' sheltered housing, and thus a standard of between 1 space per 2 units (unassisted) to 1 space per 4 units (assisted) may apply. However, it is acknowledged that whilst the lower standard is achieved in the proposals, the upper standard is not and thus there may exist a reliance upon surrounding car parking opportunities. In this instance, it is acknowledged that the development is located opposite a large 'uncharged' public car park and that any un-accommodated medical or social vehicle trip may easily be accommodated close to their intended destination. In conclusion, officers raise no objections to the proposed and conditioned levels of parking to serve the development.
- 5.25 Following a thorough review of the revised planning submission, the outstanding considerations relating to the access to mobility scooters, cycle parking and refuse collection have all been adequately addressed within the submission.
- 5.26 Impact On residential Amenity  
The nearest residential properties, lie to the south on Rock Street and Market Square. The proposed building would be similar in scale to the original police station and its overall scale and form would not be altered from that originally approved. Given the much improved design of the proposed building over the original police station, the visual amenity and outlook for local residents would be much improved. Notwithstanding the revisions now proposed, which are considered to be relatively minor in the context of a scheme of this size; in terms of footprint, height, distances from boundaries and nearby buildings and the positioning of primary windows, the proposal would still not have a significant adverse impact on neighbouring properties.
- 5.27 Environmental Issues  
An acceptable Drainage Scheme has now been submitted with this application. The site is not the subject of excessive noise or dust. Whilst there would be some disturbance for local residents during the construction phase this would still be mitigated by the imposition of a condition to control the hours of working. The proposal therefore accords with Policy EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- Landscaping
- 5.28 A detailed planting plan and details of boundary treatments and hard-standings has now been submitted to the satisfaction of the Council's Landscape Architect.
- Open Spaces and Library Service
- 5.29 A sum of £9,972.24p was secured through the original consent towards the off-site provision and maintenance of open space and a sum of £4,346.06p towards the Library Service.

- 5.30 Officers consider that the S106 requests meet all of the tests listed under Para. 20 of the NPPF and Reg 122 of the CIL Regs 2010 in being:
- Necessary to make the development acceptable in planning terms;
  - Directly related to the development; and
  - Fairly and reasonably related in scale and kind to the 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 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 updated conditions listed on the Decision Notice and the relevant condition (17) now (11) varied to read as follows:

The Development hereby approved shall be carried out in accordance with the following approved plans:

Location Plan Drawing No. 10057TH-PA00 received 22 Jan 2014  
Existing Elevations Sheet 01 Drawing No. 10057TH-PA02 received 30 April 2013  
Existing Elevations Sheet 02 Drawing No. 10057TH-PA03 received 30 April 2013  
Proposed Site Plan Drawing No. 10057TH-PA04C received 30 April 2014  
Elevations Sheet 01 Drawing No. 10057TH-PA05D received 6 May 2014  
Elevations Sheet 02 Drawing No. 10057TH-PA06D received 6 May 2014  
Sections Drawing No. 10057TH-PA07D received 6 May 2014  
Street Elevations Drawing No. 10057TH-PA08A received 12 June 2013  
Lower Ground Floor Plan Drawing No. 10057TH-PA09C received 22 Jan 2014  
Ground Floor Plan Drawing No. 10057TH-PA10A received 30 April 2013  
First Floor Plan Drawing No. 10057TH-PA11A received 22 Jan 2014  
Second Floor Plan Drawing No. 10057TH-PA12B received 22 Jan 2014  
Roof Plan Drawing No. 10057TH-PA013B received 22 Jan 2014

Distances Plan Drawing No. 10057TH-PA14 received 30 April 2013  
Landscape Proposals Drawing No. 1498-3001 received 22 Jan 2014  
Drainage and Levels Drawing No. 300 Rev C5 sheet 1 received 22 Jan 2014



Dormer FT40-1045, 1265 Drawing No. i 1103005 sheet 2 received 4 March 2014

Site Layout Plan Drawing No. CRL:10057TH:201 Rev B received 22 Jan 2014

Juliet Balconies Drawing No. CRL:10057TH:702 received 22 Jan 2014

Porches Drawing No. CRL:10057TH:703 received 22 Jan 2014

Internal Services Ventilation Back to Back Bathroom Duct General Arrangement Drawing No. CDN 05.07.01 Rev A received 22 Jan 2014

Internal Services Ventilation Bathroom/Kitchen General Arrangement Drawing No. CDN 05.07.02 Rev A received 22 Jan 2014

Internal Services Ventilation Back to Back Bathroom Duct General Arrangement Drawing No. CDN 05.07.03 received 22 Jan 2014

Internal Services Ventilation Kitchen Duct General Arrangement Drawing No. CDN 05.07.04 received 22 Jan 2014

Window Elevations Casement Windows All Exposures Drawing No. CDN 08.01.01 Rev F received 4 March 2014

Window Templates Template Detail All Exposures Drawing No. CDN 08.03.02 received 4 March 2014

Windows Structural Details Brick Finish-Insulated Cavity Range Brick Cill, Head -& Jamb Details All Exposures Drawing No. CDN 08.06.01 Rev A received 4 March 2014

Windows Structural Details Render Finish - Insulated Cavity Brick Cill, Head -& Jamb Details All Exposures Drawing No. CDN 08.06.03 Rev A received 4 March 2014

Windows Structural Details W10 Window Brick Finish Brick Cill, Head All Exposures Drawing No. CDN 08.06.04 Rev B received 4 March 2014

Windows Structural Details Brick Finish - Insulated Ground Floor Brick Cill to Comb. P1, P2, P3 -& P4 Spantherm Ground Floor Drawing No. CDN 08.06.05 received 4 March 2014

Doors Frame Sections Timber Profiles Manufacture Drawing No. CDN 09.01.01 received 22 Jan 2014

Doors Sections Frames and Lining Drawing No. CDN 09.02.03 received 22 Jan 2014

Doors Scheduled Panelled Doors Drawing No. CDN 09.03.02 Rev C received 22 Jan 2014

Doors Details External Door XD1 Drawing No. CDN 09.04.06 Rev B received 22 Jan 2014

Doors External Structural Details Brick Finish Head, Jamb -& Cill Details Drawing No. CDN 09.05.01 Rev B received 22 Jan 2014

Roofs General Eaves 100 Cavity Eaves Details 30 deg Pitch, 205mm Projection Drawing No. CDN 12.01.01 Rev B received 22 Jan 2014

Roofs General Eaves 100 Cavity Eaves Details 40 deg Pitch, 205mm Projection Drawing No. CDN 12.01.02 Rev B received 22 Jan 2014

Roofs General Eaves 100 Cavity Eaves Details-UPVC Fascia 35 deg Pitch, 205mm Projection Drawing No. CDN 12.01.03 Rev B received 22 Jan 2014

Roofs General Eaves 100 Cavity Eaves Details 45 deg Pitch, 205mm Projection Drawing No. CDN 12.01.04 Rev B received 22 Jan 2014  
Roofs Details Miscellaneous Details UPVC Bargeboard Detail Drawing No. CDN 12.04.09 received 22 Jan 2014  
Roofs Stormking Dormers Typical Details Drawing No. CDN 12.06.04 received 4 March 2014

**Reason**

For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved details.

7.2 That the Director of Environment and Community Services instruct Legal Services to agree a Deed of Variation under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- Vary Schedule 1 to increase the of-site "Affordable Housing Contribution" of £115,682.00p by £8,665.00p to a revised sum of £124,347.00p.

For the avoidance of doubt the total contributions now secured read as follows:

- a) An off site financial contribution towards the provision of affordable housing of £124,347.00p.paid on first occupation on the basis that there will be no reappraisal obligation with a viability review in the s106 if the development is not commenced within 18months.
- b) A financial contribution of £9,972.24p towards the provision/enhancement of off-site category 1 open space and its future maintenance.
- c) A financial contribution of £4,346.06p towards local library services.

The reason for this agreement is:

- a) To help contribute towards the provision of affordable housing within the locality;
- b) To provide policy compliant levels of category 1 open space for the residents of the development and to ensure its maintenance costs are met for the prescribed period by the development and not the local authority;
- c) To meet the additional need placed on local library services caused by the proposed development.

If the Section 106 Agreement is not signed and sealed with 6 months of the determination date of this application, then authority be delegated to refuse the proposal or a report is forwarded via the Circulated Schedule for the reconsideration of the application.

**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. The development hereby approved shall be carried out in full accordance with the surface water drainage details shown on the approved Drainage and Levels Plan Drawing No. FA E-F1361.00 300 Rev C5 received 22 Jan 2014.

### Reason

To comply with Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS5 and CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

3. The car parking provision for the development hereby approved shall be in full accordance with the approved Site Layout Drawing No. CRL: 10057TH:201 Rev B and Proposed Site Plan Drawing No. 10057TH-PA04 Rev C prior to the first occupation of the building and 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 (Adopted) January 2006.

4. Prior to the commencement of development a representative sample panel of boundary wall stonework of at least one metre square showing the natural stone, coursing and mortar pointing, shall be erected on site and approved in writing by the local planning authority. The works shall be completed strictly in accordance with the agreed samples, which shall be retained on site until completion of the development for consistency.

### Reason

In order that the development is of an appropriate quality of design that serves to preserve the character and appearance and setting of Thornbury conservation area and the setting of the grade II listed Congregational Chapel in accordance with section 72(1) and 66(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and policies L12, L13 of the Adopted South Gloucestershire Local Plan and Policies CS1 and CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013.

5. The development shall be completed in accordance with the agreed details of boundary walls and railings shown on approved Proposed Site Plan Drawing No. 10057TH-PA04 Rev C.

Reason:

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to maintain and enhance the character and appearance of the setting of the Chipping Sodbury Conservation Area, and to accord with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006 and CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013.

6. The hard and soft landscaping of the site shall be carried out in accordance with the approved details shown on Site Layout Drawing No. CRL : 10057TH : 201 Rev B and Landscape Proposals Drawing No. 1498-3001 respectively, both received 22 Jan 2014. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority. Any plants that die or become diseased within 5 years of planting shall be replaced with a plant of the same or similar species within the first available planting season.

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) 11 Dec 2013..

7. All works shall be undertaken in accordance with the Arboricultural Method Statement prepared by 'barrell' Tree Consultancy dated 19th March 2013.

Reason

In the interests of the long term health of the trees within the site, and to accord with Policy L1 of the South Gloucestershire Local Plan and the Trees on Development Sites SPG Adopted Nov. 2005.

8. The hours of working on site during the period of construction and demolition 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 EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. The approved works shall be carried out in accordance with the submitted and approved Dorton Group Site Waste Management Audit.

Reason

To accord with the Council's adopted Waste Management Strategy, and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 6th 2006 and Policy 37 of the South Gloucestershire Minerals and Waste Local Plan (Adopted) May 2002.

10. The refuse generated from the development hereby approved shall be disposed of in accordance with the approved Refuse Disposal Strategy received 22 Jan 2014.

Reason

In the interests of highway safety and the amenity of the area in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013.

11. The Development hereby approved shall be carried out in accordance with the following approved plans:

Location Plan Drawing No. 10057TH-PA00 received 22 Jan 2014  
Existing Elevations Sheet 01 Drawing No. 10057TH-PA02 received 30 April 2013  
Existing Elevations Sheet 02 Drawing No. 10057TH-PA03 received 30 April 2013  
Proposed Site Plan Drawing No. 10057TH-PA04C received 30 April 2014  
Elevations Sheet 01 Drawing No. 10057TH-PA05D received 6 May 2014  
Elevations Sheet 02 Drawing No. 10057TH-PA06D received 6 May 2014  
Sections Drawing No. 10057TH-PA07D received 6 May 2014  
Street Elevations Drawing No. 10057TH-PA08A received 12 June 2013  
Lower Ground Floor Plan Drawing No. 10057TH-PA09C received 22 Jan 2014  
Ground Floor Plan Drawing No. 10057TH-PA10A received 22 Jan 2013  
First Floor Plan Drawing No. 10057TH-PA11A received 22 Jan 2014  
Second Floor Plan Drawing No. 10057TH-PA12B received 22 Jan 2014  
Roof Plan Drawing No. 10057TH-PA013B received 22 Jan 2014

Distances Plan Drawing No. 10057TH-PA14 received 30 April 2013  
Landscape Proposals Drawing No. 1498-3001 received 22 Jan 2014  
Drainage and Levels Drawing No. 300 Rev C5 sheet 1 received 22 Jan 2014

Dormer FT40-1045, 1265 Drawing No. i 1103005 sheet 2 received 4 March 2014

Site Layout Plan Drawing No. CRL:10057TH:201 Rev B received 22 Jan 2014  
Juliet Balconies Drawing No. CRL:10057TH:702 received 22 Jan 2014  
Porches Drawing No. CRL:10057TH:703 received 22 Jan 2014

Internal Services Ventilation Back to Back Bathroom Duct General Arrangement Drawing No. CDN 05.07.01 Rev A received 22 Jan 2014  
Internal Services Ventilation Bathroom/Kitchen General Arrangement Drawing No. CDN 05.07.02 Rev A received 22 Jan 2014  
Internal Services Ventilation Back to Back Bathroom Duct General Arrangement Drawing No. CDN 05.07.03 received 22 Jan 2014  
Internal Services Ventilation Kitchen Duct General Arrangement Drawing No. CDN 05.07.04 received 22 Jan 2014

Window Elevations Casement Windows All Exposures Drawing No. CDN 08.01.01 Rev F received 4 March 2014  
Window Templates Template Detail All Exposures Drawing No. CDN 08.03.02 received 4 March 2014

Windows Structural Details Brick Finish-Insulated Cavity Range Brick Cill, Head \_ Jamb Details All Exposures Drawing No. CDN 08.06.01 Rev A received 4 March 2014

Windows Structural Details Render Finish - Insulated Cavity Brick Cill, Head \_ Jamb Details All Exposures Drawing No. CDN 08.06.03 Rev A received 4 March 2014

Windows Structural Details W10 Window Brick Finish Brick Cill, Head All Exposures Drawing No. CDN 08.06.04 Rev B received 4 March 2014

Windows Structural Details Brick Finish - Insulated Ground Floor Brick Cill to Comb. P1, P2, P3 \_ P4 Spantherm Ground Floor Drawing No. CDN 08.06.05 received 4 March 2014

Doors Frame Sections Timber Profiles Manufacture Drawing No. CDN 09.01.01 received 22 Jan 2014

Doors Sections Frames and Lining Drawing No. CDN 09.02.03 received 22 Jan 2014

Doors Scheduled Panelled Doors Drawing No. CDN 09.03.02 Rev C received 22 Jan 2014

Doors Details External Door XD1 Drawing No. CDN 09.04.06 Rev B received 22 Jan 2014

Doors External Structural Details Brick Finish Head, Jamb \_ Cill Details Drawing No. CDN 09.05.01 Rev B received 22 Jan 2014

Roofs General Eaves 100 Cavity Eaves Details 30 deg Pitch, 205mm Projection Drawing No. CDN 12.01.01 Rev B received 22 Jan 2014

Roofs General Eaves 100 Cavity Eaves Details 40 deg Pitch, 205mm Projection Drawing No. CDN 12.01.02 Rev B received 22 Jan 2014

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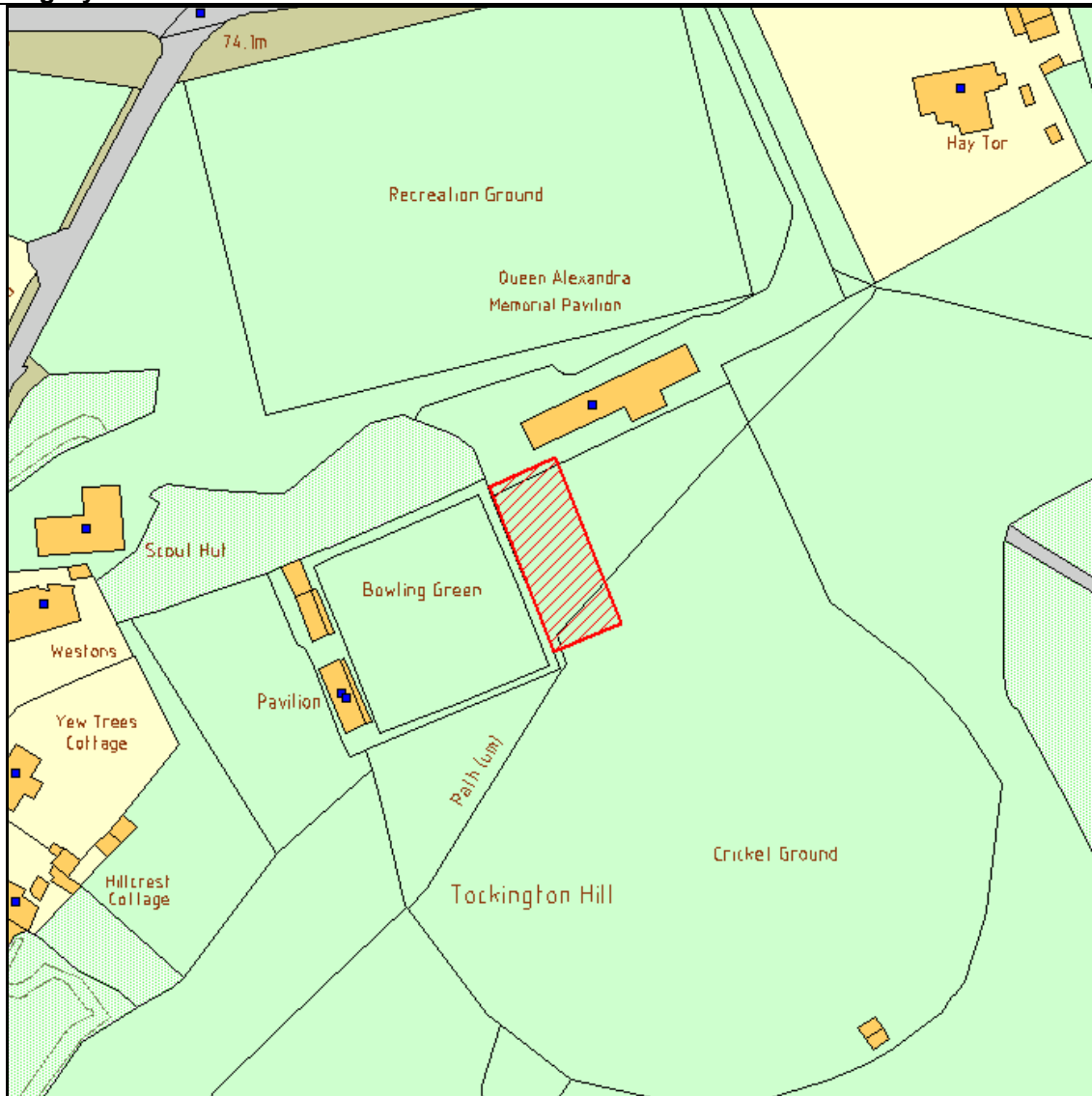
#### Reason

For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved details.

# ITEM 12

## CIRCULATED SCHEDULE NO. 20/14 – 16 MAY 2014

<b>App No.:</b>	PT14/0425/F	<b>Applicant:</b>	Old Down Cricket Club
<b>Site:</b>	Old Down Cricket Club The Park Alveston Road Old Down Bristol South Gloucestershire	<b>Date Reg:</b>	2nd April 2014
<b>Proposal:</b>	Erection of a two bay practice cricket nets facility with associated works.	<b>Parish:</b>	Olveston Parish Council
<b>Map Ref:</b>	361232 187206	<b>Ward:</b>	Severn
<b>Application Category:</b>	Minor	<b>Target Date:</b>	23rd May 2014



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100023410, 2008. **N.T.S.** **PT14/0425/F**

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This application is referred to the Circulated Schedule for determination as a number of comments of support have been submitted by members of the public; the case officer recommendation is for refusal.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of two cricket practice nets at Old Down Cricket Club. The nets would be located to the northwest corner of the site, adjacent to the bowling green and behind the club house.
- 1.2 The site is located outside of any defined settlement between Alveston and Olveston. It is therefore within the open countryside and the Bristol and Bath Green Belt. The site is also located adjacent to the Tockington Hill and Quarry SNCI. The proposed development is located over a defined public right of way.

### **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  
CS2 Green Infrastructure  
CS9 Managing the Environment and Heritage  
CS34 Rural Areas

#### South Gloucestershire Local Plan Adopted January 2006 Saved Policies

L1 Landscape  
L8 Sites of Local Nature Conservation Interest  
L9 Species Protection  
T12 Transportation  
LC5 Proposals for Outdoor Sports and Recreation  
LC12 Recreational Routes

- 2.3 Supplementary Planning Guidance
  - (a) South Gloucestershire Design Checklist (Adopted) August 2007
  - (b) Development in the Green Belt (Adopted) June 2006
  - (c) Landscape Character Assessment (Adopted) August 2005

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

- 3.1 P95/1964 Approval of Full Planning 15/08/1995  
Erection of players' pavilion and equipment store.



## 4. CONSULTATION RESPONSES

### 4.1 Olveston Parish Council

Objection: The Parish Council do not believe that the proposal has been ideally sited as it crosses an existing footpath.

The Parish Council insist that approval is conditional on written agreement from both the Old Down Bowls Club and the Olveston Sports and Social Club, given the height of the proposal, its close proximity to both organisations and the consequential reduction in parking spaces, which is already an issue at the Old Down recreational area.

### 4.2 Drainage

No comment

### 4.3 Ecology

No objection

### 4.4 Landscape

No objection

### 4.5 Public Rights of Way

Objection: The development will affect public right of way reference OOL/53 as the development will obstruct the footpath. No application for a footpath diversion has been made.

### 4.6 Transport

No objection

## Other Representations

### 4.7 Local Residents

19 comments of support have been received from members of the public. These comments have been summarised below –

- A new practice net is long overdue at the club
- Application would provide modern facilities in a rural location
- Club does good work in the community
- Club has outreach programmes to local schools
- Club provides a local community resource
- Club provides access to sport for over 40 adults and 100 junior members
- Council should provide funding for the scheme
- Development will improve facilities for members
- Development would not increase noise
- Facilities are required to preserve the club
- Modern, safe facilities are required for the future development of the club
- Nets would provide facilities to encourage more people to take part in sport

- Proper facilities are needed for adults and children to training
- Provision of nets would not cause parking problems
- Such facilities are required for the safety of the players
- The proposed nets would not be detrimental to the locality
- There is a need for these facilities on the site
- This application is supported by the England and Wales Cricket Board and the Gloucestershire Cricket Board.

## 5. ANALYSIS OF PROPOSAL

5.1 This application seeks permission for the erection of two practice cricket nets at Old Down Cricket Club.

### 5.2 Principle of Development

Policy LC5 of the Local Plan manages the expansion and improvement of outdoor sports and recreation facilities outside the existing urban area and defined settlement boundaries. In general, this policy supports development subject to a detailed analysis of the impacts of the proposal.

5.3 However, as the site is located within the green belt, further consideration must be given to the principles of this designation when assessing the acceptability of the proposal.

5.4 Finally, as a public right of way runs through the site, the development must also accord with policy LC12 of the Local Plan. This policy seeks to safeguard existing recreational routes. In this instance, the proposed development does not safeguard the public right of way over the site and is therefore recommended for refusal.

### 5.5 Public Rights of Way

A public right of way, OOL/53 runs directly across the application site. The plans submitted with the application from Ordnance Survey data show the 'walked' route of the footpath rather than the legal line. The adjacent bowling green was built over the footpath some years ago; however, no legal order was made to divert the footpath. Therefore, an unofficial diversion has created the walked route which is picked up by Ordnance Survey. Even the walked route is obstructed by the proposed cricket nets. The public right of way needs to be diverted, otherwise the proposed development would have a detrimental impact upon this route.

5.6 Under policy LC12, development that unacceptably affects the utility and amenity of a public right of way should be refused. This application would obstruct the right of way and therefore has a significant and harmful impact upon the utility and amenity of the route. Furthermore, policy CS1 requires that existing public rights of way are safeguarded by development; this proposal fails to do that. The development is therefore contrary to the provisions of the above policies.

5.7 Green Belt

Green belts are attributed great importance in government policy. Under the NPPF local planning authorities have a duty to enhance the use of green belt land, for example, by providing access or opportunities for outdoor sport and recreation.

5.8 New buildings within the green belt are, generally, inappropriate and are, by definition, harmful to the open nature of the land. Guidance in the NPPF (paragraph 89) states six exception categories where this is not the case. One of these categories is the 'provision of appropriate facilities for outdoor sport, outdoor recreation [...] as long as it preserves the openness of the green belt and does not conflict with the purposes of including land within it.'

5.9 In order to comply with green belt policy, the proposal must be found to be appropriate and to preserve the open nature of the land.

5.10 Old Down Cricket Club is located between Alveston and Olveston on the top of Tockington Hill. To the north of the cricket ground is the recreation ground and to the west lies the bowls club. As such, the local land use has been established as generally open sport and recreation. Certain facilities can be expected at sports grounds and the provision of practice nets at a cricket club is an example. The proposed nets are therefore considered to be appropriate.

5.11 Openness must also be protected in order for the proposed development to not conflict with the purposes of including land within it. The nets are positioned close to the existing enclosure of the bowling green and the Queen Alexandra Memorial Pavilion thus keeping all structures in one area and the general character of the site open. These structures are well set back from the escarpment and therefore not highly visible further afield within the green belt.

5.12 Furthermore, the structure itself is open in nature as it is constructed from galvanised steel tubes covered in 50mm knotted netting. It would be possible to condition the colour of the steel to match the colour of the netting to further integrate the structure into the landscape.

5.13 It is not considered that the proposed structure would have a material impact on openness or the purposes of including land within the green belt and is therefore acceptable.

5.14 Landscape

Development should conserve the character, distinctiveness, quality and amenity of the landscape in which it sits. The general character of the area is one of being open. The proposed nets will be seen in the context of the existing pavilion and bowling green and would not form an incongruous feature within the landscape or result in the loss of the open nature of the site.

- 5.15 It is considered that no additional planting or mitigation is necessary in order to conserve the existing attributes and features of the landscape. As such, the proposal accords with policy L1 and is acceptable.
- 5.16 Environment and Ecology  
Development will not be permitted if it has an unacceptable affect on the environment and ecology. The area of land on which the nets are proposed forms part of the mown grassland of the cricket ground.
- 5.17 No statutory or non-statutory nature conservation designations cover the actual site, however, the cricket ground immediately abuts the Tockington Hill and Quarry non-statutory SNCI, designated for its calcareous grassland.
- 5.18 As the application site is separated from the SNCI by a large area of mown grassland it is very unlikely that the proposed development would have any impact on the designation. Furthermore, the application site is located on a managed area which offers limited habitat.
- 5.19 It is not therefore considered that the proposed development would have any impact on the SNCI or on the habitat of any protected species. The development will not lead to any industrial processes or emissions, including floodlighting, that would have a detrimental impact on the environment and is therefore acceptable.
- 5.20 Residential Amenity  
Located in the open countryside, the application site has few residential neighbours. The nearest residential properties are over 100 metres from the application site. All the neighbours are screened from the development site by other buildings or structures, such as the bowling green and pavilion.
- 5.21 Taking into account the distance between the site and residential dwellings it is considered highly unlikely that the proposal would result in a material impact on residential amenity.
- 5.22 Transport  
Existing parking to serve the cricket club is provided adjacent to the pavilion at the front of the site. This parking serves the wider site including the recreation ground and bowls club.
- 5.23 The proposed development does not alter the provision of or existing parking arrangements. It is also not considered to materially increase the parking requirements of the site as the nets would complement the existing use rather than lead to a new or additional use of the site.
- 5.24 In terms of transportation impacts, the development is considered to be acceptable and would not prejudice highway safety, traffic flow, or parking provision.
- 5.25 Summary  
The proposed development fails to safeguard route OOL/53 as the development is proposed over the defined route of the right of way. The

development is therefore contrary to policy LC12 of the Local Plan as it would unacceptably affect the utility and amenity of that route.

## **6. CONCLUSION**

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

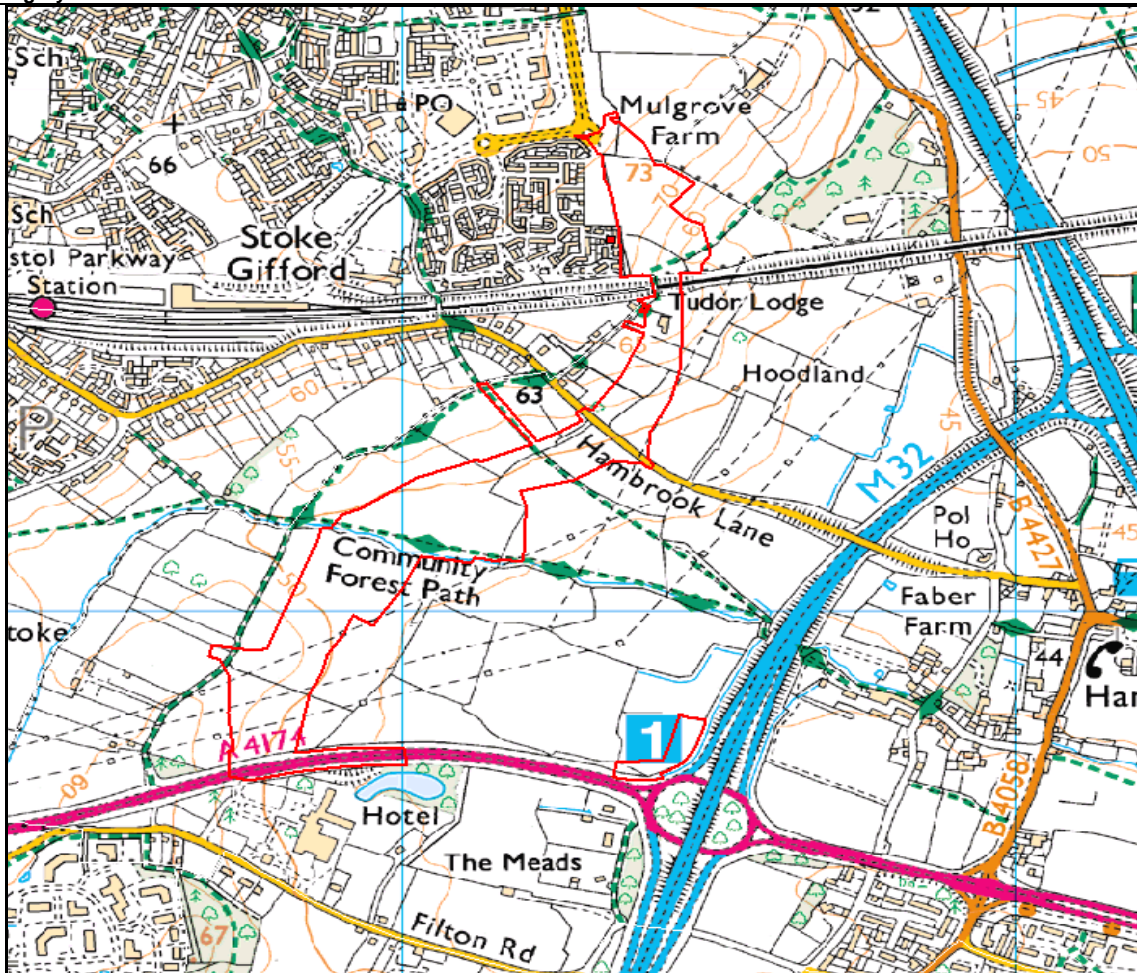
- 7.1 It is recommended that this application be REFUSED for the reason set out below.

**Contact Officer: Griffith Bunce**  
**Tel. No. 01454 863438**

1. The proposed development would obstruct the recorded legal line of a public right of way, reference OOL/53 and no legal order has been made for a diversion of the footpath. The proposed development fails to safeguard the existing right of way and has a significant detrimental impact on the utility and amenity of the right of way. The proposed development is therefore contrary to policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and policy LC12 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

**CIRCULATED SCHEDULE NO. 20/14 – 16 MAY 2014**

<b>App No.:</b>	PT14/0600/R3F	<b>Applicant:</b>	South Gloucestershire Council
<b>Site:</b>	15.85 Hectares Of Land Between Parkway North Roundabout At The Southern End Of Great Stoke Way And The A4174 Avon Ring Road To The North East Of UWE.	<b>Date Reg:</b>	26th February 2014
<b>Proposal:</b>	Construction of new road link (Stoke Gifford Transport Link), incorporating single carriageway highway, (with additional bus lanes where appropriate) footways and cycle ways. Construction of bridge over the South Wales - London railway line and construction of new bridge over the Ham Brook. Associated works and landscaping. (Amendment to previously approved scheme PT13/1529/R3F including revisions to the vertical and horizontal alignment of the road of no more than 1.5m, revisions to Harry Stoke junction and Hambrook lane junction.)	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	363345 179711	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Major	<b>Target Date:</b>	16th June 2014



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 100023410, 2008. N.T.S. PT14/0600/R3F

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This application appears on the Circulated Schedule because it is an application submitted on behalf of the Council and due to representations received contrary to the officer recommendation. It constitutes a revision to an application that was determined by Members of a DC West Planning Committee, however it is considered that the proposed amendments are not of a scale or significance that would have a strategic impact and therefore this application does not need to be considered at Committee. For information, a copy of the previous committee report is appended to this report.

### **1. THE PROPOSAL**

- 1.1 A revised planning permission for the Stoke Gifford Transport Link is being sought in order to amend the previous scheme – PT13/1529/R3F- for which Members resolved to grant planning permission for at DC West Committee on 11<sup>th</sup> September 2013.
- 1.2 The applicant, South Gloucestershire Council, has stated that there are a series of minor amendments to the scheme which were identified following a change to existing site conditions and other revisions that have arisen through the iterative design process. The applicant has further stated that the proposed amendments are considered minor and do not fundamentally affect the nature of the scheme or materially increase the amount of development proposed.
- 1.3 *Approved scheme:*  
As Members will recall, the approved scheme for The Stoke Gifford Transport Link (SGTL) is for a predominantly single carriageway highway of some 1.6km in length, between Parkway North Roundabout and the A4174 Ring Road, to the east of the recent Harry Stoke Phase 1 residential development. The standard road width would be 13.3m, with a parallel 3m wide foot/cycle way on its western side, making a corridor of some 17.3 m wide. The SGTL would cross over the Great Western mainline railway, which requires the erection of a new single span bridge. Continuing south of the railway bridge, the road line produces a mix of cutting and embankment slopes as it comes down the slope from the railway line. The road requires the removal of an existing property at Tudor Lodge, Curtis Lane. The proposed new road will cross Hambrook Lane via a new at-grade signal controlled junction. A new bridge over the Ham Brook would be constructed, and the road would join with the existing access road to Harry Stoke 1, which will be widened, providing a signal controlled access onto the Avon Ring Road, and this southern part of the SGTL will be dual carriageway until it joins the Ring Road.
- 1.4 *Proposed Amendments*  
*Between Parkway North roundabout and great Western mainline:*
  - Minor amendments to the route's horizontal and vertical alignment. On average the change would be 0.25m in either direction, with a maximum change in alignment of no more than +/- 0.5m;
  - North of the railway line, the new PROW link would be extended by two metres in order to properly link with the existing footpath in Riviera Way.

*South of the railway line to Ham Brook*

- Minor amendments to the route's horizontal and vertical alignment of no more than +1m in height for the vertical alignment and not more than +1m change in the horizontal direction;
- Minor amendments to the farm access roads adjacent to Hambrook Lane junction. No more than 1m change to vertical and horizontal alignment;
- To the east of the Hambrook Lane junction, realignment of Hambrook Lane will take place over a longer distance;
- Pedestrian crossing here will no longer be staggered;
- Reduced speed limit of 30mph (previously 30-40-30mph) between Hambrook Lane junction and A4174.

*Ham Brook to Harry Stoke junction*

- Change in the horizontal alignment of up to 1.5m in a westerly direction and vertical increase of no more than 1m.

*Harry Stoke junction*

- Relocation of maintenance layby;
- Relocation of the Toucan crossing on the southbound carriageway nearer the proposed bus stop;
- Removal of central reservation to reduce extent of the junction.

*Harry Stoke junction to A4174*

- No changes.

## 2. **POLICY CONTEXT**

### 2.1 National Guidance

National Planning Policy Framework March 2012

National Planning Practice Guidance March 2014

### 2.2 South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies)

L1	Landscape Protection and Enhancement
L4	Forest of Avon
L7	Sites of National Nature Conservation Interest
L8	Sites of Regional and Local Nature Conservation Interest
L9	Species Protection
L11	Archaeology
EP2	Flood Risk and Development
EP6	Contaminated Land
T12	Transportation Development Control Policy for New Development
LC12	Recreational Routes
L16	Protecting the best agricultural land

### 2.3 Joint Local Transport Plan 3

Chapter 11: Major Schemes – North Fringe to Hengrove Package

### 2.4 South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS2 Green Infrastructure



CS5 Location of Development  
CS7 Strategic Transport Infrastructure  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS25 Communities of the North Fringe of Bristol Urban Area  
CS27 East of Harry Stoke New Neighbourhood

2.5 Supplementary Planning Guidance  
Landscape Character Assessment SPD  
Development in the Green Belt SPD

2.6 Other Material Considerations

- SGC Biodiversity Planning Guidance
- Trees and Development Planning Guidance
- East of Harry Stoke New Neighbourhood Development Framework SPD November 2012 Informal Draft for Consultation. Endorsed by Committee as a material consideration.

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

- 3.1 PT06/1001/O Residential development on 39.57 hectares of land (Outline) with infrastructure, public open space and ancillary facilities. Means of access to be determined. Outline permission was granted in December 2007 and required the first point of access to be provided from Great Stoke Way and a second point of access from the A4174 Ring Road prior to the 200<sup>th</sup> dwelling occupation.
- 3.2 A Deed of Variation was approved at Committee in February 2010 to allow the construction of the access off the A4174 Ring Road prior to the commencement of development rather than after occupation of 200 dwellings as the original S106 required.
- 3.3 This access off the Ring Road has now been constructed and a number of the dwellings completed under Reserved Matters approval.
- 3.4 Screening Opinion for Stoke Gifford Transport Link:  
Officers issued a screening opinion in July 2011 and concluded that, assessed against the criteria set out in the 2011 Regulations, an Environmental Statement is required for the proposed development of the Stoke Gifford Transport Link.
- 3.5 PT13/1529/R3F Construction of new road link (Stoke Gifford Transport Link), incorporating single carriageway highway, (with additional bus lanes where appropriate) footways and cycle ways. Construction of bridge over the South Wales - London railway line and construction of new bridge over the Ham Brook. Associated works and landscaping. Planning Permission granted 24<sup>th</sup> October 2013.

## 4. **CONSULTATION RESPONSES**

4.1 Winterbourne Parish Council  
No objection.

4.2 Other Consultees

### Highways Agency

We have reviewed the revised proposals and the likely impact of the scheme on the M32 J1. From the information provided we believe the scheme presented will have minimal impact on the performance of the junction. We therefore offer no objections to the application.

### Network Rail

Confirm that their previous comments on the original planning application remain, but with an additional requirement regarding safe operation of the railway or the stability of Network Rail's structures and adjoining land, and the requirement to contact Network Rail before works begin.

### Environment Agency

No objections. The submitted plans show minor changes to the alignment that still retain an 11m area between the development and the Ham Brook, which will be sufficient for our access requirements. Please ensure that our previously recommended condition (surface water drainage) and informative (Flood Defence Consent requirements) are included on any planning permission granted.

### Wessex Water

Arrangements for the diversion of Wessex Water apparatus will need to be agreed with the applicant in accordance with normal procedures.

### English Heritage

No objection.

### Natural England

The proposed amendments to the original application relate largely to design and are unlikely to have significantly different impacts on the natural environment than the original proposal. The advice provided in our previous response applies equally to this amendment.

## **Other Representations**

### Crest

Crest Strategic Projects has controlling interests in Harry Stoke 1 (part of which is currently under construction) and the East of Harry Stoke New Neighbourhood (EHSNN). A letter of response has been submitted for the current application that raises no new issues since they commented on the original SGTL application. Their issues are as follows:

Crest support the Council's intention to deliver the Stoke Gifford Transport Link. The application should be presented as a strategic route but one that does not

prejudice the future delivery of the new neighbourhood. Changes will be required to the SGTL to facilitate suitable points of access in accordance with the strategy in the emerging SPD. Crest is however concerned that the information submitted in support of the application does not set a robust context for the delivery of the new neighbourhood or properly examine the relationship between the two developments in terms of the Transport Assessment (TA), highway alignment, temporary attenuation ponds and noise. In terms of the TA, this does not satisfactorily assess the EHSNN because the means of access to this development are not as Crest consider they should be.

#### 4.3 Local Residents

Four letters have been received, making the following summarised objections and points:

- Increase in traffic using Bradley Stoke Way which currently comes to a standstill if problems on the M4/M5
- Egress problems on The Worthys due to increased traffic on Bradley Stoke Way
- At the junction of SGTL and Harry Stoke 1 access there is a circuitous route for pedestrians and cyclists
- At Hambrook Lane junction, not clear why the southbound bus lane is marked 'end'.
- Effect on conservation areas
- Country appearance-surrounded by fields will be harmed
- Increase in traffic through the area
- Noise and disturbance from increased traffic
- Traffic odour
- Loss of trees
- Wildlife and pets at risk from being run over

#### **SGC Internal consultation responses**

##### SGC Environmental Protection

*Contamination:* Our previous comments still stand.

*Air Quality:* The revised Environmental Statement (ES) states that the proposed amendments are not considered to alter the results of the previous assessment, therefore the previous ES remains valid. This is accepted by the Council's Air Quality Officer.

*Noise:* There are no significant changes for noise and our previous comments still stand in that we are satisfied that noise issues have been appropriately considered and assessed. Overall the scheme as revised does not represent a significant adverse impact in terms of noise.

##### SGC Public Rights of Way

The proposed revisions will not unduly affect what has already been approved for the public rights of way.

##### SGC Ecologist

The Council's ecologist required the Environmental Statement to include an update on the Habitat Regulations Screening which had been agreed by

natural England since the previous application had been determined. A revised ES was submitted by the applicant to cover this. The Council Ecologist raised no objections to the application.

#### SGC Conservation Officer

The proposed revisions are considered to be minor and do not result in any significant change to the impact on heritage assets. No changes have been made to the Cultural Heritage Chapter of the ES. As such the revised application does not result in any changes to my original comments. The previous consultation response therefore equally applies to the current application.

#### SGC Urban Design Officer

The revised vertical alignments of up to 1m may have a more severe impact on the relationship between the EoHS NN, making it more difficult to achieve connectivity between different part of the site for pedestrians and cycles.

#### SGC Archaeologist

The original planning permission for the SGTL is subject to a condition requiring a programme of archaeological investigation to be undertaken in accordance with a brief prepared by the Council. The results of previous desktop and fieldwork have identified that archaeological deposits may be extant within the site area. They are not likely to be of such significance to preclude development, and that further archaeological work can be dealt with via condition. In order to identify the nature, character, date and extant of archaeology within the proposal area programme of archaeological works shall comprise trial trench evaluation and post-evaluation assessment.

#### SGC Landscape Architect

From the north to the railway line there is a minor change to the vertical and horizontal alignment which is not significant in landscape terms. The footpath has been extended to link with the path at Bakers Ground and this is an improvement to the scheme.

The alignment of the agricultural access track has been changed which runs from Hambrook Lane northwards to accommodate the ground levels. The track now cuts into the side slope of the road embankment rather than lying at the foot of the bank. Planting has been adjusted to the east to provide screening for the track.

The most significant change has occurred to the Hambrook Lane junction with the eastern side of the junction being raised by 1m and moving west by 1.5m. This has meant a greater impact on the existing lane with some 120m of the existing lane and hedgerows being lost. The greater height of the junction will mean that it has greater prominence from the lane and the surrounding land. The road alignment has also changed close to the crossing of the Ham Brook. The increase in embankment height has steepened the embankment slopes. Where the embankment adjoins the flood attenuation ponds for Harry Stoke 1 (section 7), re-grading into the adjoining area is needed in order to make a more naturalistic landform and avoid an awkward juxtaposition of artificial embankment slopes.

## Conclusions

Overall the changes will make the road alignment slightly more prominent in the central and southern section of the route in views from the east than the previous consented scheme, with a greater impact on the character of Hambrook Lane in the area around the new road.

However, following the receipt of revised plans during the course of the application, the impact on Hambrook Lane has been further mitigated and the issues with the slope profiles noted above have satisfactorily been rectified.

### SGC DC Highway Engineer

Revised drawings having been submitted following discussions with the scheme designer.

#### *Parkway North Roundabout to Hambrook Lane*

The cycle lane slip some 100m south of the Parkway North roundabout previously approved for planning application PT13/1529 has been reinstated. Minor changes to horizontal and vertical alignment. No highway objections.

#### *Hambrook Lane junction*

The previously approved design of planning application PT13/1529 included a staggered pedestrian crossing of the SGTL immediately to the south of the junction with Hambrook Lane. It also included 3m wide cycleway/footway links from the SGTL along side Hambrook Lane for the first 25m either side of the junction. The revised drawing shows a straight across pedestrian crossing of the SGTL. Although Local Transport Note 2/95 indicates that crossings greater than 15m in length should be provided with a staggered crossing it should be noted that PUFFIN/TOUCAN type crossings now implemented by South Gloucestershire Council provide a visual crossing indicator on the post where the pedestrian starts to cross to assist crossing the wide road. There are also no vehicle turning movements between the SGTL and Hambrook Lane making the pedestrian crossing fairly straightforward. A pedestrian island is retained in the central reservation to assist less able pedestrians.

The removal of the 3m wide cycleway/footway links and replacement with a 1m wide footway which is the same width as that which currently exists on Hambrook Lane does still provide a consistent width of footway along Hambrook Lane and cyclists wishing to travel between the SGTL and Hambrook Lane are provided with a facility to do this at the controlled crossing point at the junction on Hambrook Lane. The cycle lane off slip just to the south of the SGTL/ Hambrook Lane junction previously approved for planning application PT13/1529 has now been reinstated.

There are no highway objections to the revised details shown.

#### *Hambrook Lane to Ham Brook*

Minor changes to horizontal and vertical alignment. The cycle lane on slip to the north of the SGTL junction with the Harry Stoke 1 junction has been reinstated. No highway objections.

#### *Ham Brook To A4174*

The following revisions to approved planning application PT13/1529 are made in this revision. Central pedestrian island removed from the crossing of the

access road into residential development Harry Stoke 1. This change is agreed in terms of highway safety .

The alignment and direction of the staggered pedestrian crossing on the SGTL to the south of the Harry Stoke 1 junction has changed. This change is agreed and provides a more direct route from residential dwellings at Harry Stoke 1 and the south bound bus stop.

The traffic signal maintenance lay by has been changed from opposite the Harry Stoke 1 access to a location in the SGTL central reservation south of the junction. Having regard to the infrequent use by maintenance vehicles this is agreed.

The block paved island on the south side of the A4174 adjacent to the Hotel access road has been extended to a point beyond the stop line on the westbound lane. This ensures that vehicles exiting the SGTL cannot access the hotel without going via M32 junction 1. This is a recommendation of the Road Safety Audit and as such is agreed.

Conclusion and conditions.

There will be no highway objection to this planning application subject to the same highway conditions attached to planning permission PT13/1529/R3F except for condition 13 for which I recommend the wording clarifies that the 'ahead only' also refers to the Stoke Gifford Transport Link as well as for Hambrook Lane.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The principle, as well as the detail, of the application, (apart from those aspects that are proposed to be amended), were recently approved under the previous application for the SGTL. It is necessary therefore to consider firstly whether there has been any change of circumstance since this previous permission, followed by an analysis of the amendments themselves.

5.2 Since the previous planning permission was granted in October 2013, the Core Strategy was adopted in December 2013. The adopted version does not differ in any way that affects the determination of this current application due to the advanced stage the Core Strategy was at when the original decision was made, four months prior to adoption. However, it is noted that at the time of the previous application, the site was still Green Belt, as denoted by the development plan – the South Gloucestershire Local Plan. This meant that very special circumstances had to be considered, and the Secretary of State was consulted under the Town and Country Planning (Consultation) (England) Direction 2009. ( The SoS decision was 'no call in'.) The now adopted Core Strategy removes this area from Green Belt, so this issue is no longer relevant.

5.3 Since the previous planning permission, the NPPG has been published and is now a material consideration. There is however, nothing in this guidance that materially affects the previous decision made.

This report will therefore analyse only the proposed amendments to the scheme, but if any background information relating to the original decision is required by Members, the previous committee report is appended to the current report for information. The main issues to consider in relation to the proposed amendments are landscape and transport. As well as these, the report will also consider residential amenity and urban design.

#### 5.4 Landscape Issues

From Parkway North roundabout to the railway line there is a minor change to the vertical and horizontal alignment which is not considered significant in landscape terms.

In the vicinity of the junction with Hambrook Lane, the alignment of the agricultural access track which runs from Hambrook Lane northwards, has been changed to accommodate the ground levels. The track now cuts into the side slope of the road embankment rather than lying at the foot of the bank. Planting has been adjusted to the east to provide screening for the track.

- 5.5 The greatest change to the scheme has occurred to the Hambrook Lane junction with the eastern side of the junction being raised by 1m and moving west by 1.5m. This has meant a greater impact on the existing lane and the hedgerows to be lost. The greater height of the junction will mean that it has greater prominence from the lane and the surrounding land. The visual impact at Hambrook Lane was however considered major with the previously approved scheme. It is not considered that the change in heights/alignment associated with the revised application will change the significance of the impact as the new road will already be located on an embankment for much of its length, and the slight increase in the height is likely to be imperceptible to the viewer. In recognition of the additional increase in height at this location, additional landscaping has been included, including the planting of two specimen trees on the eastern side of the junction with Hambrook Lane, as well as additional specimen and hedgerow planting on the western side. The additional planting will visually reduce the apparent width of the lane and help retain its rural character. Additional hedgerow planting is also included north east of Hambrook Lane.

The road alignment has also changed close to the crossing of the Ham Brook. The increase in embankment height has steepened the embankment slopes, although this is still not less than 1 in 3. Revised plans have been received that make the slopes a more naturalistic landform.

- 5.6 In landscape terms, overall the changes will make the road alignment slightly more prominent in the central and southern section of the route in views from the east than the previous consented scheme, with a greater impact on the character of Hambrook Lane in the area around the new road. Officers are satisfied however that the changes are not unduly significant, and the revised plans that have been received through the course of the application have provided further mitigation for the impacts. The proposal is considered to comply with Policy L1 of the South Gloucestershire Local Plan.

## 5.7 Transport Issues

The applicant has indicated that the proposed changes to the Hambrook Lane junction are required to provide appropriate visibility for both users of the SGTL and Hambrook Lane, resulting in a positive impact on the road safety of the scheme. Furthermore, the speed limit between Hambrook Lane junction and the Ring Road will now be 30mph, improving the safety of the road. The changes made in the vicinity of the Harry Stoke junction have been made for safety and operational requirements.

Many of the proposed revisions to the scheme relate to detailed technical matters that would not normally be considered through the planning process. The main issues relating to the principle of the road, its alignment and the highway issues raised are not changed in any way by the current application. The Council's Development Control Highway Engineer has therefore focussed on the changes in detail, the main ones being as follows:

- 5.8 The cycle lane slip some 100m south of the Parkway North roundabout previously approved for planning application PT13/1529 has been reinstated on the revised plans submitted during the course of the application.

The removal of the 3m wide cycleway/footway links and replacement with a 1m wide footway which is the same width as that which currently exists on Hambrook Lane does still provide a consistent width of footway along Hambrook Lane and cyclists wishing to travel between the SGTL and Hambrook Lane are provided with a facility to do this at the controlled crossing point at the junction on Hambrook Lane. Officers consider that this is more in keeping with the rural character of Hambrook Lane. The cycle lane off slip just to the south of the SGTL/ Hambrook Lane junction previously approved for planning application PT13/1529 has now been reinstated in the amended drawings.

The alignment and direction of the staggered pedestrian crossing on the SGTL to the south of the Harry Stoke 1 junction has changed. This change is supported and provides a more direct route from residential dwellings at Harry Stoke 1 and the south bound bus stop.

- 5.9 Regarding the local resident's query regarding the pedestrian route around the Harry Stoke junction, the applicant has confirmed that the location is a balance between the width of the crossing and the desire line. It will however be subject to a Stage 2 Safety Audit in due course, at which point it could be slightly moved. Further, at the Hambrook Lane junction, a local resident has queried why the southbound bus lane is marked 'end'. This is an error and revised plans have been received omitting it.

The Council's DC Highway Engineer has no objections to the application subject to the same highway conditions attached to planning permission PT13/1529/R3F except for a slight amendment to condition 13 to ensure that the it is clear the 'ahead only' applies to the SGTL as well as the Hambrook Lane.



#### 5.10 Urban design

It is noted that the Council's Urban Design Officer has some concern that the revised vertical alignments of up to 1m may have a more severe impact on the relationship between the EoHS NN, making it more difficult to achieve connectivity between different part of the site for pedestrians and cycles. Officers have had regard to the cross sections submitted with the application, and note that there are areas where the embankments are less steep than previously - for example in the vicinity of Parkway north roundabout, and other examples, such as north of the railway line where the embankment will be slightly steeper. Through the course of the application revised plans have been received indicating more accurately the embankment slopes, which has indicated less change than originally envisaged. Officers consider that the changes are not so substantial as to make any significant impact on connectivity to the future new neighbourhood. Furthermore, it is not considered that any of the amendments would preclude the provision of future accesses for the new neighbourhood.

#### 5.11 Residential Amenity

As noted in the consultation section above, the Council's Environmental Protection officers are content that the revised application does not result in any significantly different noise, contamination or air quality environments to those which were approved under the previous application, subject to the imposition of the same conditions. The closest existing dwellings to the road, in the vicinity of Parkway North roundabout would benefit from a slight increase in the height of the planted bund between the new road and these dwellings. In addition, it is noted that the reduction in the speed limit in the central section of the road from 40 to 30mph would slightly improve the noise climate relative to the approved scheme. Overall, the change in the horizontal alignment of the road of no more than 1.5m would not significantly change the previous analysis of residential amenity. The proposal is therefore not considered to result in a significantly detrimental effect on residential amenity in terms of the operational period, and the construction period will again be controlled by conditions.

#### 5.12 Other issues raised by local residents

The issues raised by residents not already considered in this report relate to the principle of the development already approved and are therefore not material to the determination of the current application.

#### 5.13 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) which has been updated since the previous application was considered. Further, since the current application was submitted, the applicant has submitted two revised chapters of the ES – Landscape and Ecology, which were submitted to take account of officer comments. The ES concludes that there are no additional environmental constraints which would preclude the proposed development.

The environmental information has been considered by officers and has been found to be sound for the purposes of considering this application.

#### 5.14 Conditions

All previous conditions will be imposed, subject to their updating to take account of the adoption of the Core Strategy. There will be an amendment to the Hambrook Lane condition as noted under *Transportation*. Further, there will be an additional condition listing the approved plans.

### 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 planning permission be granted subject to the conditions below:

**Contact Officer: Helen Ainsley**  
**Tel. No. 01454 863788**

### CONDITIONS

1. The development hereby permitted shall begin before the expiration of five years from the date of this decision.

#### Reason

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

2. All planting, seeding or turfing comprised in the landscaping details, hereby approved shall be carried out in the first planting and seeding seasons following the first use by the public of the road hereby approved, or the completion of the development, whichever is the sooner, and any trees or plants (existing or planted) which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting seasons with others of a size and species as shall reasonably be specified by the LPA.

#### Reason

To protect the character and appearance of the area and to accord with Policy L1 of the South Gloucestershire Local Plan.

3. The erection of the noise fence and bund shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are

brought on to the site for the purposes of the development, and shall be maintained as such thereafter.

Reason

In the interests of the residential amenity of the adjacent occupants long term health of the trees/hedges, and to accord with Policy L1 of the adopted South Gloucestershire Local Plan.

4. The development hereby approved shall be carried out in accordance with the Sustainability Statement hereby approved (Atkins April 2013).

Reason

To achieve improved energy conservation and the protection of environmental resources and to accord with Policies CS1 and CS27 of the South Gloucestershire Local Plan Core Strategy (adopted Dec 2013).

5. No development shall take place until a Site Wide Waste Management Plan has been submitted to and approved by the Local Planning Authority in writing. The Waste Management Plan shall include details of the following as necessary:
  - i. The volume and nature of the waste which will be generated through the 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.

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 CS1 of the South Gloucestershire Local Plan Core Strategy (adopted Dec 2013).

6. No development shall commence until a surface water drainage scheme for the site, based on the drainage strategy principles in the ES submitted in support of the application and in accordance with sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority (LPA). Thereafter the scheme shall be constructed in accordance with the details so agreed before the development is completed.

Reason

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system and to ensure that a satisfactory means of drainage is provided, and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted Dec 2013).

7. An area of tipped waste material is known to have been deposited on land south of the railway at the north end of Curtis Lane. Prior to commencement of the development a suitable and sufficient ground investigation shall be carried out by a suitably qualified person to ascertain the nature of the material and assess any potential risks in terms of human health and the environment. A report detailing this shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development and any recommendations therein fully implemented. Where significant risks from contaminants are identified, prior to the commencement of development, an assessment shall be carried out to assess how any unacceptable risks will be mitigated. A report shall be submitted for the written approval of the Local Planning Authority setting out the findings and what mitigation measures are proposed to address these. Thereafter the development shall proceed in accordance with any agreed mitigation measures. Prior to completion, 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.

Reason

To protect controlled waters and the contamination of land and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted Dec 2013).

8. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the LPA for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason

To protect controlled waters and the contamination of land and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted Dec 2013).

9. All lighting within the development hereby approved shall conform at all times with the lighting design detailed in the drawings hereby approved.

Reason

To minimise disturbance to occupiers of nearby buildings and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted Dec 2013).

10. A site specific Construction Environmental Management Plan (CEMP), shall be agreed in writing with the Local Planning Authority prior to commencement of work. This CEMP will be in accordance with the principles contained within the construction mitigation measures identified in the ES submitted pursuant to this application with the

aim of to controlling primarily air quality, dust and noise and will be regularly reviewed during the construction phase with the contractor's nominated point of contact. The CEMP as approved by the Council shall be fully complied with at all times.

The CEMP shall address the following matters:

- (i) Procedures for maintaining good public relations including complaint management and public consultation
- (ii) Mitigation measures as defined in the British Standard - BS 5228: Parts 1 and 2 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance. (iv) The use of a 'Considerate Contractors' or similar regime for the site induction of the workforce highlighting pollution prevention and awareness.
- (v) Measures to control the tracking of mud off-site from vehicles.
- (vi) Adequate provision of fuel oil storage, landing, delivery and use, and how any spillage can be dealt with and contained.

Reason

In the interests of residential amenity and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted Dec 2013).

11. The hours of working on site during the period of construction shall be restricted to 8.00 am to 6.00 pm Mondays to Fridays, and 8.00 am to 1pm 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/clearing work on any plant or machinery deliveries to the site and movement of vehicles within the cartilage of the site.

The exception to these hours of working will be for the following matters, details of which shall be submitted to an agreed in writing by the LPA prior the particular construction operation taking place:

- Where continuous periods of operation are required, such as concrete pouring,
- Where operational needs and safety requirements related to Network Rail require work outside the specified hours
- For the delivery of abnormal loads to the site which may cause congestion on the local road network

Reason

In the interests of residential amenity and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted Dec 2013).

12. The Locations of Site Compounds, Stores and Offices plan (drawing no. PA2.6A-1) shall be complied with at all times.

Reason

In the interests of highway safety and residential amenity, in accordance with Policies T12 of the adopted South Gloucestershire Local Plan.

13. The junction of Hambrook Lane with the Stoke Gifford Transport Link shall be 'ahead only' for Hambrook Lane and the Stoke Gifford Transport Link.

Reason

In the interests of residential amenity and highway safety and to accord with Policy T12 of the South Gloucestershire Local Plan

14. Prior to the opening of the road hereby approved, details of the new bus stops shall be submitted to the LPA for approval. Such details as approved shall be implemented prior to the opening of the road hereby approved.

Reason

To encourage means of travel other than the private car, in accordance with Policy T12 of the adopted South Gloucestershire Local Plan.

15. Prior to the commencement of the development hereby approved a site clearance strategy that ensures that any hedgehogs present would be fully protected shall be submitted to and approved by the Local Planning Authority in writing. All works are to be carried out in accordance with agreed strategy.

Reason

To protect the wildlife and ecological interests of the site, in accordance with Policy L9 of the adopted South Gloucestershire Local Plan.

16. Prior to the commencement of development, a mitigation strategy for reptiles (slow-worms) shall be submitted to and agreed with the LPA in writing. All works shall be carried out in accordance with said strategy, including timings as approved.

Reason

To protect the wildlife and ecological interests of the site, in accordance with Policy L9 of the adopted South Gloucestershire Local Plan.

17. Prior to the commencement of development, details of the methodology for the demolition of any buildings on site and of a 'bat house' should bats be present in any dwelling to be demolished shall be submitted to and agreed with the LPA in writing. All works shall be carried out in accordance with the details as approved.

Reason

To protect the wildlife and ecological interests of the site, in accordance with Policy L9 of the adopted South Gloucestershire Local Plan.

18. All works shall be subject to the mitigation measures for great crested newts detailed within Chapter 14: Ecological Assessment within the ES by Atkins dated April 2013 and the newt mitigation, landscape planting and works phasing drawings forming part of PK13/1529/R3F. All works shall be carried out in accordance with said measures.

Reason

To protect the wildlife and ecological interests of the site, in accordance with Policy L9 of the adopted South Gloucestershire Local Plan.

19. All works shall be subject to the mitigation measures for bats detailed within Chapter 14: Ecological Assessment within the ES by Atkins dated April 2013 and the newt mitigation drawing, landscape planting and works phasing forming part of PK13/1529/R3F (L9);

Reason

To protect the wildlife and ecological interests of the site, in accordance with Policy L9 of the adopted South Gloucestershire Local Plan.

20. Prior to the commencement of development, a tree and hedge protection plan to accord with British Standard BS5837: 2012 Trees in Relation to Construction shall be submitted to and agreed with the LPA in writing. All works shall be carried out in accordance with the approved plan and implemented prior to the commencement of development.

Reason

To protect the wildlife and ecological interests of the site, in accordance with Policy L9 of the adopted South Gloucestershire Local Plan.

21. Prior to the commencement of development, a scheme of measures to safeguard the water quality and ecological integrity of the Ham Brook watercourse (from pollutants and run-off) shall be submitted to and agreed with the LPA in writing. All works shall be carried out in accordance with measures as approved in writing.

Reason

To protect the wildlife and ecological interests of the site, in accordance with Policy L9 of the adopted South Gloucestershire Local Plan.

22. Prior to the commencement of development a landscape and ecological and management plan shall be submitted to and approved by the LPA in writing. The plan should accord with the planting plans within PK13/1529/R3F and include details of all new habitat to be created (including seed mix for species-rich grassland); its management; and a programme of monitoring of all works for a period of 5 years. Such details and timings as approved shall be fully implemented.

Reason

To protect the wildlife and ecological interests of the site, in accordance with Policy L9 of the adopted South Gloucestershire Local Plan.

23. Prior to the commencement of development, a licensed ecological 'clerk of works' shall be appointed to oversee all works relating to ecology, to include ensuring that 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 the wildlife and ecological interests of the site, in accordance with Policy L9 of the adopted South Gloucestershire Local Plan.

24. Prior to the commencement of development any suitable habitat shall be re-surveyed for badgers immediately ahead of clearance should a minimum of 12 months have

lapsed between development and previous surveys, and a report provided to the LPA for written approval. If setts and badgers are present, the report should provide details of all works subject to the licensing provisions of the Protection of Badgers Act 1992. All works shall be carried out in accordance with the report as approved.

Reason

To protect the wildlife and ecological interests of the site, in accordance with Policy L9 of the adopted South Gloucestershire Local Plan.

25. The temporary attenuation areas hereby approved shall not be planted up with aquatic/marginal vegetation, and shall be routinely mown as amenity grassland to the extent that it renders them sub-optimal for use by great crested newts.

Reason

In order to render the attenuation areas sub-optimal for use by great crested newts, in the interests of future development and in accordance with policy CS27 of the South Gloucestershire Local Plan Core Strategy (adopted Dec 2013).

26. Prior to the commencement of the construction of the bridge over the Ham Brook, a scheme of lighting of the underpass shall be submitted to and approved in writing by the LPA. All such details as approved shall be implemented, prior to the first use of the underpass by the public.

Reason

In order to ensure that the underpass is safe for the public whilst also seeking not to preclude the use of the stream corridor by bats and in accordance with policies T12 and L9 of the South Gloucestershire Local Plan and Policy CS27 of the South Gloucestershire Local Plan Core Strategy (adopted Dec 2013).

27. Notwithstanding the details submitted pursuant to the application, prior to the opening of the road hereby approved, details of all signage associated with the development hereby approved shall have been submitted and approved in writing by the Local Planning Authority. The signage as approved shall be fully implemented prior to the first use by the public of the road hereby approved.

Reason

In the interests of visual amenity and in accordance with Policy CS27 of the South Gloucestershire Local Plan Core Strategy (adopted Dec 2013).

28. The developer shall appoint an archaeological contractor not less than three weeks prior to the commencement of any ground disturbance on site, and shall afford him, or other archaeologist nominated by the LPA access at all reasonable times in order to observe the excavations and record archaeological remains uncovered during the work. This work is to be carried out in accordance with the brief attached to this decision notice. In accordance with this brief, Phase 1 of the works requires trial trenching and a level of post-excavation assessment, followed by a review and development of a suitable mitigation strategy. Following this, a brief for phase 2 will be issued by the LPA in response to the results of phase 1. Phase 2 requires the implementation of the mitigation strategy which shall be implemented in all respects, including post-excavation analysis, reporting and publication.



Reason

In the interests of archaeological investigation or recording, and to accord with Policy L11 of the adopted South Gloucestershire Local Plan.

29. The application has been approved on the basis of the list of drawings below:

Location Plan (1:5000)

- NFHP-2-PA2.1-2 Rev B 31/01/14

Proposed Layout (General Arrangement Sheets)

- NFHP-2-PA 2.3-1 Rev D
- NFHP-2-PA 2.3-2 Rev E
- NFHP-2-PA 2.3-3 Rev E
- NFHP-2-PA 2.3-4 Rev E
- NFHP-2-PA 2.3-5 Rev E
- NFHP-2-PA 2.3-6 Rev E
- NFHP-2-PA 2.3-7 Rev E
- NFHP-2-PA 2.3-8 Rev E 11/02/14

Longitudinal Sections (1:1000)

- NFHP- 2 - PA2.5B-1 Rev B
- NFHP- 2 - PA2.5B-2 Rev B 31/01/14

Locations of Site Compounds, Stores, Offices etc

- NFHP - 2 - PA2.6A-1 Rev B
- NFHP - 2 - PA2.6A-2 Rev B 31/01/14

Permitted Site Access Routes, Temporary Road Closures and Diversion Routes

- NFHP - 2 - PA2.6B Rev B 31/01/14

PROW - temporary and permanent diversions

- NFHP - 2 - PA2.6C Rev B 31/01/14

Site Clearance

- NFHP-2-PA2.6D-1 Rev B
- NFHP-2-PA2.6D-2 Rev B
- NFHP-2-PA2.6D-3 Rev B
- NFHP-2-PA2.6D-4 Rev B
- NFHP-2-PA2.6D-5 Rev B
- NFHP-2-PA2.6D-6 Rev B 31/01/14

Drainage Plans

- NFHP-2-PA 2.6E-1 Rev B
- NFHP-2-PA 2.6E-2 Rev B
- NFHP-2-PA 2.6E-3 Rev B
- NFHP-2-PA 2.6E-4 Rev B
- NFHP-2-PA 2.6E-5 Rev B
- NFHP-2-PA 2.6E-6 Rev B
- NFHP-2-PA 2.6E-7 Rev B
- NFHP-2-PA 2.6E-8 Rev B

- NFHP-2-PA 2.6E-9 Rev B
- NFHP-2-PA 2.6E-10 Rev B
- NFHP-2-PA 2.6E-11 Rev B
- NFHP-2-PA 2.6E-13 Rev B 31/01/14

#### Lighting

- SLD 104 001 RevB (1 of 2)
- SLD 104 001 RevB (2 of 2) 31/01/14

#### Rail Bridge

- 5114881-ATK-DRG-CV-000005-P02 revA
- 5114881-ATK-DRG-CV-000006-P01
- 5114881-ATK-DRG-CV-000007-P01 revA
- 5114881-ATK-DRG-CV-000015-P02 revA January 2013

#### Ham Brook Bridge

- NFHP-2-PA-2.6J-D001-A1
- NFHP-2-PA2.6J-D002\_RevA January 2013

#### Standard Details (Project Specific Details)

- NFHP - PA 304 July 13

#### Landscaping and Fencing Plan

- NFHP-2-PA 2.7A-1 Rev B
- NFHP-2-PA 2.7A-2 Rev B
- NFHP-2-PA 2.7A-3 Rev B
- NFHP-2-PA 2.7A-4 Rev B
- NFHP-2-PA 2.7A-5 Rev B
- NFHP-2-PA 2.7A-1 Rev B
  
- NFHP-2-PA 2.7B-1 Rev A
- NFHP-2-PA 2.7B-2 Rev B
- NFHP-2-PA 2.7B-3 Rev C
- NFHP-2-PA 2.7B-4 Rev B
- NFHP-2-PA 2.7B-5 Rev B
- NFHP-2-PA 2.7B-6 Rev B 31/01/14

#### Works Phasing Plan

- NFHP-2-PA2.5B-2 Rev B 31/01/14

#### Drawings for Information

##### Existing Site Plan (1:500)

- NFHP-2-PA 2.2-1 Rev B
- NFHP-2-PA 2.2-2 Rev B
- NFHP-2-PA 2.2-3 Rev B
- NFHP-2-PA 2.2-4 Rev B
- NFHP-2-PA 2.2-5 Rev B
- NFHP-2-PA 2.2-6 Rev B 31/01/14

#### Example / Typical Cross Sections

- NFHP-2-PA2.4-1 Rev C
- NFHP-2-PA2.4-2 Rev C
- NFHP-2-PA2.4-3 Rev A
- NFHP-2-PA2.4-4 Rev A
  
- NFHP-2-PA2.5C-1 Rev B
- o NFHP-2-PA2.5C-2 Rev A 31/01/14

#### Proposed TRO Plan

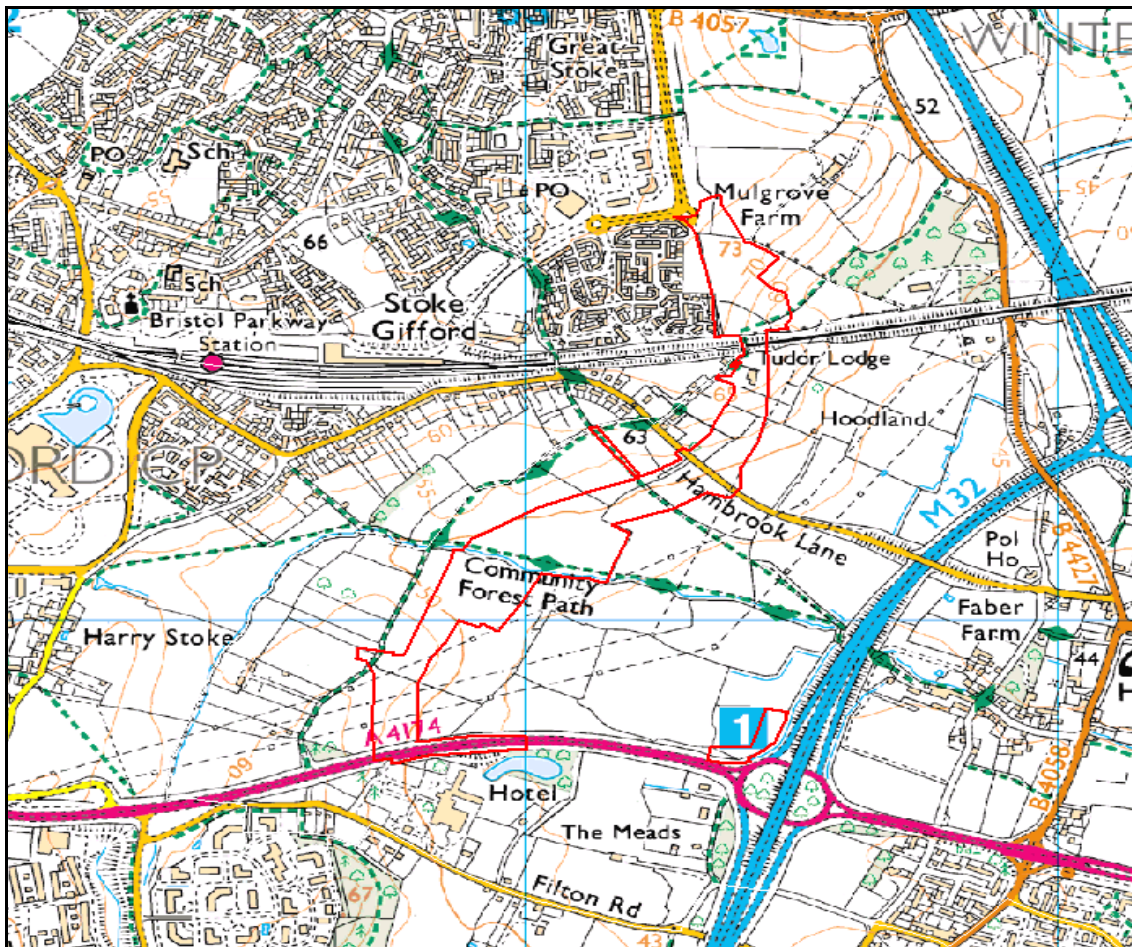
- NFHP 2 PA 2.6 M 14/02/2014

In the interests of clarity.

# APPENDIX 1

## DEVELOPMENT CONTROL (WEST) COMMITTEE – 11 SEPTEMBER 2013

<b>App No.:</b>	PT13/1529/R3F	<b>Applicant:</b>	South Gloucestershire Council
<b>Site:</b>	15.85 Hectares Of Land Between Parkway North Roundabout At The Southern End Of Great Stoke Way And The A4174 Avon Ring Road To The North East Of UWE.	<b>Date Reg:</b>	20th May 2013
<b>Proposal:</b>	Construction of new road link (Stoke Gifford Transport Link), incorporating single carriageway highway, (with additional bus lanes where appropriate) footways and cycle ways. Construction of bridge over the South Wales - London railway line and construction of new bridge over the Ham Brook. Associated works and landscaping.	<b>Parish:</b>	Winterbourne Stoke Gifford Bradley Stoke
<b>Map Ref:</b>	362467 179610	<b>Ward:</b>	Stoke Gifford
<b>Application Category:</b>	Major	<b>Target Date:</b>	6th September 2013



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100023410, 2008. **N.T.S.** **PT13/1529/R3F**

## **INTRODUCTION**

As Members will recall, this application was reported to the Sites Inspection Sub Committee on 16<sup>th</sup> August 2013 due to the strategic nature of the proposal. At that meeting, Members resolved that officers be asked to bring forward a full and detailed report to the DC West Committee to include:

- A cross section to demonstrate the level of the road with the gardens of adjacent properties
- The distance to adjacent properties
- Clarification regarding the apparent inconsistencies within the noise report and the properties referenced
- Clarification regarding the consultation process for this application
- An amended front sheet to include all the Wards/Parishes affected by the proposal
- Details of the measures proposed to mitigate against the impact of the proposal upon residential amenity

## **1. THE PROPOSAL**

1.1 The Stoke Gifford Transport Link (SGTL) would be a predominantly single carriageway highway of some 1.6km in length, between Parkway North Roundabout and the A4174 Ring Road, to the east of the recent Harry Stoke Phase 1 residential development and crossing Hambrook Lane with an at grade crossing. The standard road width would be 13.3m, with a parallel 3m wide foot/cycle way on its western side, making a corridor of some 17.3 m wide.

1.2 Starting at the northern end of the scheme, the proposed new road would commence at Parkway North roundabout where the existing spur would be used. The road would then pass to the east of existing residential properties on Earl Close, Halls Garden, Kings Drive, Voyager Close and Riviera Close. A proposed area of public open space would separate these dwellings and the new road. This northern section of the development would include a new Public Right of Way (PROW) link from Riviera Close to connect to the SGTL and beyond to the east, to compensate for the proposed stopping up of a section of PROW that currently crosses the route of the proposed SGTL. The Earl's Close section indicates that the northern part of this northern section of the new road would be slightly below existing ground levels, however at the point of the Riviera Way section, the new road would be some 5 metres above existing ground level on a large embankment sloping down towards the south of Mulgrove Farm.

Heading south, the SGTL would cross over the Great Western mainline railway, which requires the erection of a new single span bridge, some 35 metres long and 27 metres wide. The existing footbridge is at a height of approximately 67.5 m and the proposed new bridge would be at a maximum height of 72.0 m and minimum of 69.5 m. It would fall from the north east to the south west, to

- produce the required crossfall and longitudinal falls. The currently required clearance needs to be increased to allow for the electrification cables.
- 1.3 The new bridge would be constructed in concrete with weathered steel girders and painted steel safety barriers constructed. The road line crosses the main railway line whilst the line is still in cutting. The road line will cross to the east of the existing railway footbridge which will be removed following construction of the road. A new pedestrian and cycle route will be incorporated into the road bridge.
  - 1.4 Continuing south of the railway bridge, the road line produces a mix of cutting and embankment slopes as it comes down the slope from the railway line. The road requires the removal of an existing property at Tudor Lodge, Curtis Lane and crosses an area of contaminated, tipped land in this area. The proposed new road will cross Hambrook Lane via a new at-grade signal controlled junction. With the aim of precluding 'rat running', no turning movements would be permitted at the Hambrook Lane junction, and vehicles on Hambook Lane would be 'ahead only'. Bus lanes would be provided on the SGTL approaches to this junction. A pedestrian crossing will be included in the junction incorporating the diversion of the public footpath which runs east west. Associated with this junction would be three new farm access tracks for the adjacent agricultural land, with field gates set back from Hambrook Lane. Large sections of existing hedgerow would be lost in this location.
  - 1.5 The road line continues across the slope of the land with a mixture of cut and embankment slopes. Woodland planting on the western cut slopes is proposed. The road line rises up onto an embankment which is 4m high above surrounding ground levels where it crosses the Ham Brook. The new bridge over the Ham Brook would create an underpass of 32m in length along the stream corridor. The structure will be made of pre-cast concrete and runs to the west of an important group of oak trees. The Community Forest Path will run on its current alignment underneath the bridge.
  - 1.6 The road will join with the existing access road to Harry Stoke 1, which will be widened, providing a signal controlled access onto the Avon Ring Road with bus provision, in the location of the existing junction and this southern part of the SGTL will be dual carriageway until it joins the Ring Road.
  - 1.7 The applicant has stated that the design of the SGTL has been developed in discussion with the developers for the East of Harry Stoke New Neighbourhood.
  - 1.8 The SGTL would be a 'B' class road with a design speed of 40mph and 30mph.
  - 1.9 As well as the proposed cycleway, cyclists would be permitted in the bus lanes and, on sections where there are no bus lanes, on street cycle lanes would be provided. Crossing facilities for pedestrians and cyclists would be provided at junctions.

### **Site and Location**

- 1.10 The land around the road line is denoted in the South Gloucestershire Local Plan as Green Belt (although proposed to be removed from Green Belt by the emerging Core Strategy) and currently a mix of pasture and arable land in a number of land holdings. Fields are generally divided by hedges with a relatively small number of hedgerow trees. The Ham Brook crosses the centre of the site and is marked by a more substantial line of vegetation. The area is well used for informal recreation, being crossed by a number of footpaths including the Community Forest Path which is a long distance route.
- 1.11 No designated heritage assets (World Heritage Sites, scheduled Monuments, Listed Buildings, Registered Parks and Gardens, Registered Battlefields, Conservation Areas) were identified within the study corridors of the Environmental Statement.
- 1.12 The above ground heritage assets are 42-48 Hambrook Lane (locally listed) – Four late nineteenth century terraced houses; Crest Hotel – Late eighteenth century garden with prospect towers, Ha Ha and gate piers; Mulgrove Farm – a traditional nineteenth century farmhouse and outbuildings.
- 1.13 Modern housing development lies to the west, overlooking the route from Parkway North and Hambrook Lane and a new housing area is under construction to the west of Maules Lane, which together with its new access road has reduced the rural character of the area to the south and west of the area. The area is strongly influenced by the existing infrastructure network, the M4 in the north, the M32 on the east and the Avon Ring Road on the south together with the main line railway into Parkway station, create visual and noise intrusion. Recent works on the new housing developments and access road to Harry Stoke together with sewer works have significantly reduced the rural character and sense of isolation at the centre of the site.
- 1.14 Overhead power lines cross the site and create visual intrusion and increase the sense of urban fringe. However to the centre of the area, away from the road network, there remained an attractive rural character.

### **Applicant's Supporting Information**

- 1.15 In support of the application, as well as the plans, the following documents have been submitted:
- Environmental Statement
  - Transport Assessment
  - Planning Statement
  - Habitat Regulations Assessment – Screening
  - Sustainability Statement
  - Statement of Community Involvement
  - Design and Access Statement
  - Ground investigation Report

## **2. POLICY CONTEXT**

2.1 National Guidance  
National Planning Policy Framework March 2012

2.2 *Development Plans*

On the 27th March 2013 Baroness Hanham, as Parliamentary under Secretary of State for DCLG, confirmed in a Written Ministerial Statement, the Government's intention to lay before Parliament an Order to revoke the Regional Strategy.

Steve Quartermain, Chief Planner at DCLG wrote to all chief planners on 26 April 2013 to confirm that the Order will come into force on 20 May 2013. The effect of this Order was to remove RPG10 and the Joint Replacement Structure Plan (JRSP) as part of the Development Plan under the purposes of S38(6) of the Planning and Compulsory Purchase Act 2004.

As a result, in planning policy terms, no weight can be attached to RPG10 or the JRSP as these are no longer part of the adopted Development Plan in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004.

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

D1	Design
L1	Landscape Protection and Enhancement
L4	Forest of Avon
L7	Sites of National Nature Conservation Interest
L8	Sites of Regional and Local Nature Conservation Interest
L9	Species Protection
L11	Archaeology
L17/L18	The Water Environment
EP1	Environmental Pollution
EP2	Flood Risk and Development
EP6	Contaminated Land
GB1	Development within the Green Belt
T12	Transportation Development Control Policy for New Development
LC12	Recreational Routes
L16	Protecting the best agricultural land

Joint Local Transport Plan 3

Chapter 11: Major Schemes – North Fringe to Hengrove Package

2.4 *The Emerging Development Plan*

South Gloucestershire Core Strategy incorporating Post-Submission Changes December 2011 and reflecting the Inspector's Preliminary Findings and Further Main Modifications (March 2013)

CS1	High Quality Design
CS2	Green Infrastructure
CS5	Location of Development
CS7	Strategic Transport Infrastructure
CS8	Improving Accessibility



CS9 Managing the Environment and Heritage  
CS25 Communities of the North Fringe of Bristol Urban Area  
CS27 East of Harry Stoke New Neighbourhood

2.5 Supplementary Planning Guidance Supplementary Planning Guidance  
Landscape Character Assessment SPD  
Development in the Green Belt SPD

2.6 Other Material Considerations

- SGC Biodiversity Planning Guidance
- Trees and Development Planning Guidance
- ODPM Circular 06/05 Biodiversity and Geological Conservation
- East of Harry Stoke New Neighbourhood Development Framework SPD November 2012 Informal Draft for Consultation. Endorsed by Committee as a material consideration.

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

3.1 PT06/1001/O Residential development on 39.57 hectares of land (Outline) with infrastructure, public open space and ancillary facilities. Means of access to be determined. Outline permission was granted in December 2007 and required the first point of access to be provided from Great Stoke Way and a second point of access from the A4174 Ring Road prior to the 200<sup>th</sup> dwelling occupation.

3.2 A Deed of Variation was approved at Committee in February 2010 to allow the construction of the access off the A4174 Ring Road prior to the commencement of development rather than after occupation of 200 dwellings as the original S106 required.

3.3 This access off the Ring Road has now been constructed and a number of the dwellings completed under Reserved Matters approval.

#### **Environmental Impact Assessment Regulations**

3.4 The proposal is an infrastructure project falling within section 10(f) of Schedule 2 of the 2011 Regulations, where the development is in excess of 1 hectare. As such it is necessary to assess whether the project is likely to have significant effects on the environment by virtue of factors such as size, nature and location (paragraph 28, Circular 02/99). Officers issued a screening opinion in July 2011 and concluded that, assessed against the criteria set out in the 2011 Regulations and the guidance set out in Circular 02/99, an Environmental Impact Assessment is required for the proposed development.

### **4. CONSULTATION RESPONSES**

4.1 Stoke Gifford Parish Council

No objection but SGPC seeks assurance that adequate screening be provided for properties on Hunts Ground to avoid loss of residential amenity due to sound/noise pollution. Further consideration should be given to the transport

management at the Parkway North Roundabout (traffic light installation on the roundabout was suggested) to address concerns regarding the exit from the Bakers Ground development in the peak hours.

4.2 Winterbourne Parish Council

No objection, however members strongly objected to Hambrook Lane being closed.

4.3 Highways Agency

Originally directed that that planning permission not be granted for a period of three months for the following reason:

In order that the highways Agency may satisfactorily understand the impact of the development on the Strategic Road Network, in particular Junction 1 of the M32, ensuring the safety and free flow of traffic.

Updated comments have now been received confirming that the HA is now in a position to remove the Direction of non- approval and that the HA has been working with the applicant to understand the potential impact on the strategic road network, in particular M32 J1. The HA have received further technical work and have reached agreement on the likely impact. The HA confirm that from the information provided they believe the scheme presented will have a minimal impact on the performance of Junction 1 of the M32 and therefore the HA comment is now 'no objection'.

4.4 Other Consultees

Natural England

The protected species survey has identified that the following European Protected Species may be affected by this application: Bats and Great Crested Newts. We advise that further survey work is required to assess the impact on bats through disturbance to individuals, or from damage or destruction of a roost, in accordance with good practice guidelines.

With regard to great crested newts, we advise that a condition be included in any planning permission to provide a detailed mitigation and monitoring strategy prior to commencement of development.

It is for the LPA to consider whether any permission would be likely to offend against Article 12(1) of the habitats Directive and if so whether development would be likely to be licensed.

4.5 Network Rail

Whilst Network Rail is in support of the application , subject to a separate land agreement and design approval between NR and the applicant prior to any works taking place, the applicant will need to be in contact with NR's Infrastructure Projects Department throughout the scheme. Notwithstanding this, comments relating to the safe operation of the railway are as follows:

*Drainage*

Proposed highway drainage and the outfall for this additional water will need to be taken into an adoptable system and not discharge into NR's drainage.

*Excavations/Earthworks*

The temporary works requirement to accommodate the abutments excavations of the cutting slopes will be required and piling may be required within the embankment slopes, we need to ensure that this will not destabilise slopes.

*Foundations*

Where foundation works penetrate NR's support zone or ground displacement techniques are used, the works will require specific approval and careful monitoring by NR. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

4.6 Environment Agency

Have stated that they have engaged significant pre-planning work with the applicant to seek to ensure that the road link is acceptable on flood risk, surface water and environment grounds. The EA originally objected to the proposals as there are concerns that have not yet been resolved including the requirement for a definitive cross section through the pond and bank to be submitted so it can be clearly seen that 8 metre access will be provided in this area along the Ham Brook.

4.7 In addition there were concerns regarding the design of the Ham Brook Bridge, including provision made for mammals to move along the Ham Brook corridor without going onto the road in times of flood flows. This would require part of the riverbank to be left ungraded abutting the bridge (a depth of 300mm is sufficient) to form a natural ledge without compromising the flow capacity under the bridge.

4.8 Following the receipt of further information from the applicant, the EA have stated that the cross section of the Hambrook and attenuation pond which shows that at least 11m of flat ground will be available between the top of the bank of the watercourse and the toe of the embankment which is acceptable for maintenance purposes. The EA have now removed their objection to the proposal, subject to a condition requiring the submission of a detailed surface water drainage scheme.

4.9 With regard to the possible provision of a mammal ledge on the Hambrook bridge, the applicant's ecologist has advised that a ledge would be unlikely to be effective as surveys have found no evidence of otters and that the brook has sub-optimal flow conditions and that the modelled flood flows would be unlikely to force any otters onto the road. The EA however recommend that if it can be provided at low cost, a ledge could be useful in case condition in the brook become more favourable for otters in the future.

4.10 English Heritage  
No objection.

4.11 Wessex Water

Wessex Water are in correspondence with the SGC on the proposed development to agree diversionary routes of our apparatus as necessitated by the proposed works. Discussions will continue through normal channels.

4.12 Crime Prevention Design Advisor

PROW LBW/12 passes under the Ham Brook Bridge. Subject to the SGC ecologist's assessment, without under bridge lighting the area could become subject to crime and anti- social behaviour. The document Safer Places-the Planning System and Crime Prevention, makes reference to *under lit spaces, even in daylight, can leave users vulnerable*. The under bridge and PROW must not be viewed in isolation and the future surrounding development could add to security by increased natural surveillance and movement.

**Other Representations**

4.13 Crest

Crest have controlling interests in East of Harry Stoke New Neighbourhood and have been actively engaged with the formulation of CS27. Crest support the Council's intention to deliver the Stoke Gifford Transport Link. The application should be presented as a strategic route but one that does not prejudice the future delivery of the new neighbourhood. Changes will be required to the SGTL to facilitate suitable points of access in accordance with the strategy in the emerging SPD. Crest is however concerned that the information submitted in support of the application does not set a robust context for the delivery of the new neighbourhood or properly examine the relationship between the two developments in terms of the transport assessment, highway alignment, temporary attenuation ponds and noise.

4.14 University of West of England

UWE is fully supportive of the SGTL in terms of helping to improve vehicle circulation and in respect of its importance to the delivery of the proposed Bus Rapid Transit service to the North Fringe. We remain supportive of the ongoing discussion regarding routing through the Frenchay campus. UWE's main concern however is major construction works being undertaken during UWE term times. Although most of the proposed works to the Ring Road are programmed to be undertaken prior to 23<sup>rd</sup> September the programme looks tight. UWE is supportive of the proposal provided that any works to the Ring Road are undertaken outside UWE term time.

4.15 Local Residents

Six letters of support and twenty five letters of objection have been received from local residents.

*Summary of reasons for support*

- Traffic in Hambrook will be relieved
- Stoke Gifford residents have been waiting for this for many years
- Peak time congestion in Stoke Gifford and Hambrook is a problem

*Summary of reasons for objection*

- Residents already hear M32/M4 noise – this will be increased

- Noise mitigation is required including landscaped buffer
- Light pollution due to road being on embankment to cross rail line.
- Air quality - concern that nitrogen dioxide already exceeds EU standards in some locations and this will be increased.
- Landscaping along the route would absorb the pollution
- More tunnels for wildlife crossings should be made for deer, badgers and foxes
- Diversion of LWB/14 would be unsafe across the intersection of Hambrook Lane
- Closure of Hambrook Lane during construction – the detour would be substantial
- Rat running along Hambrook Lane should be prohibited by no turning onto/off SGT
- PROW in the centre should not be permanently closed
- It is a through route not a bus facility
- It should be a dual carriageway
- It will result in more traffic in the surrounding roads hence discouraging cycling
- Significant increase in traffic on Bradley Stoke Way and Pear Tree and Savages Wood roundabouts will make cycling more dangerous
- Lamp posts would infringe cycle lane
- Cycle lane is not wide enough
- Cycle advance stop line facilities needed at junctions
- Straight ahead only at Hambrook Lane junction would be abused
- Dropped kerbs for cycle path entrances are required
- Concern over geometry of cycle lane on southbound approach to last junction before A4174
- Concern that marketing for new homes does not include the proposal
- Unlikely to achieve aims of Sustainability Statement – it will encourage car use
- It will remove congestion from existing locations in Stoke Gifford to and Hambrook to other places such as Ring Road
- It will be more difficult to cycle along Hambrook Lane
- Cycling at speed on the road will be difficult due to lack of cycle lanes
- Increased traffic on Bradley Stoke Way will make cycling more hazardous
- Proposed shared foot/cycleway insufficiently attractive due to loss of priority at junctions
- Path onto Riviera Way should be cycleable and not blocked by kissing gates
- The road will be 50m from my property – loss of view should be replaced by trees
- Compensation should be given for the two years construction period
- What happens to cyclists at the end of the bus lanes?
- Cycle lanes should start earlier before the width of the carriageway has reduced
- No provision for cyclists at the section adjoining Ring Road
- No noise fencing is proposed on east side of carriageway facing Waverly Cottage and Hoodlands properties

## **Reconsultation**

- 4.16 Reconsultation on the revised and additional information has been undertaken in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and any further responses will be reported to Committee by way of the update sheet or verbally at Committee. The additional information includes:
- TA addendum
  - Revised Planning Statement

- Revised Noise chapter
- Revised landscaping details
- Additional information on contamination
- Photomontages

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

In establishing the principle of development, the starting point is paragraph 196 of the National Planning Policy Framework (NPPF) which states that the planning system is plan-led. Therefore this application has to be first considered in the context of the adopted development plan. Furthermore, Section 38 (6) of the 2004 Act requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF and the emerging Core Strategy are both material considerations.

- 5.2 As a starting point, the development plan remains the adopted South Gloucestershire Local Plan which denotes the whole of the application site as Green Belt. Policy GB1 states that within the Green Belt, permission will only be given for certain categories of development; the construction of a new road and associated bridges do not fall within these limited categories of development. Under this policy therefore the onus is on the applicant to demonstrate that there are very special circumstances which would justify the grant of planning permission.
- 5.3 The Joint Local Transport Plan 3 refers to the North Fringe to Hengove Package which is composed of a set of inter-related transport schemes. As well as rapid transit routes to the North Fringe, it includes the Stoke Gifford Transport Link. The proposal is in accordance with this plan.
- 5.4 The NPPF states that certain forms of development are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including the land in Green Belt. These categories of development include local transport infrastructure which can demonstrate a requirement for a Green Belt location. In the emerging Core Strategy the Stoke Gifford Transport Link is one of a number of key projects identified under Policy CS7, which comprises a list of 'Strategic Transport Infrastructure', and for this reason it is considered that the development can not be classed as 'local' transport infrastructure and therefore does not fall within the categories of development considered appropriate in the Green Belt applying NPPF criteria. Had the Core Strategy already been adopted at the time of determining this application, it would not be necessary to consider very special circumstances because the Core Strategy removes this area from the Green Belt.
- 5.5 The Core Strategy does not currently form part of the adopted Development Plan and notwithstanding the fact that the Council's Local Plan has been saved by the Secretary of State by a saving direction, paragraph 14 of the NPPF must be considered. Paragraph 14 states that where relevant development plan policies are out of date, planning permission should be

granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

5.6 The NPPF makes it clear that, as with previous Green Belt policy, inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

5.7 It is considered that the proposed development, a 1.6km long road with a development corridor of some 17 metres width, running through largely open countryside, would have a significant impact on the openness of the Green Belt due to, in particular, the urbanising effects of the road itself, the embankment sections of the road, the lighting, signals and crash barriers and the views of moving traffic along the road.

5.8 Very special circumstances have been advanced by the applicant, and these are set out below, however any conclusion on the matter will be made at the end of this report as it is also necessary to consider 'other harm' as well as loss of Green Belt openness, and any other material considerations, in accordance with paragraph 14 of the NPPF. In the event that planning permission is granted, if the Local Plan is still the Development Plan, (i.e. the Core Strategy has not been adopted) it will be necessary to consult the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2009.

5.9 *Applicant's submitted Very Special Circumstances*

- *The proposal is part of a package of transport schemes – the North Fringe to Hengrove Package (NFHP) – that together will create a cross-city transport connection, linking employment, housing and leisure areas.*
- *The SGTL will address currently poor transport links and significant traffic congestion which result in extended journey times and poor journey reliability.*
- *According to the NFHP Best and Final Bid 2011, the monetised value as a result of the package of schemes is expected to be in the region of £3179 million for commuters and £89 million for business users. This level of information is not available for SGTL on its own but without the SGTL in the carefully selected Green Belt location these monetised values would not be achieved.*
- *A reduction in congestion on surrounding roads and improved accessibility from residential areas to employment areas in the North Fringe of Bristol. The operation of the existing transport network is severely restricted by the limited crossing points of the Great Western mainline rail lines in the area;*

*the north-south movements are limited to Old Gloucester Road, Hatchet Road and Gypsy Patch Lane with an additional pedestrian/cycle route across the railway to the east of Bristol Parkway Station linking to Hunts Ground Road. These limited crossings represent a major constraint to journeys into, out of and through the area. The opportunity for widening the existing crossings in a cost effective way are limited due to the design of the existing rail structures, the extent of existing adjacent residential development in Bradley Stoke, Stoke Gifford and the boundaries created by the M4 and M32 motorways. The SGTL corridor is considered to represent the only practical means of creating a new link across the existing highway alignment. The new road link would provide improved connections, journey time savings and reliability benefits for drivers using the new road link.*

- *Relief for parallel routes including Hambrook Lane, Hatchet Road and old Gloucestershire Road would result in the easing of bottlenecks along these routes.*
- *The SGTL includes a parallel segregated cycleway. The existing cycle routes are poor, with cyclists needing to dismount at Hatchet Road rail bridge and with restricted facilities along Hambrook Lane. The SGTL would provide a safer route and reduced journey times for cyclists. The footpath along the SGTL would also provide an improved link between Bradley Stoke and UWE/MoD/Bristol Business Park/proposed Rovers Stadium.*
- *Bus services will gain significant journey times between Bradley Stoke and UWE/MoD/BBP, with similar savings for onward journeys to central Bristol via the M32. Enhancement of the connections to Bristol Parkway station hence encouraging the use of the rail services.*

5.10 In terms of the emerging Core Strategy, the EiP took place during June-July 2012 and an additional hearing session was held on the 7<sup>th</sup> March 2013. The Inspector issued his Preliminary Findings and draft Main Modifications on 14<sup>th</sup> September 2012, and further Main Modifications on 22<sup>nd</sup> March 2013. Consequentially the Core Strategy is now at a very advanced stage of production. This enables the Council to place substantial weight on the emerging Core Strategy as an important material consideration consistent with paragraphs 2 and 11 of the NPPF in accordance with guidance set out in para 216 of the NPPF.

5.11 Policy CS7 of the emerging Core Strategy relates to strategic transport infrastructure, which includes the construction of the Stoke Gifford Transport Link as a component of the North Fringe to Hengrove Package. This policy states that the Council will work with its partners to deliver within the plan period a number of key projects, one of which is the current proposal.

5.12 Policy CS27 relates to the East of Harry Stoke New Neighbourhood which includes the Stoke Gifford Transport Link. This policy states that development of the new neighbourhood will not come forward until the programmed delivery of this route has been secured. In the Core Strategy the application site is not within Green Belt. As well as the principle of the development itself, members



must consider the relationship of the proposed Stoke Gifford Transport link with the allocated new neighbourhood East of Harry Stoke and the emerging Supplementary Planning Document (SPD).

- 5.13 Policy CS27 was not substantially changed by the Further Main Modifications to the Core Strategy apart from the clarification that the development of the new neighbourhood will not come forward until the programmed delivery of the SGTL has been secured; therefore it is considered that substantial weight can be attributed to this policy.
- 5.14 The East of Harry Stoke Framework Diagram contained in the Draft SPD (Informal Draft for Consultation November 2012) indicates the Stoke Gifford Transport Link running through the new neighbourhood. The proposed road does not provide all of the junctions indicated for the future new development, as it is a strategic scheme with limited points of access. However passive provision for other junctions has been anticipated in order to not preclude future connections with surrounding development. Other detailed points regarding the relationship of the road with the new neighbourhood, are considered in this report in the sections below, however, in terms of the principle of development, it is considered that the proposal is in compliance with Policy CS7 Strategic Transport Infrastructure and will aid integration of the new community allocated by policy CS27- East of Harry Stoke New neighbourhood by providing a good access and connection to the services and facilities provided in the exiting urban area.
- 5.15 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 the applicants submitted Addendums to the ES to take account of the further information and amendments requested by officers as well consultee comments. 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.

The environmental information has been considered by officers and has been found to be sound for the purposes of considering this application.

5.16 Transport

*The Design of the Stoke Gifford Transport Link*

The Stoke Gifford Transport Link, whilst strategic in nature is an internal South Gloucestershire Council scheme. The SGTL is one component of the North Fringe to Hengrove Package (NFHP). The NFHP links areas of housing and economic growth in the North and East Fringe of the Bristol urban area, with a major regeneration area in South Bristol via Bristol City Centre. It is intended to will provide a fast, frequent and reliable public transport service using bus

priority measures and new infrastructure, including the Stoke Gifford Transport Link, a new bus-only junction onto the M32.

The SGTL should also directly serve the proposed the East of Harry Stoke New Neighbourhood (approx 2000 dwellings) and the approved “Harry Stoke development 1” development (approx. 1200 dwellings). In policy terms the Stoke Gifford Transport Link forms part of South Gloucestershire’s Core Strategy (2011) and the West of England Joint Local Transport Plan (2011 – 2026).

The SGTL is largely single carriageway to general traffic although additional lanes are available at the approaches to the primary junctions to provide capacity. There was not a business case for providing a continuous dual carriageway road although an additional lane could be added in the future if required. Based on anticipated traffic flows It is not envisaged that a dual carriageway will be required and the additional width would potentially sever any surrounding development. The proposed road includes the provision of a bus lane and cycle facilities along the majority of the length.

#### 5.17 *East of Harry Stoke New Neighbourhood*

The East of Harry Stoke (EoHS) new neighbourhood is an allocated residential site consisting of approximately 2000 dwellings. The EoHS new neighbourhood will use the SGTL as its primary form of access. It is likely that the developer may require additional or alternative junctions although the applicant has confirmed that “passive provision” has been made within the design to accommodate different access points. Any amendments are likely to include changes to the Hambrook Lane junction although this would need to be fully tested and subject to consultation at the time. Before an alternative access strategy can be agreed, additional modelling work would need to be undertaken and presented to Members in the future as part of a separate planning application.

Whilst this is a stand alone planning application, (for the SGTL itself), I am satisfied that it will not prejudice any future planning application in connection with the East of Harry Stoke New Neighbourhood.

#### 5.18 *The Transport Assessment and the addendum*

The council has developed a traffic model (GBATS3) to understand the impact of the SGTL on the local and strategic road network. A Transport Assessment (TA) was submitted as part of the planning application along with an addendum subsequently registered on 09/08/2013.

##### *Traffic flows with and without the Stoke Gifford Transport link*

The TA contrasts traffic flows with and without the SGTL at the proposed year of the opening (2016), and 10 years from now in 2023. The outcomes can be summarised as follows:

##### *Year 2016*

At the year of opening it has been assumed, for the purposes of traffic modelling, that 676 dwellings will be built in “Harry Stoke 1” and 100 in the new

neighbourhood. (These figures are greater than the Council's Annual Monitoring Report in order to provide a 'worst case scenario' in traffic terms.) Two access points are indicated into the new neighbourhood: from the SGTL and from Hambrook Lane. These development assumptions are considered reasonable and the outcomes of the modelling indicate the following:

- Overall reduction in traffic volumes on the westbound Hambrook Lane.
- Reduction in traffic on the B4058, Church Road and Westfield Road.
- Reduction in traffic on the M32, M4 and M5.
- Reduction to a number of roads to the east of SGTL including Old Gloucester Road, Winterbourne Road, Beacon Lane and Winterbourne Hill.
- Reduction in traffic on in the evening peak Brierly Furlong;
- Increase in traffic on the roads that provide access to the SGTL including Bradley Stoke Way, Winterbourne Road, Great Stoke Way.

#### 5.19 *Year 2023*

In 2023 the traffic model includes a link from the existing Harry Stoke development, two access points from Hambrook Lane and two access points from Old Gloucester Road. The scenario with the Stoke Gifford Transport Link in place includes an enlarged junction onto the A4174. The 2023 model has been based on the access strategy shown in figure 7 of the Core Strategy although additional links have been assumed via Old Gloucester Road.

It is accepted that the East of Harry Stoke new neighbourhood may not necessarily be built out in this form and the developer is likely to propose alternative access points. The emerging Supplementary Planning Document (SPD) indicatively shows different access arrangements although at this stage this has not been tested or agreed by the Council. The SPD does not specifically restrict the position of the access junctions and so the final location can be altered if approved. Therefore, whilst the 2023 model gives an indication of the impact of the SGTL, the full implications will not be understood until the new neighbourhood is comprehensively masterplanned. Based on the information submitted the TA indicates:

- As above although some of the reductions in traffic noted in 2016 become less marked as background growth uses up spare capacity in the network.
- An increase in traffic in the vicinity of the A38, associated with the Cribbs Patchway New Neighbourhood.
- An overall increase in traffic across the highway network attributed to background growth.

#### 5.20 *Proposed Junctions*

*Hambrook Lane / SGTL* - A number of alternative junctions have been investigated and tested and officers have concluded that an "ahead only" junction is the most effective junction arrangement. The ahead only junction would not permit any turning movements onto or off the Stoke Gifford

Transport Link. Thus minimising the current and preventing future rat running along Hambrook Lane.

*A4174 / SGTL* – An enlarged junction has been designed between the A4174 and the SGTL. This junction would also provide a separate access into the Holiday Inn. Officers are satisfied that the proposed junction has the capacity to accommodate the level of traffic anticipated.

The Parkway North Roundabout – The SGTL will form a 3<sup>rd</sup> arm from the Parkway North Roundabout and this roundabout was designed to accommodate this addition. The anticipated traffic flows do not warrant the signalisation of this roundabout. A signalised pedestrian crossing is not expected to be needed although if it were then it would need to be sited some distance from the roundabout to enable vehicles to stop safely without obstructing the roundabout itself.

Whilst these junctions are acceptable in principle, detailed designs will need to be submitted and approved by the council's traffic signal team prior to implementation

#### 5.21 *Off-site Junction Analysis*

A number of junctions have been tested in the vicinity of the site and it has been demonstrated that the scheme will have a negligible impact on the operation of these junction. The impact on junction 1 of the M32 has been analysed by the Highway Agency and it has been concluded that the SGTL will have "minimal impact on the performance of this junction".

#### *Public Transport*

A number of bus services would benefit from the SGTL although the operators themselves would have to decide whether and when to reroute existing services. The SGTL would be an attractive transport corridor for future services particularly when the East of Harry Stoke New Neighbourhood starts to take shape. The implementation of the public transport operation will take place prior to the implementation of the scheme, should planning permission be forthcoming.

#### *Walking and Cycling*

The SGTL will include a shared footway and cycleway that will run its entire length; the cycleway is 3 metres wide in accordance with standards. The road includes either bus lanes (which cyclists can use) or on road cycle lanes, over its whole length. Connections will be made on either end of the SGTL with the existing cycle network. The SGTL represents an improvement in terms of cycle infrastructure and a safer crossing over the railway line than the Hatchet Road under bridge. In addition to the shared cycleway there is a 1.5 metre wide cycle lane with part of the carriageway. A 1.5m wide cycle lane is considered sufficient as speed limit is 40mph and there is alternative provision on the adjacent shared use footway / cycleway.

Cycle Advance Stop Lines (ASLs) are not shown on the plan but they will be considered at junctions where there is potential for conflict between left and right turners and could be implemented at the Harry Stoke junction and the

Ring Road junction. The detailed designs of these junctions will be worked up should this application be approved. At the Hambrook junction, all movements are straight ahead and there would be minimal queuing vehicles in the bus lane (also to be used by cyclists). Therefore, ASLs here are not considered necessary or appropriate.

#### *Works along Bradley Stoke Way*

As noted above, the proposed SGTL link is part of the North Fringe to Hengrove Package which, if approved, will include works on Bradley Stoke Way. These works will include bus lanes (which cyclists can use) between Savages Wood and Aztec West roundabouts, and on road cycle lanes in other locations. These works are considered to be appropriate to deal with any increase in traffic flows arising from the operation of the link. The council has previously consulted on these NFHP proposals.

#### *Construction Management*

A plan has been submitted with the application which shows temporary road closures and permitted access routes. It is inevitable that Hambrook Lane would be closed for a period of time although this will be minimised. A full construction management plan should be requested by condition.

### 5.22 *Transport Conclusion*

It is concluded that the Stoke Gifford Transport Link will achieve the following:

- Provide additional capacity on the highway network to relieve congestion and accommodate growth.
- Provide an additional main line railway crossing point.
- Improve access to existing and proposed employment sites including: UWE, MoD, Bristol Business Park and other sites in the North Fringe.
- Provide better access to Bristol Parkway Railway Station.
- Provide better public transport, cycling and walking links.
- Result in savings to journey times

It is acknowledged by officers that implementation of the scheme will inevitably result in additional traffic flows along the access roads, such as Bradley Stoke Way and Great Stoke Way, although officers are satisfied that these roads have sufficient capacity to accommodate additional flows. The SGTL will also have benefits on parallel north / south routes by easing congestion. Traffic conditions should improve along Hatchet Road / Brierly Furlong and Old Gloucester Road / Bristol Road providing a significant enhancement to the surrounding highway network. In relation to public transport, the SGTL, will reduce bus journey times and significantly improve links with Bristol Parkway Railway Station.

### 5.23 Landscape Issues

#### *Existing Landscape*

The landform consists of a ridge of distinctive higher ground on the western side offering views to the north and east as far as the Cotswold scarp. The land falls to the east and is level around the M32 corridor. The land lies within the

Frome Valley Landscape Character Area as set out in the South Gloucestershire Landscape Character Assessment and identifies the influence of the road network on the landscape.

‘The broad landscape corridors to the west of the area, through which the M4 and M32 pass, are variously influenced by the settlement edges, urban edge developments and land use change, scattered within an agricultural landscape. The asymmetric green corridor followed by the M32, forms an important gateway to Bristol. The road network frequently segments this part of the character area and often defines discreet areas of landscape.’

The land around the road line is currently a mix of pasture and arable land in a number of land holdings. Fields are generally divided by hedges with a relatively small number of hedgerow trees. The Ham Brook crosses the centre of the site and is marked by a more substantial line of vegetation. The area is well used for informal recreation, being crossed by a number of footpaths including the Community Forest Path which is a long distance route. Path users include both residents and those employed in the locality.

- 5.24 Modern housing development lies to the west, overlooking the route from Parkway North and Hambrook Lane and a new housing area (Harry Stoke) is under construction to the west of Maules Lane, which together with its new access road has reduced the rural character of the area to the south and west of the area.
- 5.25 The area is strongly influenced by the existing infrastructure network, the M4 in the north, the M32 on the east and the Avon Ring Road on the south together with the main line railway into Parkway station, create visual and noise intrusion. Overhead power lines across the site create visual intrusion and increase the sense of urban fringe. However to the centre of the area, away from the road network, there remains an attractive rural character although recent works on the new housing developments and access road to Harry Stoke, together with sewer works, have significantly reduced the rural character and sense of isolation at the centre of the site.

The applicant's landscape and visual assessment classes the landscape as being of medium to high importance and rarity at the local scale.

5.26 *Scheme Design*

The road alignment is fixed at the north by the location of the roundabout to Great Stoke Way and the location of the existing housing development. The road line will require an extensive embankment of up to 15m high in order to accommodate the steeply sloping side of the ridge around Mulgrove Farm. The road line crosses the main railway line whilst the line is still in cutting and therefore the position is again fixed. The road line will cross to the east of the existing footbridge which will be removed following construction of the road. A new pedestrian and cycle route will be incorporated into the road bridge. The road will be separated from the housing at Parkway north by an area of public open space and a noise fence close to the road. A mix of ornamental planting will help to disguise the fence in views from the footpath/cycleway and the road.

Woodland planting on the western side of the noise fence will reduce its impact on the open space and the housing.

- 5.27 The large embankment north of the railway line will have an impact on the wider landscape in views from the north, including the edge of Winterbourne, the M4 and Old Gloucester Road. Woodland planting on the embankment will be used to integrate the road line in these longer views. The road line produces a mix of cutting and embankment slopes as it comes down the slope from the railway line. The existing pattern of small fields is severed by the road line. The retention of the existing hedgerow along Curtis Lane will be important to protect the remaining bungalow from views of the road. Proposed woodland planting on the eastern embankment slopes will help to integrate the road line in views from the east from Old Gloucester Road, Hambrook Lane, and the M32.
- 5.28 An at grade crossing is proposed to Hambrook Lane includes access points for the surrounding agricultural land and the removal of extensive sections of existing hedgerows alongside Hambrook Lane.
- 5.29 The road line continues southwards across the slope of the land with a mixture of cut and embankment slopes. Woodland planting on the western cut slopes is proposed alongside individual tree planting on the embankment slope on the east. The road line rises up onto an embankment which is 4m high above surrounding ground levels where it crosses the Ham Brook. The bridge crossing runs to the west of an important group of oak trees and will result in the loss of 40m of stream side vegetation including one oak tree. The Community Forest Path will run underneath the bridge on its current alignment.
- 5.30 *Impact of the development*  
The Environmental Statement concludes that the road scheme would “result in the partial loss of existing character and features and in the addition of new noticeable elements within the landscape during and after construction and that this would result in a moderate adverse significance in effect’. The impact of the road on the public rights of way network is considered to be major to moderate adverse where views are currently characterised by the agricultural landscape. There would be a moderate adverse effect on the majority of affected properties and a major adverse effect on the new residential properties on the edge of Stoke Gifford.
- 5.31 The Council’s landscape architect considers that the scheme will have a high level of impact on the character of the local area, breaking up the agricultural land and disrupting the rectangular field pattern. The embankment will have a significant severing effect and the road will create a noticeable new urban element. The noise from the road will have an impact on the character and perception of the landscape from surrounding footpaths. There will be a significant visual impact on local views from the public footpaths across the site and from the surrounding road network arising from both the road structure, traffic movement and lighting.
- 5.32 Long term the visual impact of the road structure and traffic will be reduced by the proposed planting, however the severance effect will remain. The properties on the edge of the Parkway North development will have views of

the road screened by noise fencing from the beginning and planting will be used to screen the fence but the long views to the wider countryside will be lost.

- 5.33 Views from the wider countryside along the edge of Winterbourne towards the road will be significantly improved by the proposed planting long term, with woodland on the embankment obscuring the road and its traffic. There will be significant impacts from the embankment on the landform of the existing valley which will be visible from the local footpath network and the area around Mulgrove Farm and will remain even after planting has matured.
- 5.34 The road line will have a significant visual impact on the Community Forest Path, users will have to use a bridge under the road 35m long with the road embankment blocking views from the path. The creation of surface water attenuation areas extends the area of land next to the path which is disturbed by the road development. The gently sloping field will be re-contoured into a basin and embankment with the removal of the existing hedgerows adjoining. This runs parallel to the path for a distance of 150m beyond the bridge.
- 5.35 The route of the SGTL is located within the designated Forest of Avon community Forest Area. The proposed landscape mitigation measures however aim to retain green corridors and landscape buffers along the route through new planting. A number of veteran oaks, grade A and B are located along the Ham Brook and the route of the road was amended prior to the submission of the application, in order to avoid the loss of three veteran grade A oak trees in order to be compliant with paragraph 118 of the NPPF.
- 5.36 The applicant has submitted photomontages, which are computer generated images of the proposed development as it will appear in the landscape. They have been produced for a number of viewpoints and include two scenarios for each viewpoint: firstly immediately after construction, and secondly at 15 years hence which includes the maturing landscaping.
- 5.37 These impacts in the context of the South Gloucestershire Local Plan and the designation of the land as Green Belt are however still considered significant. There is an impact on the openness of the Green Belt, as discussed in the *Principle of Development* part of this report, in particular from the embankment sections of the road, the lighting and signals and the views for moving traffic along the road.
- 5.38 The scheme produces a significant impact on the character of the landscape contrary to policy L1. The road line creates severance of the land parcels, interrupting the field patterns and is visually intrusive. There is an impact on the existing rural character, extending urban elements into the centre of the open land such as lighting, crash barriers, signage, traffic signals as well as noise and movement.
- 5.39 The loss of vegetation however will be compensated for in the medium to long term by the proposed planting which is fairly extensive. The planting will in the long term help to integrate the road line, including the embankments, into the wider landscape, screening much of the traffic movement. The revised



photomontages indicate more clearly the mitigating effect of this proposed landscaping adjacent to the new road.

5.40 Further, the proposed scheme and planting plans are considered to be in compliance with the draft SPD for East of Harry Stoke which includes a landscape framework either side of the SGTL.

5.41 *Detailed design Issues.*

Through the consideration of the proposal, a number of detailed design changes to the scheme have been achieved, including the following:

The 1.5 metre high noise fence at the edge of the POS at Parkway North roundabout has been feathered down in height to match to the height of the gate, using a gate pillar feature to make a positive entrance point into the POS, in order to ensure that this access point is attractive and welcoming. Further, a timber gate rather than steel is now proposed at this point.

The noise protection mound to be constructed on the western side of the road has had a modification to the profile to give a smooth transition into the surrounding land. Minor re-profiling of the crest and tail of the slopes of the surface water attenuation areas adjacent to the Ham Brook have also been secured in order to improve how the ponds fit with the surrounding landscape.

The noise fence around the footpath link has been revised to be set back from the line of the footpath to increase perceived safety of pedestrians.

The character of the Hambrook Lane is affected beyond the area occupied by the junction itself by the construction of new agricultural access tracks. The applicant has advised that these are determined by the needs of the landowner and therefore cannot be narrowed. The accesses have, however been revised to have 'grasscrete' finishes behind the footway. Further, some natural stone walls will now be provided adjacent to the accesses.

In addition, the route of the western agricultural access has been revised to retain the existing hedges and trees. Further, hedgerows the north of the Ham Brook have been shown to be retained in revised plans, as well as revisions to the junction into the Harry Stoke development and block paving in the splitter islands at the junction with the Ring Road.

5.42 *Landscape Conclusions*

The scheme proposals will have an effect on both the character, quality and amenity of the landscape through which the road passes. Visibility of the route will diminish over time in both local and longer views as the proposed extensive planting matures.

5.43 Localised impacts will however remain on the character of Hambrook Lane and the public footpaths in the immediate vicinity of the route. These landscape considerations and impacts identified must however be viewed in the context of the emerging Core Strategy, which has reached an advanced stage and which

allocates the SGTL as strategic transport infrastructure in order to reduce traffic congestion on the surrounding highway network; and further the surrounding land is allocated for a new neighbourhood, which will significantly change the nature of any impact from the road over time. The loss of Green Belt openness and the planning balance taking into account landscape impact will be considered in this context in the conclusion of this report.

#### 5.44 Environmental Issues

##### *Air Quality*

The air quality assessment submitted as part of the Environmental Statement considers the relevant pollutants and the impacts on local air quality during the construction and operational phases of the proposed SGTL at representative relevant receptors.

- 5.45 Concentrations of nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM<sub>10</sub>) are predicted to remain below the Government's Air Quality Strategy (AQS) objectives, which set an upper level for these air pollutants. The impacts are described as negligible at all receptors. While the impacts are negative (adverse) at some receptors; at others, the impacts are positive/beneficial- due to the reduced vehicle movements at places such as Old Gloucester Road arising from the proposed new road. Although, it is noted when sensitivity testing is carried out, which assumes there is no reduction in background concentrations over time, and vehicle emissions from the base year of 2011, exceedences of the AQS are predicted at one receptor. However, it is predicted that an exceedence would occur at this receptor both with and without the SGTL and that with the SGTL, there appears to be a slight beneficial effect on predicted concentrations at this receptor.
- 5.46 The cumulative impacts have been considered in light of other committed developments in the area, with the assumed cumulative traffic data used to model the air quality impacts.
- 5.47 Mitigation measures will be required to minimise the impacts from dust during the construction phase. The measures described in the report should be incorporated into the Construction Environmental Management Plan, which should be approved by the Council prior to any construction activities commencing on site.
- 5.48 The assessment concludes that there are no significant construction phase effects (with the appropriate mitigation in place) and no significant operational phase impacts on air quality predicted to arise from the proposed development. In summary, there is no basis to object to the proposed development in respect of air quality and therefore the proposal is in compliance with policy EP1 of the SGLP.
- 5.49 *Land contamination*  
A ground investigation report has been submitted in respect of the application. The purpose of the report includes an assessment of the contamination status of the site. It reports that inspection of geological maps was undertaken. A small scrap yard is identified south of where the proposed route crosses the

railway. A number of boreholes and trial pits were constructed along the proposed development area.

5.50 The report as originally submitted made no reference to a potentially significant area of “tipped waste material” which is known to have been deposited historically to the south of the railway at the north eastern side of Curtis Lane. The applicant has now however submitted further information regarding this area of the site. In fact ground investigations were carried out here but not summarised within the Environmental Statement. This area of Made Ground included anthropogenic material (i.e man-made, for example concrete, glass, bricks) and is considered to be a source of contamination. It is therefore proposed that a condition be imposed to require that any Made Ground excavated from this part of the site during the construction of the SGTL will not be re-used and will be removed to a suitable landfill.

5.51 The proposed new road is relatively low risk in terms of introducing new “receptors” into the area. There is however the potential to introduce new “pathways” during the construction phase (eg ground water, surface water and construction workers). It is therefore recommend that conditions are included in any approval to require a ground investigation to be carried out in the tipped area to the south of the railway line; a further condition requiring any identified risks from contaminants to be mitigated and finally a condition requiring, where contamination mitigation has been necessary, for a report verifying that these works have been completed to be submitted to the local planning authority.

#### 5.52 *Noise and Vibration*

The Council’s Environmental Protection Officers have considered the revised Environmental Statement – Noise Chapter. The noise assessment has been undertaken using an appropriate standard (the Design Manual for Roads and Bridges (DMRB) Volume 11 Section 3 Part 7 – Noise and Vibration) considering the direct effects of road traffic noise. It is worth recognising that the existing noise climate is generally high with background levels influenced by the M4, M32 and A4174 Ring Road. The assessment relies mainly on predictions of noise levels (worst case scenario) but some actual measurements have been obtained at a number of the closest noise sensitive properties which support these.

5.53 The report recognises that the Scheme would increase noise levels at a small number of noise sensitive receptors during the day (8 properties on the eastern side of the new Harry Stoke development) but the increase can be considered as minor magnitude of impact long term (3 – 4.9 dB  $L_{A10, 18h}$ ). The majority of properties would experience a negligible increase or no change with some decreases in noise levels predicted as a result of traffic re-routing. The report recommends a noise barrier to minimise the impact at Kings Drive. A noise barrier was considered to protect the eastern side of Harry Stoke development but as only a minor increase was predicted during the day the impact visually outweighed any slight benefit in relation to noise. Whilst for around 300 properties predicted increases in nuisance would be in a slightly higher nuisance band (<30%) than without the scheme, the method adopts a worst case scenario and any change is considered gradual over a period of years.

There are no properties identified that would be significantly affected so as to qualify for noise insulation measures.

5.54 Due to the length of the construction programme temporary noise effects may occur during the construction phase and should therefore be undertaken in accordance with BS5228: Part 1 and 2, 2009. The proposed noise barrier at Kings Drive should be erected early in development to minimise impact due to construction noise.

5.55 Overall the scheme as proposed does not represent a significant adverse impact in terms of noise. and is satisfied that noise issues have been appropriately considered and assessed by the ES, and subject to conditions, the scheme is in accordance with Policy Ep1 of the SGLP.

5.56 *Lighting*

It is acknowledged that the possibility of light pollution of one of the concerns raised by local residents. A lighting assessment is included in the ES and highlights the consideration of the new lighting along the northern section of the proposed road which will be adjacent to existing dwellings on the edge of Stoke Gifford which currently have limited street lighting to the east and open unlit views across the field to the east. For the Hambrook lane junction which is an area currently not lit, the lighting proposals and traffic controlled junction would introduce a new source of lighting an otherwise relatively dark area. Mitigation proposed includes the control of hours of working during construction including no night time working; and reducing the effects of night time lighting through the use of the latest specification luminaires to minimise glare and light spill. to have an The applicant has confirmed that the principles of the lighting design ties in with the Council's street lighting policy and carbon reduction policy. Most of the proposed lighting columns would be 10 metres high apart from those in the duelled section which are 12m high. The Councils Lighting Engineer has confirmed that required light levels would be unlikely to be achieved by using lower columns at 8m high along the route. Furthermore the 10m lighting scheme ties in with the lighting along Bradley Stoke Way from Parkway as there are already 10m columns along this road all the way up to Savages Wood.

5.57 The proposed lanterns use the latest technology; they are full cut-off LED lanterns with zero upward light ratio. This means that there would be no skyglow effect. These lanterns are stated to have extremely good light control, projecting the light where it needed to be, thereby minimising light pollution.

5.58 The lanterns would be switched using a built-in GPS module which means no photocells required thereby reducing the maintenance implications. The switching is set up to turn the lights on 15 minutes after sunset and off 15 minutes before sunrise. The lanterns are pre-programmed for multi-step dimming, running them at 100% light output until 7pm, then 75% until midnight. Between midnight and 5am, they will be either switched off, or reduced to 50% light output in line with the Council's Part Night Strategy, then 75% till 7am and back to 100% until switched off.

- 5.59 The above specification results in the energy consumption of the schemes to be around 55%-60% of the alternatives considered in the preliminary design.
- 5.60 Officers are satisfied that the lighting design will preclude any significant light pollution occurring, in the interests of the residential amenity of local residents and the visual amenity of the area. In this respect, policy EP1 of the SGLP is satisfied.
- 5.61 Residential Amenity  
Starting with the northern end of the proposal, in the vicinity of Parkway North Roundabout, Hunts Ground Way, the existing dwellings in Earl Close, Hall's Garden, Voyager Close, Kings Drive and Riviera Way are the residential properties in the closest proximity to the proposed new road. Those closest to the spur off the roundabout being the closest, with a minimum distance of some 20 metres from the new footway and 23 metres from the new carriageway. Whilst most of these properties side onto the site, a number of them face the site. As the proposed road curves away from the roundabout as it moves south, the properties on Riviera Way are further away at some 60 metres from the carriageway.
- 5.62 Between these properties and the proposed road would be a 1.5m high noise fence running parallel with the road from adjacent to 31 Kings Drive and terminating at the rail bridge. This noise fence will protect the dwellings from noise from the road, as well as provide a visual barrier. Further, there will be new tree planting in the POS area in order to provide a further buffer. As noted by the Council's Environmental Protection Officer, these properties would experience what is classed in noise terms as a 'negligible' increase in noise. It is however acknowledged that although it is not unusual to have a single carriageway road running past dwellings, these dwellings are likely to notice the change that results from the development being in a green field location. However on balance, it is not however considered sufficiently significant to warrant refusal of the application. The submitted sections clearly show the relationship of these dwellings with the proposed road, as does the submitted photomontage.
- 5.63 Properties to the east of the proposed road on Old Gloucestershire Road, such as Waverly Cottage, are located much further away than those adjacent Parkway North Roundabout and views of the road and the new railway bridge from Old Gloucester Road would be largely screened eventually by a 40m wide belt of new woodland planting adjacent to the road. This is shown on the submitted photomontages at year 15.

Travelling south along the road, the land is at a lower level than the adjacent dwellings and Hill View on the western side of Curtis Lane would be some 85 metres away from the new road, with existing vegetation between to be retained and a change in levels. In the vicinity of the Hambrook Lane crossing, which is at grade with traffic lights, the closest dwelling is The Old Farm which is some 90 metres from the proposed road. However this property has a high conifer hedge forming its eastern boundary which would largely obscure the road and provide some protection of residential amenity. Furthermore this property is at a higher level than the road and a belt of up to 10m wide of shrub

planting and specimen tree planting would separate this property from the new road . To the east of this section of the road, the property named Hoodland would be located some 120 metres from the new road with a 10m wide belt of native woodland planting between it and the new road.

5.64 For these reasons, it is not considered that these properties would suffer undue harm to their residential amenity as a result of the proposal.

5.65 To the south, the proposal has been considered in terms of the closest dwellings with planning permission at Harry Stoke 1 which would be some 60 metres away from the proposed road. There would however be new tree and shrub planting separating these dwellings, and as noted by the Council's EHO, although there would be a small increase in noise for these dwellings (if they are built before the road) it is not sufficient to warrant a noise fence, therefore is not considered significant.

A plan showing location of site compounds stores and offices has been submitted. This indicates the areas closest to dwellings excluded in order to minimise environmental impact. Further, the road line itself is restricted for any compounds stores and offices until after the proposed noise fence has been erected. North of the railway line, the access haul road will be located to the east of the noise fence. It is considered that these measures will ensure that any construction disturbance for local residents is kept to a minimum.

5.66 Overall therefore it is not considered that the proposal would result in a significantly detrimental effect on residential amenity in terms of noise in the operational period of the road, and it is noted that in the future there are likely to be dwellings in closer proximity to the road, however there is a need, in the interests of good neighbourliness, for more safeguards for existing dwellings than dwellings that are erected with the road already in place.

5.67 BS standards and a construction condition is proposed to deal with construction noise and disturbance as well as dust. Lighting and air quality are dealt with under separate sections of this report.

5.68 Ecology Issues

The application is subject to an Environmental Impact Assessment under the under the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 (EIA Regulations) and includes an Environmental Statement dated April 2013.

5.69 *European Sites*

A desktop study as part of the ES identified four European Sites - designated as Special areas for Conservation (SAC) for bats as qualifying features – within 30km of the application site. None of the species for which the sites were designated were recorded during the activity surveys across the SGTL route; and given the distances between the SACs and application site (between 19 and 25km) it was considered that development would not have any impact on any of the Natural 2000 sites, either during construction or use.

5.70 The Council would agree with this conclusion and the application includes a Habitat Regulations Assessment (HRA) as part of this process.

5.71 *Semi Natural Habitat*

The majority of the fields consist of species-poor, improved or semi-improved grassland of very limited diversity. Several areas of arable are present at the southern end of the SGTL; and two fields of grassland between the railway and Hambrook Lane are semi-improved and more diverse and species-rich. These fields, totalling 0.5ha, will be lost to the route of the SGTL and consequently the landscape planting scheme included within the application includes the creation of 2ha of new species-rich grassland to offset this loss.

5.72 The SGTL will bisect nine mature hedgerows. Whilst none qualified as 'important' under the Hedgerow Regulations 1997, several were relatively species-rich, typically comprising blackthorn, hawthorn, field maple, elder and ash and would qualify as 'species-rich' under the UK and South Gloucestershire Biodiversity Action Plans. A line of trees including a number of mature oaks with a mixed native shrub understorey are present along Hambrook Lane.

5.73 The SGTL route traverses across the Ham Brook, a tributary of the River Frome. The Frome is designated as a Site of Nature Conservation Interest (SNCI) for its open flowing water and bankside vegetation. Whilst seasonally dry for lengthy periods, the stream is nonetheless hydrologically linked to the Frome SNCI; and will in itself form part of the green infrastructure to the East of Harry Stoke housing development. Accordingly, the SGTL scheme needs to include measures to ensure that the ecological integrity of the watercourse is not adversely affected by pollutants or run-off.

5.74 This should form the basis of an appropriately worded planning Condition for an ecological management plan.

5.75 The ES indicates that the SGTL route will affect 50m length of the Brook and sever 9No hedgerows with the loss of an overall length of 450m. A scheme of hedgerow and woodland planting along the road route has been devised to offset this loss; and wherever feasible, hedgerows will be translocated to a suitable permanent receptor site. Whilst the route will entail the loss of part of the tree line, the route has been plotted to avoid the mature oaks on site.

5.76 A tree protection plan, to accord with the provisions of British Standard 'BS5837: 2012 Trees in Relation to Construction' and a landscape and ecological management plan to enshrine the scheme of species-rich grassland and mixed native tree and shrub planting along the SGTL route as well as its future management should be drawn up under an appropriately worded planning Condition.

5.77 *Fauna*

*Birds*- the breeding bird survey recorded six species on the RSPB red amber or green lists of conservation concern. The landscape planting plan should be tailored to benefit these species and mitigate against the loss of the relevant length of hedges removed along the route. This should be picked up by the use

of scrub and rough grassland in the ecological management plan required by condition.

- 5.78 *Badgers, dormice, otters, water voles hedgehogs*-none of these species were recorded in surveys. Further, although *invertebrates* were found in a survey, the nature of the site makes it unlikely to support any noteworthy assemblage of this species.
- 5.79 *Slowworms*- Slowworms were recorded adjacent to the footbridge and to the north of the railway line. A suitable mitigation strategy to avoid killing or injuring this species should therefore be secured by condition.
- 5.80 *Bats*  
Six species of bats (noctule, common and soprano pipistrelle, Leislars, serotine and a *Myotis* sp) were recorded on site during the activity surveys between 2008 and 2011. Generally the site had only a moderate level of use, with the greatest activity (foraging/commuting) located along the Ham Brook stream corridor, albeit by a small number of bats foraging continuously. Common pipistrelle was the most abundant species recorded by static bat detectors. No bats were associated with any of the trees during the dawn re-entry surveys.
- 5.81 A single residential dwelling, Tudor Lodge, a modern bungalow with clay pan-tiles in a sound state of repair, was located within the survey area. The ES indicates that access for internal and external inspections and emergence surveys was refused and consequently a precautionary approach was adopted, assuming that a small maternity colony of common or soprano pipistrelle was present, predicated on the fact that the two species were the most prevalent across the site; and that the general level of foraging activity across the site was low.
- 5.82 All bats are protected under the Wildlife & Countryside Act 1981 (as amended), the CROW Act 2000 and the Habitats Regulations 2010, which implements European Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora ('The Habitats Directive 1992'). As a European Protected Species (EPS), a licence under Regulations 53/56 of the 2010 Habitat Regulations is required for development to be lawful.
- 5.83 To fully engage with the Habitat Regulations, local authorities should subject planning applications to the same 'tests' under Regulations 53/56 as European Protected Species licences. Satisfying these 'tests' necessitates providing the detail of a mitigation strategy prior to determining the application.
- 5.84 The three 'tests' are:-
- *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 and beneficial consequences of primary importance for the environment;*
  - *There is no satisfactory alternative to the work specification;*



- *The action authorised will not be detrimental to the maintenance of the population of the species at a favourable status in their natural range.*
- 5.85 Whilst the overall recorded commuting/foraging activity across the site was comparatively low, the SGTL has the potential to impact upon bats in several ways – loss of connectivity of flight paths foraging routes (breakage in hedges); and loss of a roost if present in Tudor Lodge.
- 5.86 Taking each of the three ‘tests’ under the Habitat Regulations 2010 in turn, development is categorised as being of ‘*overriding public interest of an economic nature*’ for the purposes of European derogations (licences) and as such it is considered that PK13/1529/R3F satisfies the first test.
- 5.87 Regarding the second ‘test’, the ES includes a chapter (Chapter 7 – ‘Options Appraisal and Consideration of Alternatives’) which describes the process the scheme has gone through in deliberating over the need, route and design for the SGTL on its own and as part of the more extensive North Fringe to Hengrove project (NFH) and it is considered that this satisfactorily demonstrates that there is ‘*no satisfactory alternative*’.
- 5.88 With regard to the third ‘favourable conservation status’ test, the proposed development includes a landscape planting scheme to create new hedges and woodland along the verges of the road and linking into the existing habitat along the Ham Brook which as the focus of greatest activity, albeit by limited numbers of bats. The underpass spanning the Ham Brook has also been designed to allow bats to use it, thereby avoiding the road being a potential barrier to migration and foraging. The condition to be imposed regarding lighting of the Ham Brook Bridge underpass will require lighting details to be agreed and this will take place in consultation with the Council’s ecologist. Whilst access to Tudor Lodge was denied and the property could not therefore be surveyed for use by bats, the ES adopts a precautionary approach and assumes a roost (small, based on the low level of activity across the site; and of *pipistrelle* sp given that the species was most routinely recorded) to be present. It proposes a series of bat boxes to be erected across the site should a roost be present in the building; and the construction of a purpose-built bat house. Given this, it is considered that the impact of the SGTL comprising PT13/1529/R3F on the populations of bats to the east and west of the road would not be ‘*detrimental to the maintenance of the species at a favourable status in their natural range*’.
- 5.89 *Great Crested Newts*  
Two meta-populations of great crested newts were located in the vicinity of the route of the SGTL – one population to the east, in the Harry Stoke 1 area, and another to the west of the proposed SGTL.
- 5.90 As with bats, great crested newts are protected under the same legislation. The Habitats Regs tests have therefore been assessed.
- 5.91 Whilst development will not directly impact on any ponds, a total of some 11.6ha of terrestrial habitat will be lost or damaged – none of it the most important or ‘immediate’ habitat within 50m of a pond; albeit that the overwhelming majority (some 90%) of the habitat is of low quality for great

crested newts, being arable or improved pasture. Additionally, the ES indicates that there is some 800m between the two east and west populations and it is considered unlikely that there is any interchange between the two populations at this distance. The medium population to the east is some 250m away and accordingly the loss of poor quality habitat to the SGTL route at this distance is considered unlikely to impact upon that colony. Similarly, the populations associated with ponds to the west of these will still be able to interact with each other; and have access to high quality terrestrial habitat in the immediate vicinity of both ponds.

- 5.92 The ES indicates that construction of the SGTL is likely to take 2 years. As part of the landscaping of the road, it calculates that 5.42ha of new great crested newt habitat will be created, consisting of broadleaved woodland, scrub, hedgerows and rough grassland along the road verges. Whilst substantially less than the 11.6ha of habitat lost, this new habitat is of high-moderate quality for the species instead of the predominantly poor quality arable/improved pasture being lost and consequently it is considered that this will benefit the population associated with the wider landholding in the long term.
- 5.93 The SGTL has the additional potential to impact upon the great crested newt populations in two additional ways – mortality and fragmentation of habitat (severing of continuity of habitat presenting a barrier to free migration). The ES indicates that any traffic mortality is considered to be a low possibility, given the distances between the route and newt populations and the high grade habitat in between. Kerbs will also be battered at 45 degrees to prevent any stray newts which inadvertently access the road from becoming trapped. Fragmentation is also prevented by building in an 18m wide crossing point beneath the Ham Brook Bridge along the course of the Ham Brook. The underpass will accommodate the stream corridor, a footpath and service access. As traditional streamside habitat for newts will struggle to develop in the darkness of the underpass, two 30cm x 30cm channels of aggregate adjacent to either abutment and either side of the stream channel will be created to allow a dank, dark passage way for the newts to enable animals to traverse the underpass and access the land to the east or west.
- 5.94 Taking each of the three ‘tests’ under the Habitat Regulations 2010 in turn, development is categorised as being of ‘*overriding public interest*’ of an ‘*economic nature*’ for the purposes of European derogations (licences) and as such it is considered that PK13/1529/R3F satisfies the first test.
- 5.95 Regarding the second ‘test’, the ES includes a chapter which describes the process the scheme has gone through in deliberating over the need, route and design for the SGTL on its own and as part of the more extensive North Fringe to Hengrove project (NFH) and it is considered that this satisfactorily demonstrates that there is ‘*no satisfactory alternative*’.
- 5.96 With regard to the third ‘favourable conservation status’ test, the proposed development will result in the exclusion of newts from the working corridor during the construction phase for the SGTL; and the permanent loss of some 11.6ha of mostly low quality habitat. However, the distance between the populations to the east and west of the road is such that they are likely to be

two separate colonies rather than part of a meta-population. Additionally, the meta-population associated with the two ponds to the west will still be able to interact; and will have sufficient high quality terrestrial habitat in the environs of the water bodies; and the scheme will offset the permanent loss of habitat by creating 5.42ha of high quality terrestrial habitat (woodland, scrub, hedges and rough grassland) along the road verges. The underpass beneath the bridge over the Ham Brook will moreover contain aggregate channels within its design to enable newts to have a dank, dark corridor to traverse the otherwise partial barrier presented by the road and migrate between the habitats either side of the SGTL. Given this, it is considered that the impact of the SGTL comprising PT13/1529/R3F on the populations of great crested newts to the east and west of the road would not be *'detrimental to the maintenance of the species at a favourable status in their natural range'*

- 5.97 Crest have made representations regarding the two temporary attenuation ponds, specifically with regard to their potential to be colonised by the colony of great crested newts associated with Harry Stoke and the potential difficulties that this might present in the future when they are removed to facilitate further phases of house building.
- 5.98 It has been confirmed by the applicant that the design of the ponds and their management were always intended to be such that the ponds did not offer suitable terrestrial or aquatic habitat for the species nor would it be factored in to the calculations for the amount of green infrastructure to be provided for newts within the overall East of Harry Stoke scheme (thereby avoiding any future problems viz a viz its loss – i.e. that removing it would reduce the overall amount of habitat available to the population within the scheme and might therefore precipitate problems with European licensing). The ponds would not therefore be planted up with aquatic/marginal vegetation; and routine mowing as amenity grassland would render it sub-optimal for use by great crested newts.
- 5.99 Subject to the above provisions, it is not considered that the future removal of the ponds would present any problems re European licensing and the great crested newt colony subject to a condition regarding mowing of the grass.
- 5.100 Regarding the lighting of the footpath through the underbridge, whilst it would be preferable ecologically (use by bats) to keep it dark, the police have asked for it to be lit. It is therefore recommended that a Condition be imposed requiring the agreement of a scheme of lighting there. It could be for example that the footpath is lit but in a way that maintains darkness on the other side of the Ham Brook stream corridor.
- 5.101 *South Gloucestershire Biodiversity Action Plan*  
Paragraph 118 of the National Planning Policy Framework states that:-  
*'Opportunities to incorporate biodiversity in and around developments should be encouraged'*.
- 5.102 The South Gloucestershire Biodiversity Action Plan lists a range of species and habitats for which the Council will require developers to take measures to safeguard and enhance within planning applications (where appropriate). The

application demonstrates that the SGTL scheme will contribute towards the targets and aims of several action plans within the BAP.

5.103 With regard to the EA comments regarding providing a mammal ledge for otters under the Ham Book bridge, the Council's ecologist agrees with the applicant's ecologist that that it is unnecessary due to both the lack of otters found in surveys and the likelihood of the Brook remaining low flowing.

5.104 *Ecology conclusions*

It is considered that there are no ecological constraints to granting planning permission subject to the imposition of a number of conditions relating to water quality (Ham Brook), tree protection, great crested newts, bats, badgers, slowworms, hedgehogs, an ecological clerk of works and an landscape and ecological management plan. Subject to these conditions therefore, the proposal is in accordance with policies L9 of the SGLP, CS9 of the Emerging core strategy, and the NPPF.

5.105 Urban Design

The land across which the SGTL will run is currently a green field, Green Belt site, although it is allocated in the Core Strategy for the East of Harry Stoke New Neighbourhood.

5.106 The scale and design of the embankments associated with the proposed road will have an impact on the way in which the new neighbourhood is designed. There will be limited potential for new development to have a presence alongside the road and this is in accordance with the Framework Diagram in the draft SPD. However there is potential, at the indicative location of the local centre to bring buildings closer to the road through a split level construction.

5.107 The signage and street lighting should be well designed using minimal sizing, limited in number to the minimum according to highways regulations, and where feasible grouped to reduce any visual clutter and adverse impacts on views at all time of day and in all seasons. It would also be preferable to use lamp posts for signage to reduce the overall number of posts needed. It is considered that although the signage details have been submitted as part of the application, notwithstanding this, there should be a condition requiring the details to be agreed with the LPA prior to commencement so that a full consideration of rationalising and minimising signage and street furniture, within safety audit parameters, can take place. This will enable size, location and frequency of signage and to the scale and cumulative effect of all street furniture, particularly at the junctions, which have the potential to be cluttered with signage, to be minimised. The applicant has agreed to this condition.

5.108 It is acknowledged that the Council's urban design and landscape architect have also raised some concerns regarding the quality of the design of the bridges as proposed and have suggested other types of finish to improve the appearance of the structure in views from the Community Forest Path. However the Council's Highways and Structures and Bridge Manager has stated that the changes as suggested would render it impossible to inspect and difficult to maintain the structures. On balance the planning officer considers that these

practical issues of future maintenance override the issues of concern regarding design and hence the submitted bridge design is acceptable.

- 5.109 In terms of safety and security, as requested by Avon and Somerset Police, lay bys are proposed for the use by the police. Ducting will also be provided along the length of the road for the future installation of cables for CCTV and supplies for traffic management measures.
- 5.110 The Council's Urban Design Officer has also raised the issue of lighting under the Ham Brook Bridge, as well as the Police. The application as originally submitted did not include any lighting as it was considered unnecessary by the applicant as the bridge would be located in a rural area for the time being. The bridge would have been 'future-proofed' however to enable easy installation of lighting when necessary for the future population of the new neighbourhood. A condition will be imposed regarding lighting of the Ham Brook Bridge underpass and this will require lighting details to be agreed and this will take place in consultation with the Council's ecologist in terms of any impacts upon wildlife.
- 5.111 In terms of opportunities for energy conservation, as discussed in the lighting section of the report, the lighting will operate part time. Further, solar power will be considered for any lit signage along the route, (which will be minimal in any event). In terms of wider sustainability measures, a key aspect of the SGTL is to address the currently poor transport links and congestion and therefore a key benefit is time savings. Measures to improve public transport, walking and cycling also provide sustainability benefits, enabling the increased accessibility for more sustainable alternatives to the private car and increasing the permeability of the local pedestrian network. Positive effects with regard to energy consumption, materials, waste and soil resources should be achieved through the strategy to retain on site materials arising from the excavation, reduce construction waste and minimise materials needing to be brought into the site. It is proposed that the contractor provide a detailed Construction Environmental Energy Plan (CEMP) to finalise these proposals.
- 5.112 One of the main urban design issues in relation to the new neighbourhood East of Harry Stoke allocated in the Core Strategy, is the proposed attenuation ponds located to the east of the new road on a potentially developable area of land and therefore it is important that these areas do not become undevelopable. This is an issue that has also been raised by Crest as part of their consultation response as noted in the consultation part of this report. The applicant has advised that these ponds are temporary and are expected to be relocated in the future by the housing developer. The issue of their potential colonisation by great crested newts which would render relocation of the ponds difficult is considered under the *Ecology* section of this report.
- 5.113 The SPD for East of Harry Stoke and the conditions attached to the approved Harry Stoke 1 site require the relocation and under-grounding of the high voltage power lines within the new neighbourhood. The proposed SGTL therefore includes ducts beneath the road for the future provision of these under-grounded power lines.

5.114 The Urban Design officer considers that overall the proposal is acceptable subject to the mitigation addressed above. Although not all suggested improvements have been possible for the reasons given above, the planning officer considers that proposed scheme is acceptable in urban design terms and complies with Policies D1 and CS1 subject to the conditions suggested. Furthermore, it is considered that the proposed SGTL will not compromise the ability to provide opportunities to connect future development of the East of Harry Stoke New Neighbourhood to and across the road without compromising the aim of providing a high speed public transport scheme.

5.115 Drainage and water quality

The submitted environmental statement considers the mitigation measures relating to surface water quality, groundwater quality, attenuation, abstractions, discharges and ecology, for both construction and operation. Mitigation is proposed for the construction phase and this will be secured through a Construction Environmental Management Plan to be secured by condition.

5.116 The Strategic Flood Risk Assessment does not note any specific events within the area of the proposed SGTL or the Ham Brook. The proposal includes SUDS measures for the collection, conveyance and attenuation of anticipated surface water flows include both online tanks as well as attenuation ponds. This comprises the construction of two attenuation ponds on the eastern side of the new road, either side of the Ham Brook, and it has been assumed that these ponds are temporary due to the future development of East of Harry Stoke New Neighbourhood. (Crest have commented on the ponds in relation to newts and this matter is dealt with in the ecology section of this report.) It is also proposed to widen the existing attenuation pond adjacent to Junction 1 of the M32 in order to accommodate the additional runoff so that existing discharge rates are unaffected.

5.117 A Flood Risk Assessment has been submitted with the application and the Environment Agency has confirmed that it is acceptable and therefore the scheme has a good level of protection against flooding with the proposed mitigation measures. This includes assessment of cumulative impacts.

5.118 A condition is proposed by the EA to require the submission of a detailed drainage scheme, to include details of the pipe networks, attenuation ponds, soakaways and drainage storage tanks; storm duration model runs, discharge rates, volume of attenuation provided including 30% allowance for climate change. Subject to this condition the proposal is acceptable in drainage terms, in accordance with policy L17 and L18 of the SGLP.

5.119 Public Rights of Way issues

The proposal will affect public footpaths LWB12, 14 and 15. Footpaths LWB12 is also part of the Community Forest Path.

5.120 Footpath LWB12 will be temporarily closed during construction as it runs alongside the stream over which new bridge over the Ham Brook will be being built. The new bridge will allow the footpath- the Community Forest Path- to travel underneath without the need for any diversion or stopping up. A new spur would

be created on the west side of the new bridge to allow pedestrians up onto the footway/cycleway of the new road.

5.121 Part of Footpath LWB14 will be diverted by approximately 300-400m to take it to a crossing point on Hambrook Lane as it will not be possible to cross the new road on the existing footpath line. The part of Footpath LWB14 to the east of the new road will remain on its present line but after the diversion the part of LWB14 to the west of the new road will be on a new line.

5.122 Footpath LWB15 at present crosses a bridge belonging to the railway (which is scheduled to be removed when electrification of the line takes place) and links with Curtis Lane, a class 5 highway, to the south of the railway line. The new road runs parallel to this bridge and will have its own bridge over the railway line. Footpath LWB15 will be stopped up to the east of the new road and new links will be made onto the footway/cycleway of the new road via steps and a longer sloped access of not more than 1:12 due to the gradients involved on the east side. New links will also be made onto Curtis Lane and Riviera Way on the west side. This will be especially important for residents of the existing residential area as it will give them far improved access to the public rights of way to the south and east as well as Hambrook Lane. All the paths will require temporary closure but there are reasonable alternatives. Details of gates, surfaces, gradients, widths and lengths will be subject to a Footpath Diversion Order application in due course.

5.123 The proposed is considered to comply with the requirements of Policy LC12 of the SGLP which seeks to retain rights of way that are available for informal recreational activities.

#### 5.124 Heritage Issues

The application has been assessed in accordance with the following policies and guidance, which seek to protect the significance of designated heritage assets and their settings: -

- Planning (Listed Buildings and Conservation Areas) Act 1990
- National Planning Policy Framework, in particular chapter 12 'Conserving and Enhancing the Historic Environment' and accompanying Historic Environment Planning Practice Guide.
- Adopted South Gloucestershire Local Plan Policies L13, L15 and L10 – Listed Buildings, Locally Listed Buildings, Conservation Areas and Historic Parks and Gardens
- Other policies relating to landscape protection are also relevant.

5.125 The Environmental Statement (ES) method of assessing the impact on heritage assets cross references the value assigned to the asset and the impact of the development. The methodology used is broadly similar to that set out in the Highway Agency Design Manual for Roads and Bridges. The assessment relies on a 200m construction impact study corridor around the developed site and a 500m visual impact study corridor. This is considered sufficient for the development proposed. In addition, officers have also considered designated assets beyond the 500m buffer such as Church Lane Winterbourne conservation

area and the highly graded assets it contains, and the grade I listed Dower House and Register Stoke Park, however it has been concluded that the development would not have any impact on these assets. The Council's Conservation Officer considers that the assets identified and the value of the resource and the magnitude of change assigned are an accurate and fair assessment.

5.126 No designated heritage assets (World Heritage Sites, scheduled Monuments, Listed Buildings, Registered Parks and Gardens, Registered Battlefields, Conservation Areas) were identified within the study corridors.

5.127 The above ground heritage assets identified are non-designated – locally listed buildings, locally registered parks and gardens and entries on the Council's Historic Environment Record. The above ground assets considered are:

- 42-48 Hambrook Lane (locally listed) – Four late nineteenth century terraced houses
- Crest Hotel – Late eighteenth century garden with prospect towers, Ha Ha and gate piers
- Mulgrove Farm – a traditional nineteenth century farmhouse and outbuildings

5.128 The NPPF sets out at paragraph 132 that *'when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.'*

5.129 Paragraph 135 goes on to set out that *'the effect of an application on the significance of a heritage asset should be taken in to account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm and the significance of the heritage asset.'*

5.130 The Environmental Statement concludes that there will be a slight adverse effect on these identified heritage assets as a result of the development during its construction and operation. At operation stage this would be via the highway lighting, car headlights and traffic noise. This will be mitigated to some degree via screen planting to the roadside embankments and verges. The setting of 42-48 Hambrook Lane, especially from the rear, will be altered negatively by the development however the principal aspect of the buildings significance is the front elevation facing the road. The motorway and railway line already impact on the setting and sense of tranquillity of the building and it is not considered that the development will cause significant harm. The same can be said for the locally registered garden at Crest Hotel, which is directly adjacent to the A4174 and where extensive modern development and parking has taken place. At its northern end the proposed new road will run tight to the area of housing development, therefore minimising the impact on the setting of Mulgrove Farm. On balance the impact is therefore not considered significant.



5.131 It is concluded therefore that the development would engage policy 135 of the NPPF, having an indirect impact on non-designated heritage assets. The scale of harm is not considered to be significant. The slight adverse harm will be considered in the concluding paragraph of this report.

5.132 Archaeology

The application includes an archaeological assessment which identifies a small number of archaeological sites that will be affected by the development, but importantly highlights that there is potential for further archaeology to be present, particularly relating to the prehistoric period, throughout the SGTL construction area. The Council's archaeologist concurs with the findings of the Cultural Heritage Statement which broadly determines that the archaeological resource within the SGTL is not of such significance to preclude development and that further archaeological work can be dealt with via condition.

5.133 This would involve trial excavation across those areas that have not been subject to previous evaluation. This will result in the development of a suitable mitigation strategy, most likely involving open area excavation in areas of defined archaeology and a watching brief throughout the remainder of the area. Subject to a condition therefore, the proposal is acceptable in terms of policy L11 of the SGLP in that archaeological interests have been fully taken account of.

5.134 Construction Programme

Phasing and a construction programme has been submitted with the application. This aim is for the proposed works to start construction at the northern end of the link to Great Stoke Way and then move southwards and not reach the A4174 until 18 months later. With regard to UWE's concern regarding works to the Ring Road within UWE term time, the applicant has noted this and states that these works are not dependant on the completion of the remainder of the SGTL so there is flexibility in the programme in this regard.

5.135 Conclusion

5.136 As noted in the *Principle of Development* section of this report, the Development Plan denotes the application site as Green Belt, and for the reasons given in that section, it is necessary for the applicant to demonstrate that very special circumstances exist that outweigh the harm by reason of inappropriateness together with any other harm. Officers must consider these matters in the round and consider the overall planning balance.

5.137 Harm by way of loss of openness is considered to be caused by embankment sections of the road, bridges, the lighting and signals and the views for moving traffic along the road.

5.138 There will also be harm to visual amenity by way of the severing effect in the landscape of the road and the impact of the embankments on the landform, together with views from the local footpaths. The proposed planting will reduce visual impact in the long term, but the severance will remain. It is acknowledged however that modern housing development lies to the west, overlooking the route from Parkway North and Hambrook Lane and a new housing area is under

construction to the west of Maules Lane, which together with its new access road has reduced the rural character of the area to the south and west of the area. The area is strongly influenced by the existing infrastructure network, the M4 in the north, the M32 on the east and the Avon Ring Road on the south together with the main line railway into Parkway station, create visual and noise intrusion. Recent works on the new housing developments and access road to Harry Stoke together with sewer works, have also reduced the rural character and sense of isolation at the centre of the site.

- 5.139 Overhead power lines across the site create visual intrusion and increase the sense of urban fringe. However to the centre of the area, away from the road network, there remained an attractive rural character.
- 5.140 As noted in the heritage section of the report there will be a small element of harm in this respect.

The substantive parts of the applicant's submitted very special circumstances relate to the benefits of the road which will address currently poor transport links and significant traffic congestion which result in extended journey times and poor journey reliability in the area. Further the monetised value as a result of the whole of the NFHP, of which the SGTl is an integral part, is expected to be in the region of £3179 million for commuters and £89 million for business users. The applicant has also submitted information relating to the need for Green Belt location. The applicant further states that the scheme will result in a reduction in congestion on surrounding roads and improved accessibility from residential areas to employment areas in the North Fringe of Bristol. The operation of the existing transport network being severely restricted by the limited crossing points of the Great Western mainline rail lines in the area; the north-south movements are limited to Old Gloucester Road, Hatchet Road and Gypsy Patch These limited crossings represent a major constraint to journeys into, out of and through the area. The opportunity for widening the existing crossings in a cost effective way are limited due to the design of the existing rail structures, the extent of existing adjacent residential development in Bradley Stoke, Stoke Gifford and the boundaries created by the M4 and M32 motorways. The SGTl corridor is considered to represent the only practical means of creating a new link across the existing highway alignment. The new road link would provide improved connections, journey time savings and reliability benefits for drivers using the new road link.

Furthermore, relief for parallel routes including Hambrook Lane, Hatchet Road and old Gloucestershire Road would result in the easing of bottlenecks along these routes.

In addition, the SGTl includes a parallel segregated cycleway. The existing cycle routes are poor, with cyclists needing to dismount at Hatchet Road rail bridge and with restricted facilities along Hambrook Lane. The SGTl would provide a safer route and reduced journey times for cyclists. The footpath along the SGTl would also provide an improved link between Bradley Stoke and UWE/MoD/Bristol Business Park/proposed Rovers Stadium.

Bus services will gain significant journey times between Bradley Stoke and UWE/MoD/ BBP, with similar savings for onward journeys to central Bristol via

the M32. Enhancement of the connections to Bristol Parkway station hence encouraging the use of the rail services.

Added to the above elements of harm and submitted very special circumstances are the relevant Core Strategy policies which are considered to be a very strong material consideration given their advanced stage. Policy CS7 of the emerging Core Strategy relating to strategic transport infrastructure includes the construction of the Stoke Gifford Transport Link as a component of the North Fringe to Hengrove Package. This policy states that the Council will work with its partners to deliver within the plan period a number of key projects, one of which is the current proposal. Policy CS27 relates to the East of Harry Stoke New Neighbourhood which includes the Stoke Gifford Transport Link. This policy states that development of the new neighbourhood will not come forward until the programmed delivery of this route has been secured. In the Core Strategy the application site is not within Green Belt.

5.141 NPPF Paragraph 14 states that where relevant development plan policies are out of date, planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

5.142 It is considered that in this case the benefits of the SGTL, taken together with the advanced stage of the relevant Core Strategy policies which support the development, demonstrably outweigh the identified harm by reason of inappropriateness taken together with other harm and therefore planning permission should be granted.

## **6. RECOMMENDATION**

That planning permission be granted subject to, in the event that the Local Plan is still the Development Plan, (i.e. the Core Strategy has not been adopted), the Secretary of State will be consulted under the Town and Country Planning (Consultation) (England) Direction 2009; and subject to the following conditions:

1. The development hereby permitted shall begin before the expiration of five years from the date of this decision.

### **Reason**

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

2. All planting, seeding or turfing comprised in the landscaping details, hereby approved shall be carried out in the first planting and seeding seasons following the first use by the public of the road hereby approved, or the completion of the development, whichever is the sooner, and any trees or plants (existing or planted) which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting seasons with others of a size and species as shall reasonably be specified by the LPA.

Reason

To protect the character and appearance of the area and to accord with Policy L1 of the South Gloucestershire Local Plan.

3. The erection of the noise fence shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained as such thereafter.

Reason

In the interests of the residential amenity of the adjacent occupants long term health of the trees/hedges, and to accord with Policy L1 of the adopted South Gloucestershire Local Plan.

4. Prior to the commencement of the development hereby approved full details (including sections) of the location of the fence to be erected adjacent to part of the southern boundary of the site as indicated on drawing number BRS.3669\_49\_H shall be submitted to the Council for written approval, and such details as approved shall be fully implemented prior to the first occupation of the development hereby approved.

Reason

In the interests of residential amenity and to accord with Policy EP1 and T12 of the adopted South Gloucestershire Local Plan.

5. The development hereby approved shall be carried out in accordance with the Sustainability Statement hereby approved (Atkins April 2013).

Reason:

To achieve improved energy conservation and the protection of environmental resources and to accord with policy D1 (G) of the South Gloucestershire local Plan, and Policies CS1 and CS27 of the emerging Core Strategy.

6. No development shall take place 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 the following as necessary:
  - i. The volume and nature of the waste which will be generated through the 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.

#### 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).

7. No development shall commence until a surface water drainage scheme for the site, based on the drainage strategy principles in the ES submitted in support of the application and in accordance with sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority (LPA). Thereafter the scheme shall be constructed in accordance with the details so agreed before the development is completed.

#### Reason

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system and to ensure that a satisfactory means of drainage is provided, and to accord with Policies L17, L18 and EP1 of the adopted South Gloucestershire Local Plan.

8. An area of tipped waste material is known to have been deposited on land south of the railway at the north end of Curtis Lane. Prior to commencement of the development a suitable and sufficient ground investigation shall be carried out by a suitably qualified person to ascertain the nature of the material and assess any potential risks in terms of human health and the environment. A report detailing this shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development and any recommendations therein fully implemented. Where significant risks from contaminants are identified, prior to the commencement of development, an assessment shall be carried out to assess how any unacceptable risks will be mitigated. A report shall be submitted for the written approval of the Local Planning Authority setting out the findings and what mitigation measures are proposed to address these. Thereafter the development shall proceed in accordance with any agreed mitigation measures. Prior to completion, 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.

#### Reason

To protect controlled waters and the contamination of land and to accord with Policy L17, EP6 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the LPA for, a remediation strategy detailing how this unsuspected contamination shall be dealt

with. The remediation strategy shall be implemented as approved.

Reason

To protect controlled waters and the contamination of land and to accord with Policy L17, EP6 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. All lighting within the development hereby approved shall conform at all times with the lighting design detailed in the drawings hereby approved.

Reason

To minimise disturbance to occupiers of nearby buildings and to accord with Policy E3 and Policy EP1 of the adopted South Gloucestershire Local Plan.

11. A site specific Construction Environmental Management Plan (CEMP), shall be agreed in writing with the Local Planning Authority prior to commencement of work. This CEMP will be in accordance with the principles contained within the construction mitigation measures identified in the ES submitted pursuant to this application with the aim of to controlling primarily air quality, dust and noise and will be regularly reviewed during the construction phase with the contractor's nominated point of contact. The CEMP as approved by the Council shall be fully complied with at all times.

The CEMP shall address the following matters:

- (i) Procedures for maintaining good public relations including complaint management and public consultation
- (ii) Mitigation measures as defined in the British Standard – BS 5228: Parts 1 and 2 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance. (iv) The use of a 'Considerate Contractors' or similar regime for the site induction of the workforce highlighting pollution prevention and awareness.
- (v) Measures to control the tracking of mud off-site from vehicles.
- (vi) Adequate provision of fuel oil storage, landing, delivery and use, and how any spillage can be dealt with and contained.

Reason

In the interests of residential amenity and to accord with Policy EP1 of the adopted South Gloucestershire Local Plan.

12. The hours of working on site during the period of construction shall be restricted to 8.00 am to 6.00 pm Mondays to Fridays, and 8.00 am to 1pm 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/clearing work on any plant or machinery deliveries to the site and movement of vehicles within the cartilage of the site.

Reason

In the interests of residential amenity and to accord with Policy EP1 of the South Gloucestershire Local Plan.

13. The Locations of Site Compounds, Stores and Offices plan (drawing no. PA2.6A-1) shall be complied with at all times.

Reason

In the interests of highway safety and residential amenity, in accordance with Policies T12 of the adopted South Gloucestershire Local Plan.

14. The junction of Hambrook Lane with the Stoke Gifford Transport Link shall be 'ahead only' for Hambrook Lane.

Reason:

In the interests of residential amenity and highway safety and to accord with Policy T12 of the South Gloucestershire Local Plan

15. Prior to the commencement of the development hereby approved, details of the new bus stops shall be submitted to the LPA for approval. Such details as approved shall be implemented prior to the first use by the public of the road hereby approved.

Reason

To encourage means of travel other than the private car, in accordance with Policy T12 of the adopted South Gloucestershire Local Plan.

16. Prior to the commencement of the development hereby approved a site clearance strategy that ensures that any hedgehogs present would be fully protected shall be submitted to and approved by the Local Planning Authority in writing. All works are to be carried out in accordance with agreed strategy.

Reason

To protect the wildlife and ecological interests of the site, in accordance with Policy L9 of the adopted South Gloucestershire Local Plan.

17. Prior to the commencement of development, a mitigation strategy for reptiles (slow-worms) shall be submitted to and agreed with the LPA in writing. All works shall be carried out in accordance with said strategy, including timings as approved.

Reason

To protect the wildlife and ecological interests of the site, in accordance with Policy L9 of the adopted South Gloucestershire Local Plan.

18. Prior to the commencement of development, details of the methodology for the demolition of any buildings on site and of a 'bat house' should bats be present in any dwelling to be demolished shall be submitted to and agreed with the LPA in writing. All works shall be carried out in accordance with the details as approved.

Reason

To protect the wildlife and ecological interests of the site, in accordance with Policy L9 of the adopted South Gloucestershire Local Plan.

19. All works shall be subject to the mitigation measures for great crested newts detailed within Chapter 14: Ecological Assessment within the ES by Atkins dated April 2013 and the newt mitigation, landscape planting and works phasing drawings forming part of PK13/1529/R3F. All works shall be carried out in accordance with said measures.

Reason

To protect the wildlife and ecological interests of the site, in accordance with Policy L9 of the adopted South Gloucestershire Local Plan.

20. All works shall be subject to the mitigation measures for bats detailed within Chapter 14: Ecological Assessment within the ES by Atkins dated April 2013 and the newt mitigation drawing, landscape planting and works phasing forming part of PK13/1529/R3F (L9);

Reason

To protect the wildlife and ecological interests of the site, in accordance with Policy L9 of the adopted South Gloucestershire Local Plan.

21. Prior to the commencement of development, a tree and hedge protection plan to accord with British Standard BS5837: 2012 Trees in Relation to Construction shall be submitted to and agreed with the LPA in writing. All works shall be carried out in accordance with the approved plan and implemented prior to the commencement of development.

Reason

To protect the wildlife and ecological interests of the site, in accordance with Policy L9 of the adopted South Gloucestershire Local Plan.

22. Prior to the commencement of development, a scheme of measures to safeguard the water quality and ecological integrity of the Ham Brook watercourse (from pollutants and run-off) shall be submitted to and agreed with the LPA in writing. All works shall be carried out in accordance with measures as approved in writing.

Reason

To protect the wildlife and ecological interests of the site, in accordance with Policy L9 of the adopted South Gloucestershire Local Plan.

23. Prior to the commencement of development a landscape and ecological and management plan shall be submitted to and approved by the LPA in writing. The plan should accord with the planting plans within PK13/1529/R3F and include details of all new habitat to be created (including seed mix for species-rich grassland); its management; and a programme of monitoring of all works for a period of 5 years. Such details and timings as approved shall be fully implemented.

Reason

To protect the wildlife and ecological interests of the site, in accordance with Policy L9 of the adopted South Gloucestershire Local Plan.



24. Prior to the commencement of development, a licensed ecological 'clerk of works' shall be appointed to oversee all works relating to ecology, to include ensuring that 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 the wildlife and ecological interests of the site, in accordance with Policy L9 of the adopted South Gloucestershire Local Plan.

25. Prior to the commencement of development any suitable habitat shall be re-surveyed for badgers immediately ahead of clearance should a minimum of 12 months have lapsed between development and previous surveys, and a report provided to the LPA for written approval. If setts and badgers are present, the report should provide details of all works subject to the licensing provisions of the Protection of Badgers Act 1992. All works shall be carried out in accordance with the report as approved.

Reason

To protect the wildlife and ecological interests of the site, in accordance with Policy L9 of the adopted South Gloucestershire Local Plan.

26. The temporary attenuation areas hereby approved shall not be planted up with aquatic/marginal vegetation, and shall be routinely mown as amenity grassland to the extent to render them sub-optimal for use by great crested newts.

Reason:

In order to render the attenuation areas sub-optimal for use by great crested newts, in the interests of future development and in accordance with policy CS27 of the emerging Core Strategy.

27. Prior to the commencement of the construction of bridge over the Ham Brook, a scheme of lighting of the underpass shall be submitted to an approved in writing by the LPA. All such details as approved shall be implemented, prior to the first use of the underpass by the public.

Reason:

In order to ensure that the underpass is safe for the public whilst seeking to not preclude the use of the stream corridor by bats and in accordance with policies T12 and L9 of the South Gloucestershire Local Plan and Policy CS27 of the emerging Core Strategy.

28. Notwithstanding the details submitted pursuant to the application, prior to the commencement of the development hereby approved, details of all signage associated with the development hereby approved shall have been submitted and

approved in writing by the Local Planning Authority. The signage as approved shall be fully implemented prior to the first use by the public of the road hereby approved.

**Reason**

In the interests of visual amenity and in accordance with Policy CS27 of the emerging Core Strategy.

29. The developer shall appoint an archaeological contractor not less than three weeks prior to the commencement of any ground disturbance on site, and shall afford him, or other archaeologist nominated by the LPA access at all reasonable times in order to observe the excavations and record archaeological remains uncovered during the work. This work is to be carried out in accordance with the brief attached to this decision notice for phase 1o of the works which will involve trial trenching and a level of post-excavation assessment, followed by a review and development of a suitable mitigation strategy. Phase 2 will involve the implementation of the mitigation strategy which will be implemented in all respects, including post- excavation analysis, reporting and publication. A brief for phase 2 will be issued by the LPA in response to the results of phase 1.

**Reason:** In the interests of archaeological investigation or recording, and to accord with Policy L11 of the adopted South Gloucestershire Local Plan.

**Contact Officer: Helen Ainsley**  
**Tel. No. 01454 863643**

**CIRCULATED SCHEDULE NO. 20/14 – 16 MAY 2014**

**App No.:** PT14/1223/F  
**Site:** 8 Langthorn Close Frampton Cotterell  
 Bristol South Gloucestershire  
 BS36 2JH

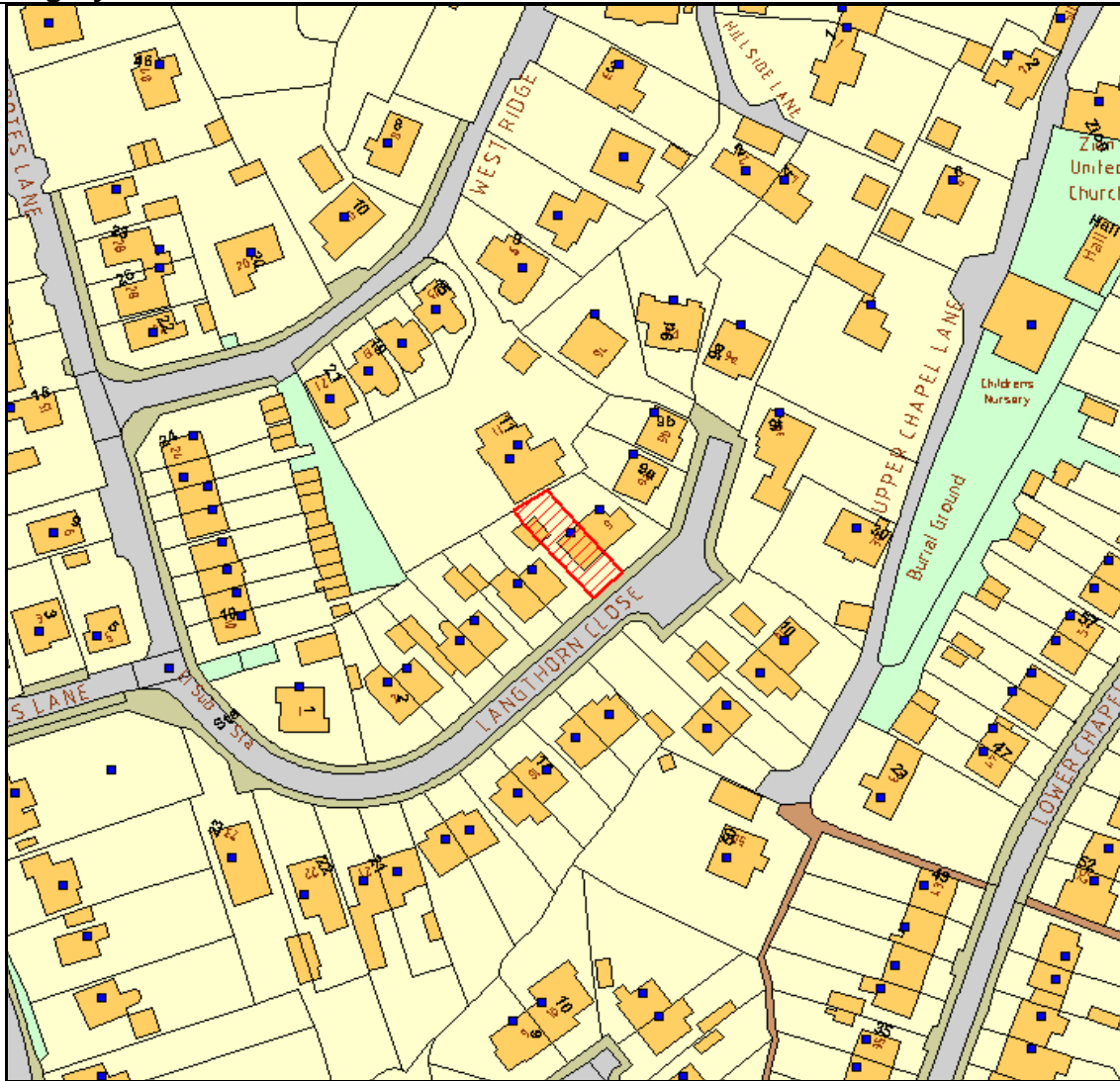
**Applicant:** Ms Clare Thornell  
**Date Reg:** 4th April 2014

**Proposal:** Erection of single storey front, first floor side and rear extension to Provide Additional Living Accommodation.

**Parish:** Frampton Cotterell Parish Council

**Map Ref:** 367062 181181  
**Application Category:** Householder

**Ward:** Frampton Cotterell  
**Target Date:** 27th May 2014



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 100023410, 2008. **N.T.S.** **PT14/1223/F**

## **INTRODUCTION**

The application appears on the circulated schedule following concerns raised by local residents whilst the officer recommendation is approval.

### **1. THE PROPOSAL**

- 1.1 The site consists of a three bed semi-detached dwelling and associated curtilage. The site is located on Langthorn Close and has driveway access on to the street.
- 1.2 The proposed development consists of the construction of a small single storey extension to the front of the dwelling which would include a small porch/entrance vestibule. It is also proposed to construct a first floor extension over the existing single storey side extension. This would provide additional living space including a further bedroom.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012

#### 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)

H4 Development within Existing Residential Curtilages, including Extensions and New Dwellings

T12 Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Residential Parking Standards

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

- 3.1 PT06/0197/F Erection of single storey side and rear extension to form utility room, extended kitchen and breakfast room

Approved June 2006

### **4. CONSULTATION RESPONSES**

#### 4.1 Frampton Cotterell Parish Council

No comment received

#### **Other Representations**

#### 4.3 Local Residents

One letter is received raising the following concerns;

There is potential for disruption to the amenity of the highway (Langthorn Close) during the construction of the development as a result of builders vehicles, plant machinery and deliveries.

### 5. **ANALYSIS OF PROPOSAL**

5.1 The proposed development consists of the construction of a domestic extension to an existing dwelling. The site is located within the settlement boundary associated with Frampton Cotterell.

#### 5.2 Principle of Development

Saved policy H4 of the South Gloucestershire Local Plan is relevant to this application. The policy indicates that the development is acceptable in principle subject to the following considerations.

#### 5.3 Design

The proposed development would effectively be constructed over the existing single storey side extension approved in 2006 and would provide additional living accommodation at first floor level. It is also proposed to extend the dwelling at the front at ground floor level to provide domestic storage and an entrance vestibule.

5.4 The topography of Langthorn Close is such that it falls steeply towards the South West; and as such the domestic dwellings take on a 'stepped' appearance along the street scene. The effect of this is that the proposed side extension would be at a higher level than the adjacent dwelling to the South West. However, this does not fall out of character with the surrounding street scene. It is noted that the adjacent dwelling to the South West has a similar extension to the side to that being proposed at the subject dwelling. The proposal is modest in scale and is consistent with the character of the existing dwelling and the surrounding locality. It is considered that the development would not act to detract from the character of the area and as such is acceptable in design terms.

#### 5.5 Residential Amenity

The subject dwelling is situated to the North East of a dwelling which benefits from a two storey side extension. The proposal subject of this application would be very similar to the adjacent development and would not extend beyond the established building line of that development. Effectively, there would be no development projecting forward of habitable windows relating to the adjacent dwelling and as such, there would be no material impact in respect of the amenity of the dwelling to the South West. In respect of the general area, the proposed development is sufficiently separated from nearby dwellings so as not to have a negative impact in residential amenity terms. The proposed development is therefore acceptable in this regard.

#### 5.6 Transportation and Highway Safety

It is noted that the proposed development would increase the bedroom space to four beds from three. This increase would trigger the need to provide two off street parking spaces in order to comply with the South Gloucestershire Residential Parking Standards (SPD). The proposal indicates that two off street parking spaces can be provided at the front of the dwelling on the existing front garden area. On this basis, the development is acceptable in respect of the provision of off street parking.

- 5.7 Notwithstanding the above, local residents have raised concern over the impact of the development on the amenity of the highway during the construction phase of the proposed development. In particular, attention is drawn to the use of the cul-de-sac for on street parking by the residents of Langthorn Close and that the concern relates to the conflict between buildings vehicles and machinery. Officer acknowledge that the development would introduce additional vehicular movements and parking during the construction phase of the development as a result of trade vehicles and deliveries. However, it is a necessary part of the development to service the construction from Langthorn Close. Whilst it is acknowledged that this may cause some inconvenience, this is not a valid reason for refusing planning permission. However, in order to control operational construction times (in the interest of the amenity of local residents) it is appropriate to impose a condition to restrict the working hours; and this would include delivery times. Whilst this would not preclude the parking of vehicles at or near to the site during the working hours it would act to ensure that this does not carry on beyond a reasonable time (in this instance 6pm is considered appropriate). In the event that obstruction of the highway occurs, this is a police matter and cannot be enforced through the planning system, or any planning permission granted at this site.

## **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 Planning Permission is granted subject to the following conditions

**Contact Officer: Simon Penketh**  
**Tel. No. 01454 863433**

**IN ACCORDANCE WITH ARTICLE 31 OF THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2010**  
**POSITIVE AND PROACTIVE STATEMENT:**

In dealing with this planning application the Local Planning Authority have worked with the applicant in a positive and proactive manner on seeking solutions to problems arising in the following ways:

The application has been dealt with in a timely manner

## **CONDITIONS**

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

### Reason

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

2. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

### Reason

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

3. The hours of working on site during the period of construction shall be restricted to 07:30 until 18:00 Monday to Friday and 08:00 to 13:00 on Saturday; 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.

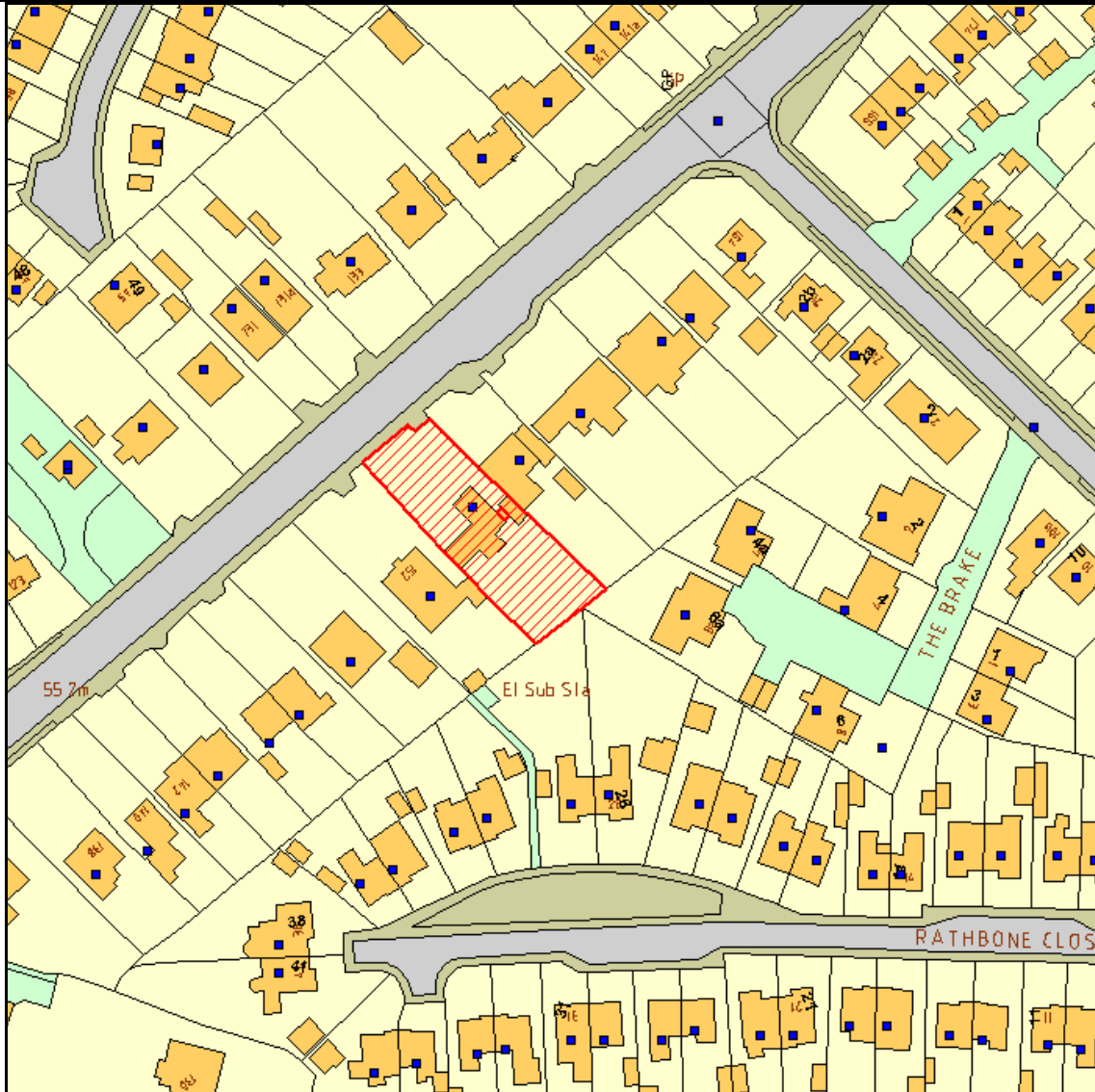
### Reason

In the interests of the residential amenity of the occupants of nearby dwellings and in the interests of the amenity of the highway and to accord with saved policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006

# ITEM 15

## CIRCULATED SCHEDULE NO. 20/14 – 16 MAY 2014

<b>App No.:</b>	PT14/1365/F	<b>Applicant:</b>	Mr And Mrs S Cole
<b>Site:</b>	154 Badminton Road Coalpit Heath Bristol South Gloucestershire BS36 2SZ	<b>Date Reg:</b>	9th April 2014
<b>Proposal:</b>	Alterations to windows in side elevation (retrospective). (Amendment to PK12/3693/F).	<b>Parish:</b>	Westerleigh Parish Council
<b>Map Ref:</b>	367145 180407	<b>Ward:</b>	Westerleigh
<b>Application Category:</b>	Householder	<b>Target Date:</b>	30th May 2014



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100023410, 2008. **N.T.S.** **PT14/1365/F**



## **REASON FOR REPORTING TO THE CIRCULATED SCHEDULE**

This application is referred to the Circulated Schedule as objections have been received from a neighbour. These are contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks part retrospective planning permission for the insertion of two windows into the side (southwest) elevation of the property. A planning application is required as a condition on a previous application removes permitted development rights.
- 1.2 Condition 3 attached to PK12/3693/F prevents any windows to be inserted (other than those expressly permitted under that application) into the property. Condition 4 of the same application requires the two high level windows on the southwest elevation to be obscure glazed.
- 1.3 A change is sought to the fenestration on the southwest elevation. New windows have been inserted that do not accord with the approved plans. The windows are larger than those permitted, one being permanently closed and obscure glazed, the other being obscure glazed but with a top opening light. The original permission was for two narrow high-level opening windows. These windows serve a kitchen and shower room.
- 1.4 A non-material amendment was submitted to the Council (PK14/0706/NMA) to alter the proposed fenestration. An objection was raised as the change could not be considered 'non-material' if it had previously been subject to a planning condition. Therefore, a planning application was required to assess the change.
- 1.5 The application is part retrospective as the windows have been inserted but the development as permitted by PK12/3693/F is not complete. As the windows have been installed, it can be treated as a retrospective application.
- 1.6 In order that the description of development accurately reflects the proposal, the description has been amended prior to circulation. The amended description does not affect the scope of works and therefore the change would not prejudice any interested party.
- 1.7 This application can only assess the proposed alteration, i.e. the windows in the southwest elevation. No other parts of the development can be assessed under this application.

### **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
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage

### South Gloucestershire Local Plan Adopted January 2006 Saved Policies

- T12 Transportation
- H4 Development within Existing Residential Curtilages

## 2.3 Supplementary Planning Guidance

- (a) South Gloucestershire Design Checklist (Adopted) August 2007
- (b) Residential Parking Standard (Adopted) December 2013

## 3. **RELEVANT PLANNING HISTORY**

- 3.1 PK14/0706/NMA                      Objection    26/03/2014  
Non-material amendment to PK12/3693/F to change size of windows to side elevation.
- 3.2 PK12/3693/F                              Approved with Conditions    21/12/2012  
Alterations to roofline including installation of rear dormer, erection of single storey front, side and rear extensions to provide additional living accommodation. Erection of detached garage.
- 3.3 P88/3235                                      Approval of Full Planning    04/01/1989  
Erection of side extension to provide garage with bedroom above. Erection of entrance porch.

## 4. **CONSULTATION RESPONSES**

- 4.1 Westerleigh Parish Council  
None received
- 4.2 Drainage  
No comment

### **Other Representations**

- 4.3 Local Residents  
One letter of objection has been received from the adjacent neighbour which raises the following points:
  - Conditions 3 and 4 of the planning permission prevent the windows as currently proposed
  - It is possible to see into the property even through the obscure glazing
  - Larger windows have an adverse impact on residential amenity

- Original plans stated that the windows needed to be high level and obscure glazed
- Proposed window increases should be refused
- Significant increases are proposed to the windows
- The development has disregarded the planning conditions
- The larger windows face directly into the adjacent property
- These conditions minimised the impact on the adjacent properties

## 5. ANALYSIS OF PROPOSAL

5.1 This application seeks planning permission for an amendment to a previously approved planning permission to alter the fenestration on the southwest elevation.

### 5.2 Principle of Development

The development is acceptable in principle as it has been established by the grant of planning permission PK12/3693/F. The proposed development requires planning permission because it is controlled by a previous planning condition. Therefore the assessment of this application must have due regard to the reasons for the imposition of the conditions and whether the proposed development would have a material impact on this reasoning.

5.3 Condition 3, relating to windows, was imposed for the reasons of achieving good design and protecting residential amenity. Condition 4 was imposed to protect privacy and amenity. Therefore, this application needs to consider the design and impacts on amenity of the amendment.

### 5.4 Design

Policy D1 of the Local Plan was used to determine the initial application. This policy is no longer part of the extant development plan having been superseded by policy CS1 of the Core Strategy when it was adopted in December 2013. Policy CS1 is broadly similar to D1 and both seek to achieve high standards of design

5.5 Larger windows are proposed over those approved under the initial application. These windows break up what was a long and relatively blank wall. The windows themselves are simple in design, being a mix of non-opening and top light opening casements.

5.6 In terms of design, the windows themselves reflect the kind of windows that are associated with residential properties and are an acceptable design. Turning to the overall design of the proposal, the windows do not in themselves illustrate poor design and are therefore acceptable within the wider development. It is therefore considered that the development accords with the necessary design considerations.

### 5.7 Amenity

Residential amenity is an important consideration with this application. Policy H4 protects residential amenity from *prejudicial* harm as a result of development.

Under PK13/3693/F it was considered that the positioning of windows needed to be subject to control by condition to prevent prejudicial harm. The assessment of this application needs to therefore take into account the level of harm that the proposed amendment would cause and make a judgement as to whether or not this would be prejudicial.

- 5.8 The flank wall of the development site is located in very close proximity to the boundary of the site. Adjacent to the boundary is no.152 Badminton Road. Along the boundary runs the driveway for the latter property which provides some degree of separation between the properties. Two windows in the northeast elevation of no.152 would be affected by the development but only one of these windows is the principal window to the room that it serves.
- 5.9 The proposed windows remain obscure glazed and this could be enforced through a planning condition. Obscure glazing at privacy level three is considered to be sufficient, even over short distances, to prevent any loss of privacy or inter-visibility despite the increase in the size of the windows. On the original scheme, both windows had opening top lights; this has now been reduced to one. Therefore, the impact on opening parts of windows is considered to be lesser than that previously approved.
- 5.10 It is not therefore considered that the proposed amendment would lead to a prejudicial impact on residential amenity. A refusal of this application on the basis that the impact is prejudicial to residential amenity would be unlikely to be sustained on appeal.
- 5.11 Along the edge of the driveway of no.152 is some planting and vegetation and the boundary wall is around 1.5 metres in height. It would therefore be possible for the occupier of no.152 to increase the height of the wall and plant screen planting without the need for planning permission which would militate against any perceived loss of privacy by the occupier of that property. These are material factors in determining this application as it further supports the view that the proposed window amendment does not have a prejudicial impact.

## **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 change to the fenestration has been assessed against the policies listed above. It is considered that the windows themselves and the impact they have on the overall design of the dwelling meet an acceptable standard of design. It is not considered that the increase in the size of the windows would result in prejudicial harm to residential amenity.

- 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 that planning permission be GRANTED subject to the conditions listed below.

**Contact Officer: Griffith Bunce**  
**Tel. No. 01454 863438**

### **CONDITIONS**

1. The two windows in the southwest elevation hereby permitted, and at all times thereafter, shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

**Reason**

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

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

**Reason**

To ensure the satisfactory external appearance of the development in the interests of visual amenity, to protect the residential amenity of the neighbouring occupiers, and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).