

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. 44/18

Date to Members: 02/11/2018

Member's Deadline: 08/11/2018 (5.00pm)

The reports listed over the page form the 'Circulated Schedule' a procedure agreed by Council in July 2018. Under the arrangement certain reports are circulated on a weekly basis. The reports assess the application, considers representations which have been received, and make a recommendation regarding the proposal.

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

Before referring an item to the Committee, it is recommended that Members speak to an officer about the issue, to explore whether any problems can perhaps be resolved without the need for referral to a Committee.

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

NOTES FOR COUNCILLORS

– formal arrangements for referral to committee

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

- a) Be made in writing using the attached form by emailing MemberReferral@southglos.gov.uk identifying the application reference and site location
- b) Within 5 working days of the date of this schedule e.g. if the schedule is published on a Friday, comments have to be received by end of the following Thursday (see cover page for the date)
- c) The request in writing must be made in writing by at least two or more Members, not being Members of the same ward
- d) In addition, the request in writing must have the written support of at least one of the Development Management Committee Chair and Spokes Members
- e) The referral should include the reasons for the referral why it would not be appropriate to permit the proposal to be determined under the delegated arrangements; the issue the proposal raises in relation to the relevant policy context and the balanced consideration that has been given to the extra costs and delay to the referral
- f) Indicate whether you have discussed the application(s) with the Case Officer and/or Development Manager
- g) Indicate whether you have discussed the application(s) with ward Member(s) if the site is outside of your ward

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

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

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

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

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

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

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

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

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

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

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

c. All applications for non-material amendments

d. All applications to discharge planning conditions

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

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

Additional guidance for Members

Always make your referral request by email to MemberReferral@southglos.gov.uk (not individual email addresses), where referrals can be picked up quickly by the Technical Support Team. Please note a copy of your referral e mail will appear on the website.

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

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

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

A template for referral is set out below:

Referral from Circulated Schedule to Development Management Committee

1. Application reference number:
2. Site Location:
3. Reasons for referral:

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

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

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

a) Referring Member:

b) Supporting Member(s) (cannot be same ward as Referring Member)
(Please attach written support):

c) Supporting Chair or Spokes Member of the Development Management Committee
(please attach written support)

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

Date:

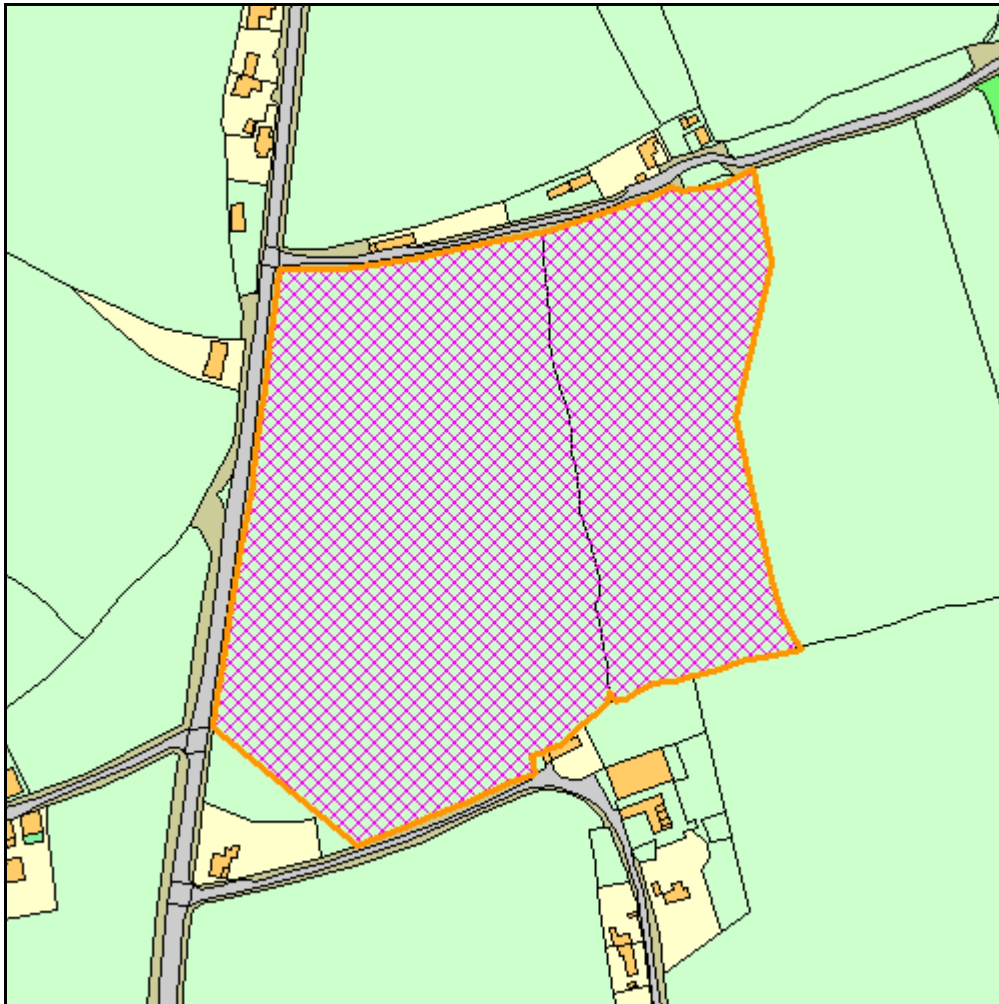
To be emailed to MemberReferral@southglos.gov.uk

CIRCULATED SCHEDULE - 2 November 2018

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK17/4552/O	Approved Subject to Section 106	Land South Of Horwood Lane Wickwar Wotton Under Edge South Gloucestershire GL12 8NY	Ladden Brook	Wickwar Parish Council
2	PK18/4208/RVC	Approve with Conditions	Emersons Green East Emersons Green South Gloucestershire BS167JN	Emersons Green	Emersons Green Town Council
3	PT17/5414/F	Approve with Conditions	Pool Farm Oldbury Lane Thornbury South Gloucestershire BS35 1RE	Severn	Oldbury-on-Severn Parish Council

CIRCULATED SCHEDULE NO. 44/18 – 2 NOVEMBER 2018

App No.:	PK17/4552/O	Applicant:	Mr Gladman Developments
Site:	Land South Of Horwood Lane Wickwar Wotton Under Edge South Gloucestershire GL12 8NY	Date Reg:	6th October 2017
Proposal:	Erection of up to 90 residential dwellings with public open space, landscaping, sustainable drainage system and vehicular access from Sodbury Road (Outline) with access to be determined. All other matters reserved.	Parish:	Wickwar Parish Council
Map Ref:	372449 187229	Ward:	Ladden Brook
Application Category:	Major	Target Date:	3rd January 2018



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

- 1.1 Members will recall that this application was heard by the Development Control (East) Committee on 3rd May 2018, where Members resolved to grant planning permission subject to planning conditions and the applicant entering into a legal agreement within 6 months of the resolution ie by 3rd November 2018.
- 1.2 It should be noted that since the resolution at the Committee, it has been agreed (through referral to the Circulated Schedule), that two clauses that obligated the applicant to provide contributions to highway improvements and a footway on the site to the north can be removed. These clauses were originally included to ensure that these works should take place in the event that the development to the north did not take place in order to ensure connectivity to the village and its facilities. The clauses have been subsequently removed as the works to the north are to take place, that developer has paid the said contributions and because this applicant no longer has control of that land to provide the footway.
- 1.3 The updated planning obligations secured by the S106 legal agreement are set out in Section 2 below.
- 1.4 The application (PK17/4552/O) sought outline consent for the erection of up to 90 dwellings with the access to be determined. All other matters were reserved for future consideration (layout, scale, appearance and landscaping). The site access was shown from Sodbury Road.
- 1.5 Work on the accompanying legal agreement has been progressing and is now very near to completion such that it is understood that the only outstanding matter is securing one necessary signature to the agreement.

Given the advanced state of negotiations, it is considered likely that the legal agreement will be completed shortly. A further one month (until 3rd December 2018) is sought to complete the agreement. As there has been no change to the application details, a full report is not provided here. The original report is attached as an appendix for reference.

- 1.6 Since the Committee Resolution there have been some changes to the planning system most notably an updated version of the National Planning Policy Framework was published in July. It is not considered that the changes made, given the current Housing Land Supply position would result in a different recommendation to that made to the committee in May.

2.0 RECOMMENDATION

- 2.1 That authority be delegated to the Director of Environment and Community Services to grant permission, subject to the conditions set out below and the applicant first voluntarily entering into an agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

a) Affordable Housing

- 35% of dwellings to be delivered as affordable housing, as defined by the NPPF (based on 90 dwellings 32 homes should be provided as affordable).
- Tenure split consisting of 73% social rent and 27% intermediate (to be delivered as shared ownership) i.e. 23 social rent and 9 shared ownership.
- In all other respects the development shall comply with the requirements as set out in para 5.15 above

Reason

To accord with Policy CS18 of the South Gloucestershire Core Strategy 2013 and the Affordable Housing and Extra Care SPD 2014

b) Transport to School

- A financial contribution of £223,440 towards the costs of providing home to (secondary) school transport

OR if transport costs are combined with the previously granted consent to the north (PK16/4006/O)

- A financial contribution of £258,0200 towards the costs of providing home to (secondary) school transport

Reason:

To accord with Policy CS6 and Policy CS23 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013

c) Public Rights of Way

- £4300 towards the diversion order for Footpath LWR/22 to recognise its route around and not through the curtilage of Pincots Cottage.
- £4300 towards the diversion order for Footpath LWR21A to link to the path to the north of Horwood Lane
- £1400 towards upgrading path furniture to include BS compliant accessible gates or kissing gates improvement for Public Rights of Way LWR22 and LWR/21A.

Reason:

To accord with Policy CS1, CS6 and CS8 of the South Gloucestershire Local Plan Core Strategy 2013 and PSP10 of the South Gloucestershire Policies Sites and Places Plan 2017

d) On and Off-Site Public Open Space and Sports Facilities

The following minimum amounts shall be provided on site

- On-site provision of 2484 sq.m of Informal Recreational Open Space

- On-site provision of 3240 sq.m of Natural and Semi-Natural Open Space (which will include surface water infrastructure)
- On-site provision of 540 sq.m of provision for children and young people (equipped children's play areas, including provision for young people)
- On-site provision of 432 sq.m of allotments
- On-site Informal Recreational Open Space, Natural and Semi-Natural Open Space, Children's and Young People provision and Allotments to be privately managed and will be subject to a Management and Maintenance Scheme. Provisions to ensure the in-perpetuity arrangements for the operation, management and maintenance of all public open spaces and surface water infrastructure that will not be adopted by a statutory undertaker. An inspection fee will be charged to ensure compliance with the approved plans prior to the transfer to any private management company.
- £173,424.15 towards off-site provision and/or enhancement of Outdoor Sports facilities (King George V Playing Fields Wickwar) and £52,489.73 towards the maintenance of this provision.

Reason:

To accord with Policy CS6 and CS24 of the South Gloucestershire Local Plan Core Strategy (Adopted)

e) Highways Works and Infrastructure

- The construction of a new access to the Council's adoptable standards together with minimum visibility splays of 2.4m by 43m including a 3m wide footway along the whole site frontage on Sodbury Road as shown on 7742 L02 F (Development Framework). The said footway shall be connected to the existing footway network in the area together with all associated highway works including lighting, drainage, kerbing of the road edge along the site frontage and signage with all details first to be agreed with the Highway Authority.
- The submission prior to the commencement of development of a Travel Plan. With the development proceeding in accordance with the approved Travel Plan. For avoidance of doubt the Travel Plan shall include measures to reduce single occupancy car use (car club), realistic modal shift targets, and a monitoring regime, together with mitigation measures in the event that targets are not met. Reason to reduce the impact of the development on the local and strategic highway networks. This obligation will require confirmation of the way the Travel Plan is to be managed.

In addition in support of the Travel Plan the following shall be provided:

£375 per dwelling (£33750 in total for 90 dwellings) towards the administration and management of the Travel Plan by South Gloucestershire Council and £200 of sustainable transport vouchers.

- The payment to the Council of its reasonable costs in connection with any traffic regulation orders or consultation procedures required for the development or the highway works and carryout forthwith any consequent physical works including associated works

Reason

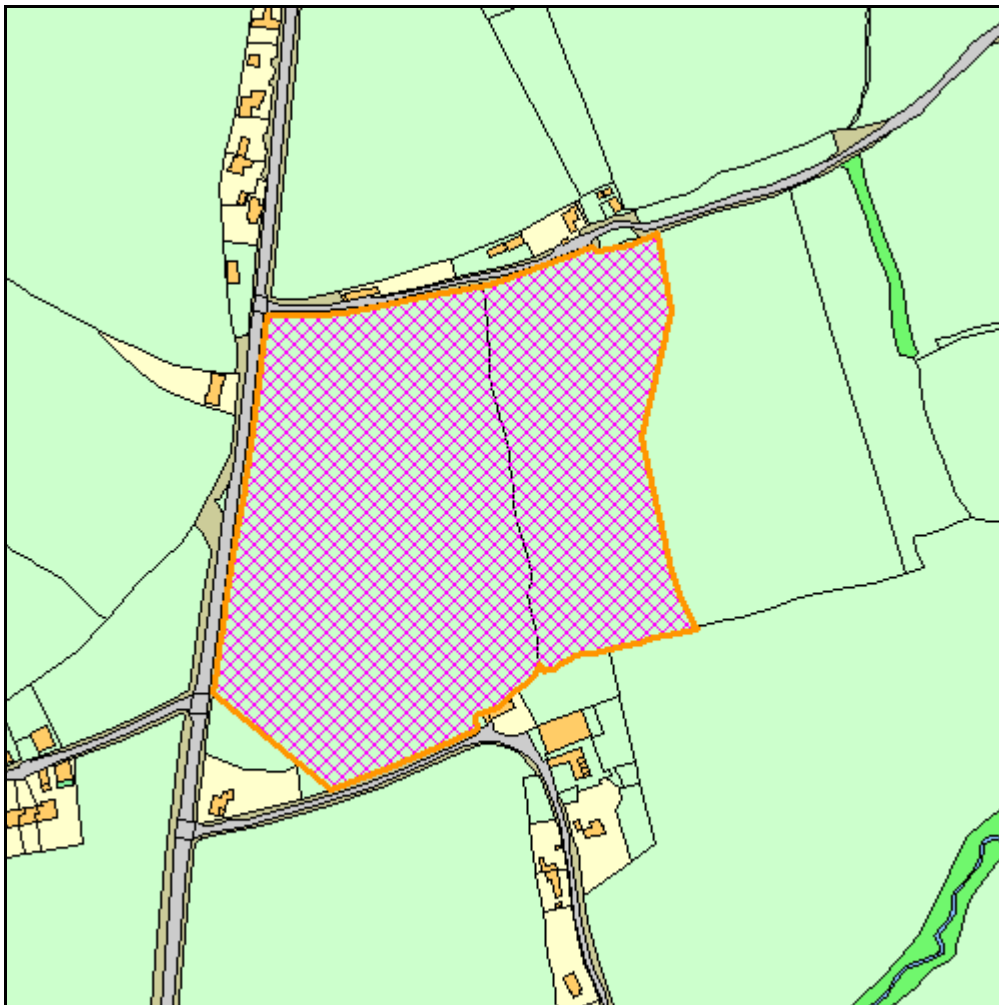
To accord with Policy CS1 and CS8 of the South Gloucestershire Local Plan Core Strategy 2013 and Policy PSP11 of the South Gloucestershire Local Plan Policies, Sites and Places Plan November 2017.

- 3.2 That should the agreement not be completed by 3rd December 2018 that delegated authority be given to the Director of Environment and Community Services to refuse the application.

Contact Officer: David Stockdale
Tel. No. 01454 866622

DEVELOPMENT CONTROL (EAST) COMMITTEE – 3 MAY 2018

App No.:	PK17/4552/O	Applicant:	Mr Gladman Developments
Site:	Land South Of Horwood Lane Wickwar Wotton Under Edge South Gloucestershire GL12 8NY	Date Reg:	6th October 2017
Proposal:	Erection of up to 90 residential dwellings with public open space, landscaping, sustainable drainage system and vehicular access from Sodbury Road (Outline) with access to be determined. All other matters reserved.	Parish:	Wickwar Parish Council
Map Ref:	372449 187229	Ward:	Ladden Brook
Application Category:	Major	Target Date:	3rd January 2018



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INTRODUCTION

This application has been referred to the Development Control Committee given its strategic importance, position outside of the settlement boundary and the 5 year housing land supply.

Members will recall that the Sites Inspection Committee visited the site on 23rd March 2018. Following the site visit, Members requested that a report be brought forward to the Committee to include the following:

- Analysis with regard access to facilities and local services to include clarification as to whether or not there is a surplus of primary and secondary school places in the area (*this information is set out in section 5.2 below*)
- An analysis of ecological issues (*this information is set out in section 5.12 below*)
- An analysis of drainage/flood risk/sewerage issues (*this information is set out in section 5.5 below*)
- Analysis with regard loss of agricultural land to include clarification as to the agricultural grading (*this information is set out in section 5.1 below*)
- Lastly Members requested a plan of the wider area to demonstrate the pedestrian routes into the village (*this will be made available for Members to view at the Committee meeting*)

1. THE PROPOSAL

- 1.1 The applicant seeks outline consent for the erection of up to 90 dwellings with the access to be determined. All other matters are reserved for future consideration (layout, scale, appearance and landscaping). The site access is shown from Sodbury Road.
- 1.2 Submitted details show an illustrative layout and landscaping, informal open space and surface water attenuation. The site area shown is 5.83 ha of which 2.57 ha (approximately 44%) would comprise built form and the remainder 3.26ha would be of Green Infrastructure, largely on the eastern side of the site comprising green space. The indicative plan shows an equipped play area, planting, hedgerows, (all existing trees are to be retained and hedgerows are to be largely retained apart from at the access), wetland area and allotments.
- 1.3 The site, that is located largely between Horwood Lane to the north and Pincots lane to the south comprises 2 different sized fields of agricultural land (grassland fields) bounded by hedgerows with some trees. The western field is separated from Sodbury Road by an established hedgerow and is predominantly level, while the eastern field separated from the other by a further established hedgerow and slopes gradually.

- 1.4 The application site lies immediately to the east of the Sodbury Road and is outside of the settlement boundary of Wickwar (which runs along Poplar Lane to the north). To the immediate north of the site between Horwood Lane and Poplar Lane outline consent for the erection of up to 80 dwellings has recently been given (PK16/4006/O – May 2017). The application site is not located within the Green Belt and is situated within Flood Zone 1, an area of low flood risk. A Public Right of Way (Prow -LWR/22/10), runs diagonally across the site from Sodbury Road to Pincots Lane while a further Prow runs from the north to the south across the eastern field). All existing trees on the site are protected by a Tree Preservation Order.
- 1.5 A screening (PK17/042/SCR) under the Town and Country Planning (Environmental Impact Assessment) Regulation 2017 has been undertaken by officers in order to determine whether the proposal exceeds the stipulated thresholds and thus requires the need for an Environment Statement in support of the application. An opinion was issued on 15th January 2018 that the development did not require an Environment Statement within the terms of the act.
- 1.6 In support of the application alongside the plans and design and access statement the applicant has submitted a Transport Assessment, Travel Plan, Ecological Appraisal and Phase 1 Site Investigation, Aborigicultural Assessment, Contamination Risk Assessment, Landscape and Visual Appraisal, Flood Risk Assessment, Landscape and Visual Assessment, Foul Sewerage and Utilities assessment, Air Quality Screening Report, Noise Assessment Report, Archaeology Desk based assessment, Statement of Community Involvement, Sustainability Statement and Socio-economic sustainability statement. Further information has subsequently been submitted during the course of the application to support the Transport Assessment and a report to cover the measures taken to address Climate Change.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework (NPPF) March 2012

National Planning Policy guidance (NPPG) 2014

National Planning Policy Framework (Draft Consultation) March 2018

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1	High Quality Design
CS2	Green Infrastructure
CS5	Location of Development
CS6	Infrastructure and developer contributions
CS7	Strategic Transport Infrastructure
CS9	Heritage and the natural environment
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing

CS20	Extra Care Housing
CS23	Community Infrastructure and Cultural Activity
CS24	Sport and recreation standards
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP6	Onsite Renewable and Low Carbon Energy
PSP8	Residential Amenity
PSP10	Active Travel Routes
PSP11	Traffic Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Diversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Residential Parking Standards SPD (Adopted 2013)
 Affordable Housing and Extra Care Housing SPD (Adopted May 2014)
 South Gloucestershire Biodiversity Action Plan (Adopted)
 The South Gloucestershire Design Check List SPD (Adopted August 2007)
 Trees on Development Sites SPD Adopted Nov. 2005
 Waste Collection Guidance for new developments January 2015 SPD
 South Gloucestershire Landscape Character Assessment (adopted Nov 2014)
 Wickwar Ridge and Vale LCA 5
 South Gloucestershire Landscape Character Assessment (adopted Nov 2014)
 Cotswold Scarp LCA 4
 South Gloucestershire Council Community Infrastructure Levy (Cil) and Section 106 Planning Obligations Guide SPD (Adopted March 2015)

Other Documents

Sustainable Access Village and Settlement Findings 2018
 Sustainable Access Public Transport Findings 2018
 Wickwar Village Plan 2005

3. RELEVANT PLANNING HISTORY

- 3.1 PK17/042/SCR (EIA Screening) Erection of up to 90 residential dwellings with public open space, landscaping, sustainable drainage system and vehicular access from Sodbury Road (Outline) with access to be determined. All other matters reserved. PK17/4552/O. (Decision -Environmental Impact Assessment not required 15th January 2018).

There is no other relevant planning history for the application site. Of relevance however is the following planning history for the land to the north of the site.

3.2 PK16/4006/O Land South Of Poplar Lane

Outline planning permission for up to 80 residential dwellings (including up to 35% affordable housing), landscaping, informal public open space, children's play area, new access and associated works (Outline) with access to be determined. All other matters reserved. Approved 24th May 2017.

PK17/5966/RM Erection of 80 dwellings with associated landscaping, including wetlands, drainage, pedestrian and vehicle links, open space including play areas, allotments and other associated infrastructure. (Reserved matters to be read in conjunction with PK16/4006/O). Pending decision.

PK18/0253/F Formation of a drainage swale associated with the disposal of surface water from the adjacent residential development site. Pending decision.

4. CONSULTATION RESPONSES

4.1 Wickwar Parish Council

Wickwar Parish Council objects to the planning application on the following grounds:

- No public or Parish Council contact or consultation has taken place.
- Further pressure on over stretched resources, Police and Emergency Services.
- Traffic congestion will increase, there by compromising highway safety and will cause noise and pollution issues.
- Deficit of school places primary and secondary schools to accommodate the 90 new residents.
- Lack of adequate public transport to support new development. The village is not well served in terms of services or frequency of service
- Character and rural location of village spoilt forever due to the loss of agricultural land and open countryside.
- There is no clear safe route from the proposal to preserve the safety and security of those leaving on foot. There is not a designated cycle route or for those who have mobility scooters of adequate provision for the disabled
- It is considered that the 90 new homes will not provide sufficient numbers of affordable homes to meet the local housing needs.
- The Design Access Statement lacks clear assessment of townscape character and therefore fails to provide and substantive commitment to enhancing local character and distinctiveness.
- Loss of agricultural land to produce food locally

Wickwar has a highly valued and distinctive landscape, including those protected for their national significance. It currently provides a rural settlement with diverse character which is valuable setting to the main urban areas contributing to a unique sense of place and identity. Wickwar also has a rich and varied habitat and a wide range of biodiversity. In conclusion the diversity and unique character of Wickwar and open countryside should be conserved and enhanced and recognised as providing a valuable setting to the main

urban area contributing to a unique sense of place and identity. (These statements are in accord with the South Gloucestershire Local Plan Core Strategy adopted 2013 Policy CS34 – Rural Areas)

Because no personal public consultation has yet taken place we recommend that the decision on this application is deferred until the results are presented to the planning committee.

In the extremely unlikely event that this application is actually approved there should be serious thought given, and funds committed, to building a Wickwar bypass. This was first considered over 50 years ago, and we still have the outline plans should South Gloucestershire Council require. This would provide the required relief from the volume of traffic through the High Street, which is currently extremely congested and already a safety problem for school children and the elderly to cross the High Street. It would also have the potential to minimise lorries in excess of 18T, and excessive speeding which plague Wickwar on a daily basis, recorded by speedwatch and lorry watch volunteers, reducing the quality of life for our Parishioners, and adding to road safety and rising pollution levels.

4.2 **Other Consultations**

Avon and Somerset Police

Having viewed the information as submitted we find the design to be in order and complies appropriately with the crime prevention through environmental design principles.

Archaeologist

Initial Comments

Whilst the application is accompanied by an archaeological desk-based assessment, I do not feel that this can provide the information necessary to make a reasoned and balanced decision. Desk-Based Assessments are limited to available knowledge and as no previous archaeological work has taken place on site, the survival of archaeology cannot be ruled out. Whilst the DBA may be correct that there is likely to be survival of medieval agricultural activity, this needs to be demonstrated as does the absence of settlement or more significant archaeology. Like other sites in the vicinity (such as the site to the north) this site must be subject to field evaluation prior to determination. As such, I recommend refusal of the application until a suitable programme of archaeological fieldwork has been submitted. In the initial phase this could be geophysics, but trial trenching may also be required prior to determination.

A geophysical survey has subsequently taken place on the site. Following this investigation the following comments (in summary) have been received.

My previous comments set out the need for a programme of archaeological fieldwork prior to determination. Subsequent to these a geophysical survey has been undertaken. Ordinarily, such a survey would be tested via trial trenching, but as the report categorically states that there are no anomalies of archaeological interest, sufficient information has been submitted to suggest that remains of national significance are unlikely to occur on site and as such there will no longer be an archaeological objection to the application.

However, I am not convinced that it has been clearly demonstrated that archaeology does not exist on site and as such further work will be required as a condition. The following condition is therefore recommended.

With the submission of any reserved matters and prior to the commencement of any groundworks, including any exempt infrastructure, geotechnical or remediation works, a programme of archaeological work and subsequent detailed mitigation, outreach and publication strategy, including a timetable for the mitigation strategy, must be submitted to and approved by the local planning authority. Thereafter the approved programme of mitigated measures and method of outreach and publication shall be implemented in all respects.

Environmental Protection

Contamination

There is no objection to the proposal however given the former use of the land potential sources of contamination have been identified in the submitted preliminary risk assessment. Conditions should be added to any decision notice to ensure a detailed site investigation to confirm whether contamination is present and then if that is the case the appropriate mitigation is undertaken. All this to take place prior to commencement of development however a condition should also require immediate action/remediation should contamination be found once work has commenced.

Noise

Having read the acoustic report prepared by Wardell Armstrong LLP reference number LE14008 and dated September 2017, I am satisfied with the conclusions drawn at the end of the report.

The dominant noise source, which could potentially affect the residents of the proposed development were identified as being the road traffic on Sodbury Road and the fence manufacturing operations at CSS. Several mitigations measures were considered in order to comply with the recommended external noise levels as well as the internal noise levels; such as barriers, enhanced acoustic glazing, acoustic ventilation and orientation of the dwellings.

No objection subject to the following condition being attached to the decision notice:

The reserved matters details to be submitted for approval referred to in condition 1 shall include a scheme for the protection of the occupiers of the dwellings hereby permitted from road traffic noise to achieve British Standard 8233:2014 internal ambient noise levels. This scheme shall be submitted to and approved in writing by the Local Planning Authority.

All relevant works that form the approved scheme shall be completed before each of the dwellings hereby permitted are first occupied. The required internal noise levels are: living rooms, 35dB LAeq 16-hour (0700 to 2300); bedrooms 30dB LAeq 8-hour (2300 to 0700). All habitable rooms must be afforded noise mitigation measures including appropriate glazing and ventilation so as to achieve the above standards. In addition the layout and/or

mitigation measures employed shall achieve a general daytime noise level in rear gardens not exceeding 55dB LAeq 16-hour (0700 to 2300) free field measurement.

Air Quality

These comments relate to the Air Quality Assessment prepared by Wardell Armstrong, dated September 2017. The assessment considers the potential impacts on local air quality during the construction and operational phases of the development and considers the relevant pollutants; nitrogen dioxide (NO₂) and fine particulate matter (PM₁₀). There are some shortcomings with the assessment, including that it was not undertaken using the preferred methodology to produce the most robust assessment of air quality impacts as advised. There are also issues which have been commented on by the Sustainable Transport Team, in that the sustainability aspect of the development is not ideal and the overwhelming number of trips from the development will be car borne. The vehicle trips also would appear to have been underestimated and cumulative impact from other committed developments in the area have not been adequately considered.

However, these shortcomings are considered unlikely to affect the overall conclusions of the assessment. The assessment concludes that the impacts on annual mean NO₂, PM₁₀ and PM_{2.5} concentrations at the existing and future receptor locations assessed are predicted to be negligible with concentrations remaining below the relevant objectives, both with and without the development in place in the proposed opening year (2022). The 2017 provisional result of SGC air quality monitoring at a worse case location in Wickwar High Street (which commenced in 2017) shows nitrogen dioxide levels are well below the relevant objectives. Based on this, the development would not be considered likely to result in exceedances of the relevant air quality objectives at this worse case location. The finalised monitoring data will be available in the 2018 Air Quality Annual Status Report due in the summer of 2018.

However, the following good practice principles identified in the “Land-Use Planning & Development Control: Planning for Air Quality” guidance produced by Environmental Protection UK (EPUK) /Institute of Air Quality Management (IAQM) (January 2017) should be applied to **all** development to reduce emissions and contribute to better air quality management:

- Where on-site parking is provided for residential dwellings, Electric Vehicle (EV) charging points for each parking space should be provided.
- All gas fired boilers to meet a minimum standard of <40mgNO_x/kWh.

It is recommended that conditions are added to this effect.

Also as suggested in the assessment (para 9.2.7), it may be possible to further reduce impacts with a green travel plan for the development. During the construction phase, the assessment identifies there will be a low risk of dust impacts so measures to mitigate the risk of dust emissions will be required to reduce impacts on nearby sensitive receptors. The assessment considers with appropriate mitigation measures in place, the overall impacts during construction will not be significant. The best practice mitigation measures identified in the assessment in Section 8.15 (although not limited to these) should be incorporated into a Dust Management Plan (DMP) which can be integrated into a Construction Environmental Management Plan (CEMP). The DMP/CEMP should be

submitted in writing to and approved by the Council prior to the commencement of any construction works. It is recommended that a condition is added to this effect.

In summary, there is no basis to object to the proposed development in respect of air quality subject to the recommended conditions above.

Housing Enabling (summary – full details of requirements are on the public website and set out in Section 5.14 below)

Housing Enabling seeks the provision of affordable housing in line with Policy CS18 of the Council's Core Strategy Development Plan. The Affordable Housing and Extra Care Housing SPD provide further guidance on this policy. The affordable housing heads of terms include:

The applicant's Planning Statement (September 2017) confirmed that 35% on-site affordable housing is proposed in line with policy CS18.

Quantum

35% of dwellings to be delivered as Affordable Housing, as defined by the NPPF, to be provided on site without any public subsidy. A planning application for 90 dwellings will generate a requirement of 32 affordable homes.

Tenure

To meet identified housing need, as set out in the Wider Bristol Strategic Housing Market Assessment (SHMA), for a mix of 73% social rent, 5% affordable rent and 22% shared ownership. As 5% affordable rent will only generate 2 affordable rent homes Housing Enabling seek the following tenure split;

- 73% social rent i.e. 23 social rent homes
- 27% intermediate i.e. 9 shared ownership homes

This is to be secured in a S106 agreement at the Outline Stage.

Public Open Space Officer (summary – full details of requirements are on the public website and set out in Section 5.13 below)

Using current average occupancy data and the proposed number of dwellings, we estimate the proposed development of 90 dwellings would generate a total population increase of 216 residents.

It is reasonable to expect the future residents of the proposed development to require access to a range of open spaces. The provision of on-site open space is welcomed. Subject to a legal agreement to secure on-site provision of Informal Recreational Open Space, Natural and Semi-Natural Open space, provision of play space for children and young people and allotments to accord with the Council's space standards and an off-site contribution towards off-site provision and/or enhancement of Outdoor Sports facilities and satisfactory provision for its future maintenance there is no objection to the proposed development.

Arts and Development Officer

No objection. The Council should apply a planning condition for a public art programme that is relevant and specific to the development and/or locality and commensurate with its size and/or importance. The programme should be integrated into the site and its phasing plan.

Children and Young People (summary – full details of requirements are on the public website and set out in Section 5.13 below)

There are surplus places at both the secondary and primary schools that serve Wickwar.

The nearest Primary School is Alexander Hosea Wickwar. The net capacity is 315 pupils. It is projected that in 2019 there will be 188 pupils giving a **surplus/deficit** of 127 pupils

The Secondary schools that will serve the development will be Chipping Sodbury School in the first instance and then Brimsham Green.

The net capacity of Chipping Sodbury School is 1147 pupils, the school is projected to have 1003 pupils by 2021 a **deficit** of 144 pupils.

The net capacity of Brimsham Green School is 1235 pupils, the school is projected to have 919 pupils by 2021, a **deficit** of 316 pupils

There is no objection to the proposed development subject to a contribution towards transport to the nearest secondary schools through a legal agreement.

Drainage Engineer

No objection to the development subject to a condition to secure a detailed Sustainable Urban Drainage system

Wessex Water

There are no existing public surface water sewers within the vicinity of the site. There must be no surface water connections to the existing public foul water sewer network. According to the submitted Flood Risk Assessment the applicant proposes to attenuate surface water on site with discharge to local watercourse. Surface water proposals will require the approval of the Lead Local Flood Authority.

An informative is advised to remind the applicant that there must be no surface water connections to the foul water sewer network. Agreement will be required to connect to the Public Sewer. The increase in dwellings has prompted a high level review of the implications for sewage treatment at Wickwar Sewage Treatment Works.

Ecologist

Initial Comments

Clarification is required on a number of points in the ecological report

- The exact location and lengths of hedgerow that will be removed to provide access for vehicles and pedestrians;
- Consideration of ground-nesting birds, such as grey partridge, that are unlikely to have been picked up during the Phase 1 survey;
- The results from dormouse surveys must be submitted before the application can be determined. The results from these surveys may require modification of design;
- The results from the reptile surveys are required before this application can be determined.

Due to the extent of proposed enhancement measures, it is likely that a Landscape and Ecological Management Plan will be required. Also, to avoid construction impacts on badgers and the Little River Avon and Tributary SNCI, this may require the provision of a pre-construction survey and Construction Environment Management Plan respectively. Furthermore, due to the known presence of two Annex II species of bat, including the lesser horseshoe bat the linear features of the site, particularly those used by lesser horseshoes, will be required to meet light requirements for this species, i.e. very low lux levels. Therefore, a lighting plan is also likely to be required. It is recommended that the application is refused until these clarifications have been provided.

Final Comments (summary – the full details are available on the Council website)

A supplementary report has been submitted to address the initial concerns raised. The amount of hedgerow to be removed has been clarified (a 67 m section for the access and visibility splay 3 metre section for the pedestrian entrance. All the hedgerows are to be replanted but there will be a net loss of 10 metres. A significant amount of woodland planting is proposed for the area to the east in compensation.

The submitted reports describe in detail the use of the site by bats. Mitigation measures for ground nesting birds are given.

Dormice are known to be present in the area and are offered full protection under the relevant legislation and are listed on the UK and South Gloucestershire Biodiversity Action Plan. A licence will be required for the development to be lawful. A mitigation strategy is accepted. No reptiles have been observed on the site.

In summary there is no ecological objection to this application. Subject to appropriate conditions it is considered that the development through the provision of enhanced landscaping will provide ecological gain for the species present.

Public Rights of Way

There are two Public rights of way (footpath) that cross the site LWR/21A running in a north south direction from Horwood Lane to Pincots Lane along the eastern side of the proposed development; and LWR/22 that runs from Sodbury Road in a south east direction to Pincots Lane by Pincot Cottage. There is an aspiration to have an off road multi user link south from Wickwar towards Chipping Sodbury. The Policies Sites and places plan PSP 10 safeguards the footpaths from adverse effect of development on amenity and utility. The Travel Plan cites that provision of facilities for cyclists and pedestrians is to be agreed with the local authority once the development has been finalised. The transport assessment cites that a pedestrian/cycle link along the site

frontage will be a main feature of the development to be agreed at reserved matters stage as it may be beneficial to site it within the hedge line to complement a link proposed on the site to the immediate north. It is preferred that it runs within the hedge rather than adjacent to the carriageway, the width should be at least 3 metres to allow for multiuse i.e. cyclists, pedestrians and horse-riders.

Multi User Link: - There is a preference for the pedestrian/cycle route to link to Pincots Lane at the southern end as well as to a junction to cross to Frith Lane to the west.

Footpaths - The development plan recognises the footpaths that run across the site and shows them on the development framework plan 7742-L-02-E as retained via landscape corridors that complies with the government advice in Rights of Way Circular 1/09. The entrances to the footpaths should be improved for accessibility with the provision of BS compliant structures such as gaps or gates according to the British Standard least restrictive option. Should the stiles not be within the control of the developer then a contribution should be made for the provision. The contribution required would be in the region of £350 per stile replacement - £at least £1400.

LWR/22 - The southern end of this footpath has a slight anomaly being shown on legal records as crossing the curtilage of Pincots cottage. A small diversion order should be made to recognise its actual route by the field gate and the access improved as above; or to create a joint entrance from the site onto Pincots Lane for cyclists, pedestrians and horse-riders from the MUP link and the diverted footpath. A contribution towards this diversion order is requested to the value of £4300.

LWR/21A runs north to Horwood lane and in order to ensure that the onward paths to Wickwar link, a minor diversion of this is requested. This is shown on the plan in blue dashes, a contribution towards this diversion is requested of £4300.

No objection subject to the above provisions made through an appropriate agreement and advices being attached to the decision notice to remind the applicant of their duties and responsibilities in relation to existing footpaths.

Landscape Officer (summary)

Landscape Visual Impact Assessment – It is felt that the submitted LVIA is a fair representation and appraisal of the proposed development and its possible effect on the visual landscape. The submitted details do not mention the cumulative impact with the development to the north or the possible impact of street lighting and other external lighting. There will be a need to consider this at the reserved matters stage when considering the layout and street lighting.

Soil Report – There is a presumption against developing Grade 1, 2 and 3a Land. An independent agricultural soils analysis has been submitted following a request (Land Research Associates Report 1224/2 12th December 2017), which identifies the land as Grade 4.

The submitted Development Plan shows a robust landscape structure which appear to conform to the relevant SGC landscape policies and objectives of the landscape strategies for LCA 4 and 5. A reduction of Green Infrastructure or the robust landscape structure at the reserved matters stage would not be acceptable.

At the reserved matters stage it will be expected that careful consideration will be given to back garden planting and particular attention be given to boundary treatments (which should not comprise close board fencing for example and should include hedge planting). There could be an opportunity for community orchard planting. It would be useful to see an illustrative sustainable drainage strategy at this stage.

Tree Officer

There are no objections in principle. The applicant has submitted an arboricultural survey which shows that the majority of the existing trees to be retained. There is no objection to the removal of the small number of trees.

The applicant will need to submit a tree protection plan and an arboricultural method statement in accordance with bs: 5837:2012 with the full planning application.

I am making an Area tree preservation order for the site.

Urban Design Officer

An initial comment was received as follows:

Objection. The D&A statement lacks a clear assessment of townscape character and therefore fails to provide any substantive commitment to enhancing local character and distinctiveness. The D&A Statement should be reviewed accordingly. Sustainability and waste principles/commitments should be simplified and clarified.

Following the submission of a revised design and access statement the following comments were received:

I have reviewed the amended Design & Access Statement (Rev D). Further to my previous comments I can confirm that the D&A statement now provides a much clearer and robust set of principles with which to inform subsequent reserved matters. I therefore now find the D&A Statement acceptable and have no further objection.

Heritage Officer (summary)

The site contains no heritage assets, and those in the immediate vicinity include the locally listed cottages on Pincots Lane to the south and the Tollgate Cottage on the main road to the north. Further west is the grade II* listed Frith Farm. This particular building is sufficiently distant and visually divorced from the application site such that development would have no impact on its setting. The application site would be a further expansion of the 20th century urban development south of the historic medieval settlement, the impact of which on the setting of the heritage assets closer to the settlement core has already been considered under PT16/4006/O as being outweighed by the benefit of the new residential development. This further expansion will extend the area of residential housing, but it will not introduce any further harm to those assets already identified as being affected by the PT16/4006/O application.

The heritage assets that will be affected are the locally listed cottages to the south along Pincots Lane. It should be noted that the submitted heritage report does not include any assessment of the setting of these non-designated heritage assets, nor an assessment of the potential impact of development on their significance. It is recommended that the applicant addresses this through a revision/update to the document.

The 1840s tithe map show the cottages to be located to the east of an area of open land around which were located small individual gardens (now removed). To the north is a single storey brick building, possibly the same building recorded in the Apportionment as an 'ox house and barton (farmyard)', the mid-20th century Hill View Farmhouse, and a 19th century cottage situated on the bend of the road.

This group of buildings occupies an open area of farmland with extensive views over the surrounding countryside. It is an area of very low density development, it being a cluster of residential and agricultural buildings to the east side of what may once have been part of the communal fields around Wickwar. The development will bring the urban form of Wickwar closer to their northern side although the extensive woodland planting along the southern boundary should mitigate this to a degree over time. The footpaths and hedgerows are retained which is welcomed. The cottages will remain in an agricultural context but it will be one that will no longer have such a clear separation and distinction from the urban settlement edge as it does at the present time. Ultimately, this will have a negative impact on the setting of these non-designated heritage assets (medium significance according to the Heritage report), but the magnitude of harm will be low, resulting in negligible to slight harm to the overall significance of the locally listed building. This may just equate to less than substantial harm in the NPPF, engaging paragraph 135 of the NPPF.

Careful consideration will need to be made at the Reserved Matters stage in relation to the form, layout and scale of the development.

Spatial Planning Team (summary)

The 2017 Authority's Monitoring Report confirms the council's housing supply at **4.66** years. Policy provisions at paragraphs 49 and 14 of the National Planning Policy Framework (NPPF) are considered to be engaged. This response is on the basis that paragraph 14 of the NPPF therefore applies to the decision making process for this application. Based on the above, additional residential development would make a positive contribution to addressing the council's lack of 5 year supply, to support the council's housing supply. It is evident that the larger the number of dwellings the greater the benefit. In accordance with the NPPF significant weight is placed on the provision of additional housing to address the lack of a 5 year supply of housing, as an important beneficial consideration under paragraph 14. However, any benefit would be subject to the applicants demonstrating that the development could and would be delivered within 5 years and that the proposals would constitute sustainable development.

The benefit of providing additional housing units from this scheme be afforded significant weight, under paragraph 14 of the NPPF, provided the new homes would be delivered within five years, to assist the five year supply of housing in South Gloucestershire.

The scale of growth proposed in this scheme, when considered in context with the adjacent and recently permitted scheme, would not in itself change the size of the settlement from one commonly associated with a medium sized village. However. I defer to specialist comments from heritage, biodiversity, tree and other relevant officers to inform the potential harm to the character of the existing village from each application. This issue carries significant weight which if significant harm was found to arise, may outweigh the benefit provided by proposed additional housing.

Suitably timed and frequent public transport connections from Wickwar to Yate and Wotton-Under-Edge could assist mitigate the lack of key services and facilities within walking and cycling distance of Wickwar itself. I defer to the case officer and transport specialists to determine if the reliance on public transport for accessing key services and facilities, would for either be likely to result in unacceptable reliance on private car journeys. In addition should the key services, facilities and bus stops within Wickwar not be accessible by walking/cycling, due lack of quality or safe routes from the application sites, the sites should then be considered reliant on private car journeys. A reliance on private car journeys to access key services and facilities would be a conflict with CS8, PSP11, provisions of NPPF and carry significant weight in determination of this, which would application outweigh potential benefits arising from the additional housing due to the proposals creating unsustainable patterns of growth and associated negative externalities.

Sustainable Transport Team (Summary/Conclusion). The full comments are available on the public website)

The view of the transport officer is to **object to this proposal** and therefore recommend REFUSAL on the basis of the travel sustainability:

In its current singular use form and location, this development will be car dependent. It is a significant distance to the local facilities within the village, and those facilities are limited in scale, and have a less convenient walking route requiring crossing the main road once or twice depending on destination, thus reducing the attractiveness for walking. The primary school is the exception to this, as is within guidance for walking distance. The potential for encouraging cycling is diminished by lack of surrounding infrastructure and high speeds of some vehicles and the mix of HGVs. The current subsidized bus services are not at an appropriate frequency or offer choice of commuting timings and destinations for a genuine alternative to car based travel, and have limited scope for travel to the missing key facilities not found within the village.

The development therefore does not accord with policies CS8 or PSP 11 in transport terms.

In addition, but not reasons for refusal in themselves, we make the following comments:

1. The traffic impact of the development is not robustly demonstrated in the applicant's assessment. The operation of the shuttle working and adjacent

priority junction at the northern end of the High Street is highly congested at peak times, and the applicant's assessment does not provide sufficient information to confirm the development's influence. The trip rates, the simplistic and theoretical assessments of the shuttle work and adjacent priority junction, and the future year analyses are not agreed. In the absence of a technically robust assessment, it is considered that this development will detriment the operation of this congested junction. Should NPPF paragraph 32 be triggered (i.e. the development is considered to be sustainable), then the influence is not considered to be severe because of the relatively small increase on background traffic levels. That is, the development will make congestion worse, and will increase queue lengths and delays, but the increases in themselves are not considered severe. It is noted that that guidance does not detail congestion or over-capacity in themselves to be limiting factors, only the severity of impact, and the officer's or Inspectors interpretation of that.

2. The proposed extension of the 30mph limit southwards (beyond the change agreed for the adjacent 80 dwelling development) is not supported. This proposed speed limit extension which is outside the control of the applicant, is to enable a reduced visibility splay access to the development, though we note that the development will be just within the 30mph limit as part of the adjacent development's proposals. The access junction design could be altered to accommodate visibility splays appropriate to the 85th percentile speed following the changes made by adjacent development, and may require, depending on what future speeds are, the cutting or moving sections of the hedge that are within the splay.

In the event that the direction of the officer report / planning balance is to support this development, the following measures may help walking, cycling and public transport use, and therefore marginally diminish the car dependence issue – these effects are not considered to alter the sustainability reason for refusal.

1. There is a reliance on measures provided by the consented 80 dwelling application as this application cannot work in without it. Prior to occupation, the following measures are required to be implemented:
 - o A three metre wide public footway / cycleway along the length of the application site, parallel to Sodbury Road from Horwood Lane to close to Poplar Lane.
 - o Provision of a financial contribution of £345,668 towards highway and infrastructure improvements in Wickwar.
2. The construction of a new access to the Council's adoptable standards together with minimum visibility splays of 2.4m by 43m including a 3m wide footway along the whole site frontage on Sodbury Road as shown on 7742 L02 F (Development Framework). The said footway shall be connected to the existing footway network in the area together with all associated highway works including lighting, drainage, kerbing of the road edge along the site frontage and signage with all details first to be agreed with the Highway Authority.

3. Prior to commencement on site a Travel Plan shall be submitted for approval, with the development proceeding in accordance with the approved Travel Plan. For avoidance of doubt the TP shall include measures to reduce single occupancy car use, realistic modal shift targets, a monitoring regime, together with mitigation measures in the event that targets are not met. Reason to reduce the impact of the development on the local and strategic highway networks. This obligation will require confirmation of the way the TP is to be managed. Other developments have contributed £375 per dwelling ($£375 * 90 = £33,750$) which includes SGC administration and management of the TP and provides £200 sustainable travel vouchers per dwelling: the £34K is considered a robust starting point. **£34,000 to be secured through S106**
4. Prior to occupation of the first dwelling on site, provide a new northbound bus stop on Sodbury Road together with all associated works opposite to the new development and with all details to be submitted at the reserved matter application. New bus stop at this location must include:
 - a) Raised pavement to allow disable access;
 - b) Bus shelter with Real-Time Passenger Information unit with the required electricity supply connected to the new bus shelter together with all associated works.
5. Prior to occupation of the first dwelling, Provide an appropriate /safe road crossing facility to the new N/B Bus stop with all associated works and with the details all to be first agreed in writing with the Highway Authority as part of the reserved matter application details.
6. The payment to the Council of its reasonable costs in connection with any Traffic Regulation Orders (TROs) or consultation procedures required for the development or the highway works and carryout forthwith any consequent physical works including associated works

4.3 Other Representations

Local Residents

There have been 243 letters received (with in some instances more than one response from the same address/correspondent) raising objections to the proposed development. The grounds of objection can be summarised as follows:

- The proposal will blur the ancient boundaries between settlements and will destroy the village character
- The developer will not be providing the facilities that are required by the village of Wickwar. There are insufficient facilities in Wickwar – school places, shops and local amenities
- There is a poor bus service which makes the site development unsustainable
- The proposal will result in more traffic congestion where the existing road infrastructure is already under pressure - The development should be assessed alongside the other large scale building in the district which will result in increased traffic, congestion, noise and pollution
- The additional traffic will result in difficulties for emergency vehicles

- The proposal represents an unsustainable form of development and is comes without the necessary local infrastructure or employment to support it
- The proposal will result in an increase if traffic entering and leaving Pincots Lane where speeds need to be reduced
- The development will result in a semi-urban sprawl with areas beginning to merge and lose their distinctiveness
- The Green Belt is being lost
- There are height and weight restrictions on nearby roads
- There are insufficient safe paths and cycle ways (children will have to walk to school). Surrounding roads are unsuitable for cycling
- The traffic information supplied is incorrect/flawed
- The socio-economic benefits stated are incorrect
- Any alteration to the field levels will result in more water running of the fields (it does at present) onto adjoining roads
- Access to the mains water pipes may be affected
- The environmental, social and economic benefits have not been correctly set out
- The development should be screened under Environmental Regulations
- The public right of way should be moved
- The area has a rich archaeological heritage and investigation of the site should be made
- The application site is not sustainable by reason of poor public transport, poor retail facilities (the submission is inaccurate). There is no transport to the nearest school Brimsham Green.
- S106 money will not be sufficient to address highway issues. Wickwar Road is very busy and is used as a route to and from Junction 14 M5.
- The applicant is only interested in making money
- The proposal will have a negative impact upon the air quality of Wickwar
- The proposal will have an adverse impact upon wildlife and the environment
- Development should not be taking place on green field land
- The development should be 100% Affordable Housing, not high end housing
- Mains drainage pipes servicing neighbouring properties are located in this field and should not be affected by the development
- The village does not have the infrastructure, shops, medical facilities, schools to serve a development of this size particularly in the light of the earlier approval
- The developer is just concerned about making money
- The final developer will seek to reduce the amount of affordable housing
- The eventual development will be different to that shown and incentives will be dropped by the final developer
- There will be no economic benefit for local business

Councillor Marian Lewis

This proposed development for 90 houses comes very swiftly after an earlier application for a similar number of houses on the field adjacent to this site and to the north.

Planning permission has been granted for the latter site already, and, taking this into account, this latest application would seem to be too much of an additional burden on the highway infrastructure, and on the amenities of the village itself.

Although this is not Greenbelt land, it is a Greenfield site. It is reasonable agricultural land, and should remain in agricultural use for the foreseeable future.

Luke Hall MP

I am writing to formally express my objection to the above planning application, namely the erection of up to 90 residential dwellings proposed by Gladman Developments. As the local MP I fully support concerned Wickwar residents and the Parish Council in opposing this project, which appears to be intended as an extension and expansion of the recently approved adjacent housing development from the same developer (PK16/4006/O).

I understand the council does not hold a 5-year supply of land, however I believe the proposed developments to be unsustainable and the result of a speculative application. Approval has already been granted for 80 new homes in the area, which already constitutes a substantial amount of new houses for a village like Wickwar. The erection of a further 90 dwellings close to this site would only increase the burden on the village and infrastructure.

Should permission be granted for this application, Wickwar will see a further increase in the volume of traffic and levels of pollution, adding to current congestion problems on the main road and considerable pressures on road infrastructure. The unsustainability of the proposals is also highlighted by the absence of any provision of additional facilities for the village such as shops, schools or other amenities to cater to the increased number of residents.

Finally, I would also like to echo the concerns of local residents regarding the proposed development's environmental impact due to the loss of agricultural land and countryside, as well as concerns about the potential erosion of the distinct character and identity of the village.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The proposal is for up to 90 residential dwellings (of which it is agreed that 35% shall be of affordable housing), with associated access, parking, hard/soft landscape works shown as, public open space/children's play area and allotments. The application is made in outline form, with the principle of the proposal and means of access to be determined at this stage and all other matters reserved for later consideration (these are appearance, landscaping, layout and scale). Even though these matters are reserved, it is appropriate to analyse them at this stage in light of the information that has been made available with this outline application, specifically the Design and Access Statement.

The National Planning Policy Framework sets out that the purpose of the planning system is to contribute to sustainable development (para 6) and the three dimensions to achieving sustainable development are an economic, environmental and social role (para 7). This application therefore stands to be assessed against whether it contributes towards achieving sustainable development in the light of the policies listed above and other material; planning considerations.

Housing Land Supply

Para 47 of the National Planning Policy Framework (NPPF) states:

Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements...

The latest five housing year supply is set out in the 2017 Annual Monitoring Report sets out the 5 year supply position:-

The five year supply deficit: **719**

Five year supply figure: **4.66**

At the time of writing this report, this position is not considered to have changed.

Para 49 of the NPPF states:

*Housing applications should be considered in the context of the presumption in favour of sustainable development. **Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites***

The “presumption” set out in Paragraph 49 is contained in paragraph 14 and includes:

- (a) Approving development proposals that accord with the development plan without delay. This is in line with the usual section 38 (6) statutory presumption in favour of the development plan.
- (b) Where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
 - (i) Any adverse impacts “would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole”. This is known as the “tilted balance” in favour of granting permission; or
 - (ii) Specific policies in the NPPF indicate development should be restricted, which include those policies under footnote 9, e.g. SSSIs, Green Belt or AONBs (“Footnote 9 Policies”).

There has been much debate about the interpretation of “*relevant policies*”, with one view being that all policies that influence housing development are out of date (the wider view) and another view being that only those policies that are specifically concerned with housing supply and location are relevant (narrow view). In May 2017 the debate was crystallised in the Supreme Court ruling on the cases Suffolk Coastal District Council v Hopkins Homes Ltd and Richborough Estates Partnership LLP v Cheshire East Borough Council.

The Supreme Court judgement accepted that “relevant policies for the supply of housing” legally requires the narrow interpretation. As such, policies that are not specifically related to housing supply will not be deemed “out of date” where a local planning authority cannot demonstrate a five year housing land supply. However, the judgement goes further than this, emphasising that the absence of a five year housing land supply triggers NPPF paragraph 14 and the “presumption in favour of sustainable development”. This means that the decision maker still needs to give weight to the lack of five year housing land supply against a wider range of policies.

The Council therefore acknowledges that Paragraph 49 as set out above is engaged and therefore those policies that relate to the supply and location of housing carry reduced weight.

CS5 the key locational policy in relation to development states that development on land such as the application site which is located in the open countryside outside a settlement boundary (but outside the Green Belt) should be strictly limited. Policy CS34 focusing on Rural Areas states that settlement boundaries around rural settlements should be maintained and that development outside those boundaries should be strictly controlled. Furthermore Policy PSP40 of the Policies, Sites and Places Plan 2017 sets out only limited circumstances where proposals for residential development in the open countryside outside settlement boundaries will be acceptable (the current proposal would not sit within these criteria). In summary therefore historically, given the locale of the proposed development there would have been an “in principle” objection to this development. Given the Council cannot demonstrate a five year housing supply, the above policies have reduced weight and thus it is necessary for decision makers to follow the requirement set out in Para 14 of the NPPF which states:

*At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision taking. **For decision taking where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework***

The housing proposed, providing it can be delivered within a five year period would contribute to the identified unmet housing need within the District. In addition it should be noted that in accordance with Policy the applicant will provide 35% of dwellings to be delivered as affordable housing, as defined by the NPPF. For the proposed development of up to 90 dwellings in total, this would equate to 32 affordable homes. This represents a significant material benefit in the planning balance undertaken to accord with para 14 of the NPPF and in achieving the social dimension of sustainable development.

In assessing whether the development can be delivered within 5 years, the Council has previously suggested 150 houses as the upper limit which informed the Planning, Sites and Places (Regulation 18) Consultation (Nov 2015) which sought to address the housing under supply issue. It is also important to note that this site has one landowner thus avoiding the legal issues that can delay delivery. The site is also not considered to have significant on-site constraints in the form of mitigation that needs to take place prior to the commencement of works which can delay the delivery in

certain locations. These factors would tend to suggest that the housing could reasonably be delivered in 5 years (notwithstanding that reserved matters permission will need to be sought and that there is a development to the north which may slow down delivery).

Loss of Agricultural Land

The application site is currently in an agricultural use as aside from the hedgerows it comprises grassland. For this reason in considering whether the development is acceptable in principle, the loss of the agricultural land is a material planning consideration.

The National Planning Policy Framework (para 112) states:

Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. Annex 2 indicates that the best and most versatile agricultural land is in grades 1, 2 and 3a.

Policy CS9 of the Core Strategy also states that development should “maximise local food cultivation by avoiding the best and most versatile agricultural land”.

The applicant has submitted a detailed agricultural land classification report undertaken by a suitably qualified person. The submitted report includes a soil analysis of each hectare in a grid across the site with the samples being taken to a maximum depth of 1.1 metres. It is concluded that there is a high clay content with poor drainage of the subsoils. For this reason the entire site has a classification of Grade 4 and thus would not fall within the definition of the most versatile agricultural land as set out in Annex 2 of the NPPF but is within the poorer quality land definition. As such its use is acceptable in the above terms.

In summary therefore the presumption against the principle of development set out in Policies CS5 and CS34 of the South Gloucestershire Local Plan Core Strategy no longer applies as these policies are out of date. Therefore as set out in paragraph 14 of the National Planning Policy Framework the remainder of this report will weigh the benefits of the scheme against the adverse impacts.

5.2 **Access to Services and Local Facilities**

Key to the social role in achieving sustainable development is the creation of built environments with accessible local services that reflect the community’s needs and support its health, social and cultural well-being. Access to facilities that can be accessed by walking, cycling and public transport is considered a vital component in determining the overall sustainability of a development (paragraphs 17 (point 11 and 12), 28, 29, 34, 37, 55 and 70 of the NPPF). Policy CS8 of the Core Strategy also states that:

New development proposals which generate significant demand for travel will be more favourably considered the nearer they are located to existing and proposed public transport infrastructure and existing facilities and services. Developments which are car dependent or promote unsustainable travel behaviour will not be supported.

Consideration of sustainable access to services and local facilities should be afforded significant weight in the overall planning balance.

Within context Wickwar is approximately 7km to the north of Chipping Sodbury and 7.5km from the nearest part of Yate. Wickwar is approximately 6.8km to the south of Wotton-under-Edge. It is at these locations that there are Secondary School, Health and Retail facilities. The major urban centres of Bristol and Gloucester are 33km and 45km away respectively.

Sustainable Access Profiles were produced in 2017 for the PSP to provide an understanding of the relative sustainable access to services and facilities in rural villages and settlements of South Gloucestershire. This forms the evidence base for the available facilities discussed in detail below.

Public Transport

Bus Services at the time of this report operating through Wickwar are as follows (Travel Line). These are supported services:

Service S8 Twice Daily to/from Katherine Lady Berkeley School Kingswood

Service 84 Stagecoach. (Monday to Saturday) Serving a circular route in one direction with the 85 in the opposite direction. Route serving Yate train station, Yate Shopping Centre, Wickwar, Cromhall, Charfield, Wotton-Under-Edge, Hawkesbury Upton, Horton, Chipping Sodbury back to Yate. Frequency is every 90 minutes

Opportunities to use public transport are therefore available but limited but would to a degree mitigate against the poor access to some facilities. It is considered however that a large number of journeys, bearing in mind the scale of the development/number of new households in relation to the availability of services, for larger shopping trips, hospital, access to the rail network and employment will be made by car. Access to schools is discussed elsewhere in this report and can potentially be mitigated by the provision of funding to support transport to the nearest Secondary school(s).

Retail Facilities

Wickwar has a small convenience store (that incorporates a Post Office), there is also one Public House. While this would provide a limited range for convenience shopping, it is not considered to provide the scale of products necessary for a weekly shop. The nearest facilities appropriate to a weekly shop are located in Chipping Sodbury, Yate and Wotton under Edge. These are the facilities that are most likely to arrange deliveries i.e. on-line shopping.

Community Facilities

Wickwar has a dedicated community centre, village hall and town Hall that are accessible on foot. There is also a Youth Centre. The nearest formal indoor leisure facilities are at Yate and Wotton under Edge.

The village of Wickwar also has a playing field (King George V) on its western edge but the proposal itself includes community allotments and a large area allocated to open space on the eastern side of the site which provides opportunities for play. This is considered to be a significant benefit and subject to be secured through a legal agreement and it being subject to an appropriate maintenance regime is considered to weigh in favour of the proposal in terms of its sustainable credentials.

Health Facilities

There is no doctor's surgery or other health facility in Wickwar. The nearest such facilities are in Chipping Sodbury/Yate and Wotton. There is a bus route to those facilities (as described above).

Education Facilities

Primary - There is a Primary School in Wickwar (Alexander Hosea Primary School).

Secondary – The nearest available schools are Brimsham Green (3.4 miles) and Chipping Sodbury School (4 miles).

As indicated above in the consultation response from Education Officers there is a projected surplus in spaces at both Primary and Secondary Schools in the area (a surplus of 127 pupils at the Wickwar Primary school by 2019 and a surplus of 144 pupils at Chipping Sodbury Secondary School by 2021). However given the distance (above three miles) and dangerous route to Secondary Schools it is considered that there would be a great tendency to drive children to school. It is for this reason that a contribution towards dedicated school transport (minibus) for the 17 additional secondary school pupils that the development would generate, to the nearest facilities has been requested and agreed and will be secured through an appropriate legal agreement.

Employment

The applicant in their submission (Socio-Economic Infographic) indicates that 99 people are expected to be economically active in employment on the site.

There are limited employment opportunities in Wickwar, with no major employers, however there are two Safeguarded Employment Areas (Core Strategy Policy CS12) located at nearby Arnolds Fields Trading Estate and Old Cider Mill Trading Estate. The presence of these two light industrial areas has to be acknowledged but they are relatively small. Wickwar Quarry employs about 60 people.

It is considered however unlikely that many of the future residents would be employed at these sites and no evidence has been supplied to justify this claim. Access to wider employment in Yate, Chipping Sodbury and Wotton under Edge is available and can be accessed by Public Transport. Access to a wider area would be most likely to be by private motor vehicle.

5.3 **Impact upon the Character and Form of Wickwar**

While as discussed above, the lack of a 5 year housing supply ensures that an automatic presumption against development in the open countryside no longer applies, consideration must still be made as to whether the dimensions to sustainable development set out in the NPPF are achieved. As part of the Social Dimension (para 7) consideration of the impact of new development upon the health, social and cultural well-being of the community is required. In addition in terms of the environmental role of planning there is a requirement for development to protect and enhance among other factors the natural and built environment.

Thus while many of the provisions of Policy CS5 (Location of Development) attract less weight when the NPPF is considered, it is considered that Policy CS5 (d) carries full weight. This is because this policy is related to the overall sustainability of a proposal (and thus in accord with the objectives of the NPPF) as significant changes in the character and form of a place can have implications on the quality of life and social cohesion within that community. The policy states that:

“any changes/proposals should be commensurate with the locality in terms of its form, character and landscape”

Moreover, CS34 (3) relates to the unique and valuable setting provided by rural areas and settlements, which contributes to a distinctive sense of place and identity. Proposals in and around rural areas and rural settlements have potential to change and harm place and identity and therefore it is important these policy matters are fully taken into account. In addition the policy states that development proposals will:

“protect the unique and valuable setting provided by rural areas to the urban areas and other settlements in South Gloucestershire, which contributes to the district’s distinctive sense of place and identity”

As a starting point to inform whether the individual application would have an impact on the form and character of Wickwar, the proportionate change in the size of Wickwar can be determined. The Sustainable Access Profile for Wickwar, released in January 2017, included a count of the number of individual dwellings within the existing settlement boundary of Wickwar, as at 2015. The Sustainable Access Methodology January 2017 includes a section on how the numbers of dwellings have been determined. The number of dwellings within the settlement boundary of Wickwar in 2015, as set out in the Sustainable Access Profile was 584 dwellings. In itself the proposed development represents an increase in the number of homes of approximately 15% (taken in conjunction with the consented scheme to the north there would be a total increase of 29.1% - 170 homes). It is considered that Wickwar with a potential total number of 754 dwellings would still be considered a medium sized village and would not undergo a strategic change to a larger village or small town.

In terms of the design of the development Policy CS1 requires new development to achieve the highest possible design and site planning. The detailed layout, scale and appearance of the development would be considered at the reserved matters stage however the scale parameters, (i.e. maximum height and number of units), are considered at this outline application stage. It is considered that the site is capable of accommodating 90 dwellings, with a density of 15.1 dwellings per hectare. This low density across the whole site reflects the provision of green infrastructure on more than a third of the site area. It is considered that the Design & Access Statement provides a clear and robust set of principles with which to inform subsequent reserved matters. In addition there is the opportunity to provide an appropriate scheme of Public Art and a condition is recommended to secure this.

5.4 **Climate Change**

When considering development Policies CS3 and CS4 of the Core Strategy support applications that seek to reduce reliance on non-renewable sources of energy and reduce energy use. Specifically PSP6 indicates that developers should be encouraged to minimise end-user energy requirements over and above those required by the building regulations and layouts should allow the efficient operation of solar technology. All major greenfield residential development will be required to reduce CO2 emissions further by at least 20%.

The applicant has submitted a very broad addendum to the design and access statement setting out that the future layout will consider the orientation of buildings to allow for the use of solar technology. In addition the scheme could include air source heat pumps, solar power amongst other technology. If the development is considered acceptable in other respects a condition is recommended that the details are submitted with the reserved matters to demonstrate that the development is in accord with the aims and objectives of the above policies.

5.5 **Flood Risk/Drainage**

Policy CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy in accord with Chapter 10 of the National Planning Policy Framework seeks to reduce and manage the impact of flood risk through location, layout, design, choice of materials and the use of Sustainable Urban Drainage Systems (Suds).

The key principle of sustainable drainage is that it is a natural approach to managing drainage in and around the development by slowing down and holding back water that runs off the site and allows natural processes to break down pollutants. On this site a successful Suds scheme is important as officers note that Horwood Lane is adjacent to a watercourse shown as being in the Environment Agency Risk of Surface Water Flooding 1 in 30 year flood extent and this cannot be exacerbated by the proposed development, and will need to be taken into consideration at detailed design. Notwithstanding this application site is located within Flood Zone 1, the lowest area of Flood Risk. In terms of surface water drainage, the Lead Local Flood Authority advise that a fully integrated Sustainable Urban Drainage system is technically possible.

No objection in principle is raised by the Lead Local Flood Authority to the development subject to a condition to secure a fully integrated Sustainable Urban Drainage Scheme. The condition, if the proposal is acceptable in other respects would detail (for the avoidance of doubt) the level of information required in order to fulfil the drainage requirements.

Given that landscaping and drainage requirements are intimately connected, particularly on a rural greenfield site such as that under consideration, the above drainage scheme will need to be submitted for approval with any future reserved matters application. This will allow the proposed landscaping and drainage to be assessed at the same time. A condition is therefore recommended that requires the submission of these drainage details with any future reserved matters application.

In addition an informative will be attached to the decision notice to advise the applicant that where works are required to any ordinary watercourse/ditch, this might require formal consent from the Council.

With respect to the foul water drainage agreement will be needed with the service provider (Wessex Water). Wessex Water state that the existing sewage treatment works has spare capacity to accommodate the development.

Subject to the above recommended condition and informatives the proposed development is considered acceptable in drainage terms.

5.6 **Environmental Protection**

Contamination

Policy CS9 indicates that new development will be expected to protect land, people and buildings from pollution and also to promote the re-use of contaminated land with appropriate remediation.

Given the previous agricultural use of the land, a preliminary risk assessment has identified the potential for the land to be contaminated. No objection to the proposal is raised subject to conditions to ensure a detailed site investigation to confirm whether contamination is present and then if that is the case the appropriate mitigation is undertaken. All this must take place prior to commencement of development however the condition will also require immediate action/remediation to take place in the event of contamination being found once work has commenced.

Noise

With respect to impact upon the development from existing noise sources, an acoustic report was requested in order to assess the impact upon the development of the nearby Country Style Supplies located slightly to the north of the site on the opposite side of Sodbury Road.

The submitted report (prepared by Wardell Armstrong LLP reference number LE14008 and dated September 2017) has been viewed by the Environmental Protection Team. The report sets out noise attenuation measures for the residential areas of the site and these would particularly apply to those on the western side of the site.

These measures include; sensitive location of gardens, provision of boundary treatments and appropriate glazing. The detailed layout is not being considered at this time however the eventual design/layout should reflect the findings of the report. A condition requiring the development to be designed in accordance with the findings of the report is therefore recommended in the interests of the amenity of future occupiers.

Air Quality

Concern has been raised that the proposed development site could be affected by existing air quality and could in itself adversely affect air quality. The detailed comments of the Council's Environmental Protection Team are set out in section 4 above.

Officers consider that the submitted Air Quality Assessment (September 2017 – Wardell Armstrong) has some shortcomings concerning the methodology of the assessment, underestimating the likely number of car borne journeys and not taking into account the potential cumulative impact of the current proposal with the previously consented scheme at the site to the north of the application site (PK16/4006/O). The Environmental Protection team do not consider that these shortcomings would affect the overall conclusions of the submitted report that pollutants are predicted to be negligible with or without the development.

Monitoring of air quality has taken place in Wickwar High Street, (described as the worst case location by the Environmental Protection Team), since 2017 and shows nitrogen dioxide levels to be well below the Council objectives. On this basis it is considered that that this development sited away from the High Street would not result in an exceedance of the relevant air quality objectives.

Subject to conditions to secure on-site electric vehicle charging points, a condition to ensure that gas fired boilers meet an appropriate minimum standard and a condition to secure a Green Travel Plan (also requested by the Sustainable Transport Team in the event of the proposal being determined as acceptable), the development is considered acceptable in these terms.

5.7 Heritage Issues

The NPPF promotes the conservation and enhancement of heritage assets. The Historic Environment is recognised as an essential tool in helping to deliver the social, economic and environmental benefits that attract people to live and work in the district. Policy CS9 seeks to ensure that new development conserves, and enhances heritage assets in a manner appropriate to their significance. PSP17 sets out that the conservation of South Gloucestershire's heritage assets is a priority and where development would result in harm to the significance of the asset it should be refused unless public benefit outweighs the harm.

The application site contains no heritage assets. Officers note that there is a Grade II* farm house in Frith Lane (Frith Farm) however this building is at too great a distance from the development for there to be an impact upon its setting.

A locally listed building sits at distance to the north of the site on the main road known as Tollgate Cottage. There are also two locally listed cottages on Pincots Lane to the south. Locally listed buildings are defined as non-designated heritage assets.

Paragraph 135 of the NPPF states that *“the effect of an application on the significance of a non-designated heritage asset should be taken into 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 the harm or loss and the significance of the heritage asset”*.

The 1840s tithe map show the cottages to be located to the east of an area of open land around which were located small individual gardens (now removed). To the north is a single storey brick building, possibly the same building recorded in the Apportionment as an ‘ox house and barton (farmyard)’, the mid-20th century Hill View Farmhouse, and a 19th century cottage situated on the bend of the road. As the proposed development would be closer to the residential built form of Wickwar (given the consented scheme to the north) there would be some impact to their setting, although it is noted that hedgerows and footpaths are to be retained. Whilst there would be some impact therefore given that the cottages would be retained within an agricultural setting, the heritage officer advises that any harm would be would be less than substantial.

This impact while less than substantial will form part of the planning balance, (the public benefit against any resultant harms), which is assessed in detail below.

5.8 **Archaeology**

Policy CS9 seeks to ensure that new development conserves, and enhances heritage assets in a manner appropriate to their significance.

The applicant has undertaken a geophysical survey of the site. The Council Archaeologist has viewed the results which indicate that there is an absence of archaeology of national significance. The results do not demonstrate clearly however that archaeology does not exist on the site and as such a detailed condition is recommended to secure trial trenching leading to the production of a detailed mitigation strategy to be applied to the construction phase of the development.

The condition would if the proposal is considered acceptable in all other respects set out that as part of the reserved matters submission and prior to the commencement of any works a programme of archaeological work and detailed mitigation, (including a timetable for that mitigation strategy), shall be agreed in writing and that the approved scheme shall then be carried out in full.

There is no objection to the proposal on archaeological grounds subject to this condition.

5.9 **Landscaping**

Policy CS1 of the Core Strategy requires that development of a sufficient scale or significance explains how it contributes towards the vision and strategic objectives of the locality. CS2 requires that existing and new Green Infrastructure is planned, delivered and managed as an integral part of delivering sustainable communities and enhancing the quality of life. Policy CS9 states that new development will be expected to *“conserve and enhance the character, quality, distinctiveness and amenity of the landscape”* and that character is identified in the South Gloucestershire Landscape

Character Assessment (Wickwar Ridge and Vale) that was adopted as a supplementary planning document in November 2014.

This is an outline application with the proposed on-site landscaping and layout being considered in detail at the reserved matters stage. Thus the principal consideration at the outline stage is the impact of the proposal upon the existing landscape character. Nevertheless the design and access statement is required to inform the detail to be brought forward at the reserved matters stage having regard to how the development responds to the site and its setting. Alongside the Design and Access Statement the applicant has submitted a Landscape and Visual Impact Appraisal (LVIA) which has been assessed by the Council Landscape Officer.

The Character Appraisal identifies key characteristics of the Wickwar Ridge and Vale indicating that it is a diverse undulating landscape covered with a mix of farmland, woodland and common and stressing that it has a strong visual relationship with the Cotswold escarpment and thus is within the setting of the Area of Outstanding Natural Beauty (AONB). It is considered that the proposed housing would be located on a relatively flat site albeit with a slight drop in levels eastwards. The site consists of pasture land bordered by small hedges and hedgerow trees. There is a continuous hedgerow frontage along Sodbury Road.

The submitted LVIA assesses the effect of the proposal on the landscape as a resource in its own right and assesses the effect on specific views as well as the general impact upon visual amenity experienced. The report assesses the effect on the landscape taking into account existing elements of the landscape that will be lost or changed and the degree to which key characteristics of the landscape will be altered by removal or addition of new elements. The report in assessing the visual effect maps views to the site from 20 points of varying distances. The report concludes that impact from the development would be localised and it states *it is considered that the proposed development within the application Site will result in an overall residual minor adverse effect upon completion. Overall it is considered the development proposals demonstrate a well-considered approach to the landscape and context of the Site and appropriate development of the Site has the potential to successfully integrate into the local surroundings without any unacceptable landscape or visual effects.*

It is considered by Officers that the LVIA is a fair appraisal of the development site and its effect on the visual landscape including the impact in relation to the AONB. Officers are mindful that careful consideration will need to be made at the detailed planning stage in relation to street and external lighting having regard to the preservation of dark skies (part of the landscape strategy for the Cotswold Escarpment).

Turning to on-site landscaping the intentions set out in the illustrative masterplan and illustrative plan within the Design and Access Statement, while this is to be considered at the reserved matters stage it will be expected that these intentions are followed through and included within this future planning application. The development considered at the reserved matters stage must have regard to the landscape strategy set out in the Landscape Character assessment which is summarised as follows:

To protect areas of tranquillity from disturbance that would harm landscape character, including lighting.

The active management of the hedgerow, tree and woodland framework.

To reinforce traditional field and hedgerow patterns

To ensure sensitive treatment for development outside the settlement boundary to ensure integration with the wider landscape. Robust framework of green infrastructure

To ensure that recreational pressures are managed through adequate provision of green infrastructure.

To ensure development respects and integrates with host landscape and/or settlement pattern and reinforces local distinctiveness.

Within this context the use of consistent boundary treatments is to be welcomed. It is considered that the planting palette for boundary and other structural planting should be kept to a minimum and be mainly native species or native in character with ecological benefits to wildlife. It is important that boundaries, reflecting the rural character are not suburban in style i.e. close boarded fencing but incorporate hedge planting. Tree planting in the back gardens of future properties is also welcome as is the provision of a Community Orchard. It is considered that the illustrative details of the proposed scheme which includes approximately one third of the site as green infrastructure satisfies the strategy as set out above. The provision of recreational play provision and through the provision of allotments to the Council's standards, the opportunity for local food cultivation also meets an objective of Policy CS2.

In summary the impact upon the existing landscape is considered acceptable in principle and the submitted details illustrate that the proposed landscaping has the potential to secure the objectives of the landscape strategy set out in the Landscape Character Assessment however the latter will be considered in detail at the reserved matters application stage.

5.10 **Impact Upon Trees**

Policies CS1, CS2 and CS9 of the Core Strategy alongside policies PSP2 and PSP3 indicate that development must safeguard, conserve and enhance existing features of the landscape. The site is covered by a tree preservation order.

The proposed area of open space within the site is welcomed and provides the opportunity for tree planting. The applicant has submitted an arboricultural survey and this shows that the majority of the existing trees on the site are to be retained. There is no objection to the removal of the small number of trees. Subject to a tree protection plan and an arboricultural method statement in accordance with bs: 5837:2012 being submitted with the future reserved matters there is no objection to the proposal.

5.11 **Public Rights of Way**

Policy CS8 of the Core Strategy 2013 states that all new development will be encouraged to support travel by other means than the private car, with this being achieved among other means by the provision of and integration of walking, cycling and public transport into the local network. The policies along with Policy CS6 allows for developer contributions to secure improvements to existing facilities.

PSP10 indicates that existing and proposed Active Travel Routes (ATRs) including Public Rights of Way will be safeguarded and where appropriate new development proposals will be expected to provide links to an existing or proposed active travel route.

These policies are fully in accord with the NPPF which seeks to promote sustainable transport indicating that Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians,

There is a long standing objective to secure a cycle way from Wickwar to Chipping Sodbury via an off road route. Provision for such a link is indicated within the hedge along the front of the site on the submitted details. Officers consider that it would be preferable for this link to link to Pincots Lane at the southern end rather than exiting onto the main road as shown originally. A condition is therefore recommended to secure the submission of full details of this link as part of a future reserved matters application (to include details of the surface and path furniture at the exit points and to ensure that works are carried out with the approved details).

Existing public footpaths cross the site, both diagonally from Sodbury Road to Pincots Lane (LWR/22) and from North to South from Horwood Lane to Pincots Lane (LWR/21A). The submitted plans show these being retained and forming part of landscape corridors (particularly LWR/21A which lies to the east of the site away from the proposed built area). This approach is welcomed in so far as the amenity value of the paths is retained. It is considered appropriate and fully in accord with the National and Local Policy objectives to secure improvements to the accessibility to these paths. It is considered appropriate and reasonable to secure improvements to these footpaths which are going to be integral to the development, help link it to the existing settlement given that they would be used more extensively. Accordingly the entrances to the footpaths should be improved for accessibility with the provision of BS compliant structures such as gaps or gates according to the British Standard least restrictive option. The applicant has indicated that they are willing to fund these improvements which would be in the region of £350 per stile replacement i.e. £1400 in total for the four entrances.

Footpath LWR/22 that crosses the site diagonally has a slight anomaly at its southern end, as it is shown on the legal record crossing the curtilage of Pincots cottage. It is considered that a diversion order should be made to recognise its actual route by the field gate. The applicant has agreed to pay a contribution towards this diversion order of £4300.

It is proposed to divert Footpath LWR/21A around Croft Cottage as part of the development to the north (PK16/4600/O) such that it exits in a new location on Horwood Lane. It is considered appropriate that this footpath that continues across the application site (from Horwood Lane to Pincots Lane) is diverted such that it joins the footpath to the north. A contribution towards this diversion has been agreed with the applicant. This contribution would be £4300.

Subject to the above condition to secure the multi-user link, S106 contributions as set out above and informatives to remind the applicant of their responsibilities to the existing public rights of way during the construction phase the proposed development is considered acceptable in terms of the Public Rights of Way. It is considered that the improvements can be considered a material benefit from the scheme.

5.12 **Ecology**

The National Planning Policy Framework (Section 11) indicates that the planning system should contribute to and enhance the natural and local environment primarily through minimising impacts and providing net gains where possible to biodiversity (para 109). Core Strategy. Policy CS9 of the Core Strategy and Policy PSP19 also require that new development shall conserve and enhance the natural environment, avoiding or minimising impacts on biodiversity.

A detailed Ecological Appraisal has been submitted with the application which has been supplemented with additional information at the request of the Council Ecologist.

The site which comprises intensive agricultural fields is not covered by any statutory or non-statutory nature conservation designations. Bishops Hill Wood – designated as a Site of Special Scientific Interest (SSSI) and Site of Nature Conservation Interest (SNCI) for its calcareous grassland and broadleaved woodland – and the Little Avon River and Tributary SNCI – designated for its open flowing water and bankside vegetation – lie to the southeast and east of the application site respectively although neither will be directly affected by the development.

Additional planting is welcomed. It is considered that the provision of the additional managed open space will have a significant benefit to local biodiversity and thus this enhancement weighs in favour of the proposal. A condition is recommended to require the submission of a Landscape and Ecological Management Plan prior the first occupation of the development. This plan will be expected to include details of the existing habitat to be safeguarded (hedges, trees and grass buffer strips) and all new habitat being created i.e. water bodies, grassland, hedged, woodland). The plan will also be expected to include details of the legal and funding mechanisms that ensure the long-term implementation of the plan are secured.

Turning to individual fauna identified in the submitted appraisal:

Badgers – Some evidence of badger activity was found on the site but no setts have been recorded within the site. The Ecologist recommends that no development should take place until a construction environmental management plan (CEMP) has been agreed to include mitigation details for among other species badgers.

Dormouse - Two potential dormouse nests have been identified on the site and these are a protected species 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 per above a CEMP is required to be submitted and agreed prior to any commencement of works.

Bats - These have been recorded within the neighbouring SSSI, 2km to the north-east (Bishops Hill Wood) and Lower Woods SSSI to the east of the site. The submitted report describes in detail the use of the site by bats. The Council Ecologist indicates that the provision of additional planting on that portion of the site to the east would be considered an ecological gain and beneficial to the bats.

A detailed condition is recommended in relation to a scheme/plan of street lighting in the interests of protecting the foraging areas. The plan should identify those areas that are sensitive and show how and where the lighting is to be installed so it can be demonstrated that the areas that are to be lit will not disturb the bats. All the lighting will be required to be installed in accordance with the details agreed.

Reptiles – slowworm and grass snake are protected under legislation and the former is also listed on the South Gloucestershire Biodiversity Action Plan. The CEMP will be required to include mitigation measures for the all reptiles.

Birds –The submitted appraisal proposes a scheme of nest boxes within the residential built form and a condition is recommended to secure this. In addition the CEMP will ensure phased vegetation clearance as per for the protection of Great Crested Newts and Reptiles.

Great Crested Newts – The submitted appraisal indicates that waterbodies both on the site and within 500m of the site were dry. One waterbody in the vicinity was found to contain a small population. The CEMP will cover measures to ensure the protection of Great Crested Newts. Generally it is considered that the proposed landscape area to the east of the site and in particular the drainage features will be beneficial to this species.

Generally it is considered that the provision of the landscaped area and associated drainage features will be of benefit to ecology. The site itself other than the hedgerow is of low ecological value. Thus the proposed landscaped area to the east of the site will represent a gain in ecological terms.

Subject therefore to conditions requiring the submission of lighting strategy for biodiversity described above, a condition to secure a construction environment management plan (CEMP) for the purposes set out above, a condition to secure a landscape and ecological management plan and lastly a condition to secure a scheme of habitat boxes for birds (including house sparrow and swift), bats and dormice there is no objection to the proposal on ecological grounds. On balance the ecological improvements represent a public benefit in the planning balance.

5.13 **Transportation**

As indicated above, this outline application fixes the position of the access. The key material considerations fall broadly into two areas, firstly whether the development is in a sustainable location and secondly whether the proposal will have an adverse impact upon the surrounding highway network.

With regard to the location of new development, para 7 of the NPPF indicates that the planning system has an economic role in contributing to a “strong, responsive and competitive economy” by ensuring that development takes place in the right place. In addition the NPPF as a core principle (para 17) states that planning should:

Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

With regard to the specific impact of development upon the highway network NPPF (para 32) states that decision-makers should take account of whether:

Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Turning to the Council's adopted policies Policy CS8 of the adopted Core Strategy states that new development proposals which generate significant demand for travel will be more favourably considered the nearer they are located to existing and proposed transport infrastructure, existing facilities and services. *"Developments which are car dependent or promote unsustainable travel behaviour will not be supported"*. Also of relevance, the policy promotes the provision of off-site local transport improvements as may be necessary and the provision and integration of walking, cycling and public transport infrastructure into the local network.

PSP11 (Transport Impact Management) reiterates the above requirements and furthermore among other criteria states that development proposals which generate a demand for travel will be acceptable where:

Appropriate, safe, accessible, convenient and attractive access is provided for all mode trips arising to and from the proposal.

Residential development proposals are located on safe, useable walking and or cycle routes that are an appropriate distance to key services and facilities and then when some key services and facilities are not accessible by walking and cycling, are located on safe, useable walking routes that are an appropriate distance in a separate table 5.23 of PSP) to a suitable bus stop facility, served by appropriate public transport services which connects to destinations containing the remaining key serves and facilities.

Development should also not among other criteria – *create or contribute to severe congestion, impact upon neighbouring amenities, have an unacceptable effect on highway and road safety*

Sustainability

As indicated above the site is located such that there are few sizeable employment opportunities within the immediate vicinity of Wickwar. Although there is one shop which includes a post office, the nearest supermarket facilities are in Wotton under Edge and Yate/Chipping Sodbury. In addition there are no health facilities in Wickwar. The nearest secondary schools are also in Yate/Chipping Sodbury which will also place a reliance on motor vehicle travel. In partial mitigation however in this regard a contribution has been secured for school transport provision.

Wickwar itself has a primary school which is currently operating under capacity

(a surplus of 127 pupils). The distance to the school is less than the two miles deemed an appropriate walking distance (as indicated above members have requested details of the route and a plan will be shown at the committee).

There is a village shop with post office, hairdressers, coffee shop/café and public house (at the other end of the village). The village has a Community Centre (Olive Pollard Rooms), Town Hall and Village Hall, Youth Club and Social Club. The village also has access to playing fields (King George V Playing fields) on the western side of the village with football pitches, cricket pitch, pavilion and playground. The application site itself will provide access to an appropriate level of open space including children's play area as well as well as be required to provide allotments.

It is considered that walking and cycling are particularly important to this development and in the assessment of how sustainable the development. The ability to access/connect to those facilities available in Wickwar itself by means other than private motor car is an important consideration. Information submitted by the applicant identifies that there are a number of facilities within the village however this does not take into account the suitability and quality of the available routes necessary to make this connection and the distance to those facilities.

In addition the shop for example is 920 metres from the nearest part of the development when an appropriate distance is 1200 metres. Community facilities such as the village hall (1330 m) and Social Club (1120m) exceed the distance of 800 m suggested in the PSP (5.23 – PSP11). Aside from the distance, there is a gap in the footway to the front of the Citroen dealership on the east side of the High Street. In addition connectivity is dependent upon the completion of the multi-use link at the site to the north and the contribution towards other works that could include crossings or other footpath works agreed as part of the S106 on the site to the north. Whilst an application for reserved matters is currently being considered on that site for the avoidance of doubt it is considered that if this application is considered acceptable a clause should be included in the S106 legal agreement for the current proposal to secure both the financial contribution and multi-user link.

Turning to Public Transport provision, PSP11 sets out in respect of new development proposals, that where some key services are not accessible by walking and cycling that they are located on safe usable walking routes that are an appropriate distance to a suitable bus stop facility served by appropriate public transport services. In more detail the supporting text to the policy states (para 5.24):

An appropriate distance to a bus stop, required by 3(ii) will normally be 400metres...;

“...An “Appropriate public transport service(s)” as a minimum means:

- i. Individual or combined services, total journey time under 1 hour; and*
- ii. at least 5 services a day during the week, 3 at weekends, to and from the destination; and,*
- iii. during the week; one service arriving at the destination before 9am, and one leaving after 5pm....”*

The provision is described in Section 5.2 above however in summary there are two bus services that cover the same route between Wotton under Edge and Yate (in opposite directions). The frequency is every 90 minutes with no service on a Sunday. There is one service at the specified times. The service therefore meets the criteria in terms of frequency but is acknowledged to be limited. The services given its destinations does give access to the nearest centres with key facilities. As with all rural services this is a supported service.

In terms of bus stops the stop secured for the development to the north (the financial contribution allows for this) would be 400m from most of the site. The existing north-bound bus stop would be 330 metres from the proposed site entrance and therefore would exceed the expected distance from a large proportion of the site. It is therefore considered appropriate to secure an additional bus stop in an appropriate location and a crossing to serve it. If the proposal is considered acceptable in other respects a condition will be recommended to secure these facilities.

In terms of cycling - There is no formal/designated cycle route within the immediate vicinity of the proposed site. The National Cycle Network Route 410 lies 1km from the site at the northern end of Wickwar via West End Road, Downs and Station Road.

The applicant has submitted a Framework Travel Plan in order to encourage more sustainable modes of travelling. It is considered weak by officers and unlikely to contribute towards creating a shift from single car use to other transport modes. Whilst not overcoming the overall concern regarding the sustainability of the site, it is considered that the submission of a Travel Plan setting out measures to reduce single occupancy car use (including consideration of a car club), realistic modal shift targets, a monitoring regime, together with mitigation measures in the event that targets are not met would provide a degree of mitigation and reduce the impact of the development on the local and strategic highway networks. In the event that the application is considered acceptable on other grounds this obligation could be secured through a S106 legal agreement. The agreement would also set out how the way the Travel Plan was to be managed. In addition in support of the Travel Plan the following shall be provided: £375 per dwelling (£33,750 in total for 90 dwellings) towards the administration and management of the Travel Plan by South Gloucestershire Council and £200 of sustainable transport vouchers.

In conclusion while measures can be taken to mitigate the impact of the proposal it is considered that the proposal will largely be dependent on car based travel and as such in the overall Planning Balance this would be deemed a harm that weighs against the scheme.

Impact upon the Highway Network

The impact upon the Highway network is assessed in two ways. Firstly the immediate impact within the vicinity of the site itself from the site access and secondly the wider impact of the development on the network as a whole.

Turning to the access, this would be onto a part of the road where the speed limit is 40 mph. As part of the adjacent development it has been agreed to reduce the limit from 40mph to 30mph with traffic management and traffic calming to be agreed. The applicant is indicating that the 30 mph restriction could be extended to include the

area outside of the site through a Traffic Regulation Order (TRO). The extension of the speed limit and traffic calming is outside of the developers control and, if agreed in principle, would require TROs and their consultation process to amend and alter it.

Making such a further change solely to secure new development is not considered good practice however the alternative mitigation would involve a much larger access/visibility splay with the resulting negative impact that the removal of more mature hedgerow would have on the rural character of the area. The NPPF is quite clear that where the impact of development can be mitigated through improvements this should be undertaken. Your Case Officer considers on balance such mitigation is preferable through the extension to the speed limit area and that if the application is considered acceptable in other respects this should be secured through the S106 development.

Turning to the impact upon the wider network, in traffic terms, the proposal will result in an increase of traffic movements in the area. As set out above in considering the sustainability of the site, the development would be largely dependent upon car-borne traffic. A particular concern is that the development would add additional traffic to the existing congestion that occurs at the shuttle signalised section at the northern end of the High Street and the adjoining junction between the B4060 (Station Road) and the B4509 (Downs).

The applicant has submitted information to assess the impact upon the junction however this information is not sufficient. Trip generation levels are not agreed and appear to be lower than likely; the effect of consented developments including North Yate New Neighbourhood, have not been considered in the detail required. In addition simplistic traffic modelling has been used to independently assess the priority junction of The Downs with Station Road, and a spreadsheet to model the shuttle works. Neither of these models has been validated, and do not reflect the current queues which can extend in the morning peak along the length of the High Street, and in the evening peak extend on The Downs back to the national speed limit marker at Church Lane and beyond.

Your officers do not consider that there is a clear option to improve the operation or add to the capacity of the shuttle traffic signals which has a 110m section where one direction of traffic follows the other and so on. This is a key traffic route for those who wish to travel north and access the M5 (at junction 14 – Falfield), from north Yate and site observations shows that the shuttle signals do not have sufficient capacity in peak periods.

The additional traffic from this development will have a small effect numerically on this junction in peak periods, but that effect is exaggerated because the junction is currently at, and over-capacity in peak periods. The existing traffic flows do not include the significant and consented North Yate New Neighbourhood, nor the adjacent 80 dwelling development. Cumulatively these developments will result in a greater impact at this location.

Notwithstanding these concerns, the NPPF refers to development only being refused or prevented where the impact is severe without giving a definition of “severe”. Within this context it is not considered that the numerically small increase in traffic numbers generated by this development and the impact of this development would justify the

refusal of the application on these grounds. Nevertheless this impact would be weighed against the overall benefits of the proposal.

5.14 **PLANNING OBLIGATIONS**

The Development will be CIL liable so the S106 requirements (Planning Obligations) would be secured in addition to the CIL liability. Unlike planning obligations the collection and liability for CIL is not -negotiable as part of the planning application.

The Community Infrastructure Levy Regulations 2010 set out the limitations of the use of Planning Obligations when considering planning applications... Essentially the regulations (regulation 122) provide 3 statutory tests to be applied to Planning Obligations and sets out that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is;

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.

In this instance, it is considered that the following planning obligations are required in order to secure financial contributions towards: the provision of Affordable Housing; the provision of new and works to existing Public Rights of Way; the provision of a financial contribution towards transport to the nearest Secondary School; the provision of on-site open space/green infrastructure with all necessary provisions to ensure its operation, maintenance and management (public open spaces and surface water infrastructure), the provision of a financial contribution towards off-site provision and/or enhancement of Outdoor Sports facilities, and the provision of necessary highway infrastructure are consistent with the CIL Regulations (Regulation 122).

5.15 **Affordable Housing**

Affordable Housing is sought in line with Policy CS18 of the Core Strategy and Affordable Housing/Extra Care Housing SPD. Accordingly the provision of the following terms (secured in a S106 agreement) is necessary for policy compliant scheme:

- 35% of dwellings to be delivered as affordable housing, as defined by the NPPF (based on 90 dwellings 32 homes should be provided as affordable).
- Tenure split of 73% social rent, 5% affordable rent and 22% intermediate housing, as identified by the Wider Bristol Strategic Housing Market Assessment (SHMA) 2015. In this instance as a scheme of 90 dwellings would only trigger 2 homes for affordable rent it is considered that a tenure split consisting of 73% social rent and 27% intermediate (to be delivered as shared ownership) i.e. 23 social rent and 9 shared ownership is appropriate.

- A range of affordable unit types to meet housing need based upon the findings from the SHMA 2015 shown below. As an outline application the housing mix/types are not known at this stage however this indicates the mix percentages.

Social Rent

Percentage	Type	Min Size m2
15%	1 bed 2 person flats	50
15%	2 bed 4 person flats	70
28%	2 bed 4 person houses	79
34%	3 bed 5 person houses 2 storey	93
8%	4 bed 6 person houses 2 storey	106

Shared Ownership

Percentage	Type	Min Size m2
8%	1 bed 2 person flats	50
16%	2 bed 4 person flats	70
35%	2 bed 4 person houses	79
41%	3 bed 5 person houses 2 storey	93
0%	4 bed 6 person houses 2 storey	106

Affordable homes to be built in line with the same standards as the market units (if higher) and include Lifetime Homes standard, Part 2 of Secured by Design, and compliance with the RP Design Brief as follows;

- i. All rear gardens to be turfed and generally to have 1.8m high close boarded fencing to boundaries and privacy panels;
- ii. All properties to have vinyl/tiles on floor in all ground floor rooms;
- iii. Ceiling height tiling to 3 sides of bathroom to be provided;
- iv. Provide wall mounted shower (either electric or valve and kit);
- v. Provide gas and electric points to cooker space (where gas is available);
- vi. Painted softwood curtain battens to each window (where construction is traditional as opposed to timber frame)

8% of the affordable homes provided to meet wheelchair accommodation standards. 8% (3) of the affordable dwellings should be provided as social rented wheelchair accommodation.

Clustering and Distribution

Affordable homes to be distributed throughout the site in clusters of no more than 6 units. No more than 6 affordable homes should share an entrance and communal areas. Registered Providers would generally expect flats within a single block to be of the same tenure.

Delivery Mechanism

The Council to refer potential occupants to all first lettings and 75% of subsequent lettings.

Delivery is preferred through the Council's list of Approved Registered Providers. In the event of the developer choosing a Registered Provider from outside the partnership then the same development and management standards will need to be adhered to.

Affordable housing to be built at the same time as the rest of the housing on site in line with agreed triggers as per S.106 agreement. Where the development will proceed over more than one phase, the location, amount, type and tenure of the affordable housing in each phase will need to be set out in an Affordable Housing Masterplan and Schedule. The plan and schedule to be approved prior to submission of the first residential Reserved Matters application.

Rent Levels and Affordability

Social rent homes to be let at Target Rent, set in accordance with the Direction on the Rent Standard 2014. Shared ownership homes to be sold at no more than 40% of the market value, and the annual rent on the equity retained by the RP should be no more than 1.5%.

Affordable rented homes to be let at no more than of 80% local median market rents including service charges, in line with NPPF definition. Service charges will be capped at £650 (April 2016 base) to ensure that all housing costs are affordable to potential occupants.

Capital receipts on intermediate housing to be recycled as capital expenditure on approved affordable housing schemes in South Gloucestershire, on the basis that the subsidy increases by any capital appreciation on that subsidy.

These terms have been agreed with the applicant.

5.16 Education (Transport to School)

Policy CS6 of the Core Strategy seeks to secure contributions towards the provision of necessary infrastructure to support the development of sustainable and healthy communities. It should be noted that contributions towards additional school places are now funded through the Community Infrastructure Levy (being included on the list required by Regulation 123 of that act) and therefore are not secured as was the case previously through a Section 106 agreement. Notwithstanding this however it can be reported that there are surplus places at both the secondary and primary schools that serve Wickwar.

It is considered necessary to request a contribution towards transport to the nearest secondary schools through a legal agreement. The provision of such money would contribute to the sustainability of the site. Access to secondary education through means other than the private motor car is a clear need that arises from the development and as such securing this through a legal agreement is considered to meet the test of a planning obligation.

The money would go towards the provision of transport to the nearest secondary school which is Brimsham Green (3.3 miles) or Chipping Sodbury School (3.6 miles). Both schools are over three miles and it is considered reasonable to require a Section 106 contribution towards costs for transport to school. According to the pupil number calculator 17 additional secondary pupils would be generated by this development.

The most cost effective mode of transport to Chipping Sodbury School is by a 30 seat coach. The cost per day for a 30 seat coach is £168. A student will be in secondary education for 7 years. The total cost of transport to school for 17 secondary pupils is therefore $£168 \times 190 \times 7 = £223,440$.

The total amount of contribution required for transport to school would be £223,440.

Given the close proximity to an already granted development on Land South of Poplar Lane Wickwar GL12 8NS it may be possible to combined transport costs.

This development of 80 dwellings would generate 14 secondary places. The costs per day for a minibus is £120. The total cost of transport to school for 14 secondary pupils is therefore $£120 \times 190 \times 7 = £159,600$

The total amount of contribution required for transport to school would be £159,600.

Combining the transport to Chipping Sodbury School would require a 49 seat coach. The cost per day for a 49 seat coach is £194. A student will be in secondary education for 7 years. The total cost of transport to school for 31 secondary pupils is therefore $£194 \times 190 \times 7 = £258,020$.

The total amount of contribution required for transport to school would be £258,020.

Combining the transport costs could save almost £130,000 between the two developments, $£159,600 + £223,400 = £383,000$.

5.17 Open Space/Green Infrastructure

Policy CS2 of the South Gloucestershire Local Plan Core Strategy 2013, (reflecting the principles set out in Chapter 8 of the NPPF – *promoting healthy communities*), seeks to ensure that existing and new Green Infrastructure is planned delivered and managed as an integral part of creating sustainable communities and to enhance the quality of life of future occupiers. The policy also recognises that the appropriate provision of Green infrastructure aside from providing direct benefits such as for recreation and access, (for mental and physical well-being), can be a means of improving landscape quality, improve biodiversity and provide opportunities for food production.

More specifically to ensure the provision of the above benefits Policy CS24 of the Core Strategy seeks the provision of green infrastructure, outdoor space, sport and recreation facilities. The policy requires that new developments must comply with all the appropriate local standards of provision in terms of quantity, quality and accessibility, be delivered on-site, unless it is demonstrated that partial or full off-site provision or enhancement creates a more acceptable proposal and the functionality and usability of spaces and facilities must be suitable for their intended purposes. Environments for play are required to be delivered as an integral part of site design within both public and semi-private communal open space areas.

Using current average occupancy data and the proposed number of dwellings, we estimate the proposed development of 90 dwellings would generate a total population increase of 216 residents.

Having regard to this figure Appendix 5 of the Core Strategy sets out the Green Infrastructure, sport and recreational standards that would be expected to be provided, (where there is an existing shortfall and in this case an audit of existing provision has demonstrated that there is an existing shortfall of all categories of open space within the recommended access standards).

The applicant submitted indicative plan shows an intention to provide up to 3.26 ha of green infrastructure. Within this will sit the open space categories of Informal Recreational Open Space, Natural and Semi-natural Open Space, Provision for Children and Young People, and Allotments. The provision for these categories as shown would therefore exceed the policy requirement to meet the needs of future occupiers and as such this is a factor that weighs in favour of the proposal in particular given the improved links to the remainder of Wickwar. The S106 agreement will require minimum spatial requirements to comply with the standards set out in Appendix 5 of the Core Strategy as follows:

Category of open space	Minimum spatial requirement to comply with policy CS24 (sq.m)
Informal Recreational Open Space	2,484 (1.4ha per 1000 population)
Natural and Semi-natural Open Space	3,240 (1.5 ha per 1000 population)
Provision for Children and Young People	540 (0.25ha per 1000 population equipped play space)
Allotments	432 (0.2 ha per 100 population)

Core Strategy policy CS24 seeks appropriate arrangements to secure the satisfactory future maintenance of any open spaces and outdoor recreation facilities (for sport, recreation and play) that are to be provided in conjunction with new development. As the applicant proposes private management of POS and surface water infrastructure the Council must be confident that the value of any service to the public is sustainable and does not create ambiguity in how people access those services should they have concerns or requests; it is important that the community receives a seamless service.

Policy CS2 of the Core Strategy in considering Green Infrastructure sets out as a key objectives alongside its creation, the securing of its ongoing management and maintenance. Thus provisions to ensure suitable and secure in-perpetuity arrangements for the operation, management and maintenance of all the public open spaces and surface water infrastructure (SWI within POS that is not adoptable by a statutory undertaker) will need to be incorporated into the Section 106 and the Council charges a fee (£52.00 per 100sq.m.plus £500 core service fee) to inspect the open spaces to ensure their compliance with the approved plans prior to transfer to the private management entity.

Outdoor Sports Facilities will not be provided on site but a financial contribution to create new facilities or improve existing facilities at King George V Playing Fields is required. The provision of £173,424.15 as a contribution towards off-site provision and £52,489.73 towards its maintenance will be included within the legal agreement.

The applicant has agreed to the above terms.

5.18 Public Rights of Way

Section 5.11 of the report above considers in detail the impact of the development upon existing public rights of way and considers the need for improvements/enhancements to this provision to accord with Policy CS1 and CS8 of the Core Strategy and PSP10 of the Policies, Sites and Places Plan. Policy CS6 allowing for developer contributions to secure improvements to existing facilities. The request is also in accord with the objectives of Section 8 (para 75) of the NPPF that supports the protection and enhancement of public rights of way including, (and this is relevant to the third contribution listed below) adding links to existing rights of way networks).

The following provision is sought and has been agreed by the developer:

- £4300 towards the diversion order for Footpath LWR/22 to recognise its route around and not through the curtilage of Pincots Cottage.
- £4300 towards the diversion order for Footpath LWR21A to link to the path to the north of Horwood Lane
- £1400 towards upgrading path furniture to include BS compliant accessible gates or kissing gates improvement for Public Rights of Way LWR22 and LWR/21A.

5.19 Transportation

Section 5.13 of the report considers the impact of the development upon the surrounding highway network and set out the necessary improvements and enhancements necessary to mitigate against the impact of the proposal if the development as a whole is considered acceptable.

It will be necessary to secure, (in the event that they were not to take place), by legal agreement those improvements included in the S106 agreement attached to planning consent PK16/4006/O (signed 23rd May 2017). Those were as follows:

1) Should the matters listed below, itemised in the S106 signed 23rd May 2017 attached to Planning Consent PK16/4006/O (Land South of Poplar Lane) not be secured, they shall be provided as part of the S106 associated with the current application (PK17/4552/O).

- A three metre wide public footway / cycleway along the length of the application site, parallel to Sodbury Road from Horwood Lane *to close to Poplar Lane*.
- Provision of a financial contribution of £345668 towards highway and infrastructure improvements in Wickwar – the works to be carried out with this financial contribution may include provision for a new footway along the western side of Sodbury Road between “the Timber Yard” and Firth Lane, and towards provision of other footway improvements such as through the shuttle signal section as well as improvements to the existing local bus stops and provision of a new bus stop OR as otherwise agreed in consultation with the Local Member and the Parish Council

2)

- The construction of a new access to the Council’s adoptable standards together with minimum visibility splays of 2.4m by 43m including a 3m wide footway along the whole site frontage on Sodbury Road as shown on 7742 L02 F (Development Framework). The said footway shall be connected to the existing footway network in the area together with all associated highway works including lighting, drainage, kerbing of the road edge along the site frontage and signage with all details first to be agreed with the Highway Authority.
- The submission prior to the commencement of development of a Travel Plan. With the development proceeding in accordance with the approved Travel Plan. For avoidance of doubt the Travel Plan shall include measures to reduce single occupancy car use (car club), realistic modal shift targets, and a monitoring regime, together with mitigation measures in the event that targets are not met. Reason to reduce the impact of the development on the local and strategic highway networks. This obligation will require confirmation of the way the Travel Plan is to be managed.

In addition in support of the Travel Plan the following shall be provided:

£375 per dwelling (£33750 in total for 90 dwellings) towards the administration and management of the Travel Plan by South Gloucestershire Council and £200 of sustainable transport vouchers.

- The payment to the Council of its reasonable costs in connection with any traffic regulation orders or consultation procedures required for the development or the highway works and carryout forthwith any consequent physical works including associated works

5.20 Planning Balance

The National Planning Policy Framework states that Housing applications must be considered in the context of the presumption in favour of sustainable development. The Council is not able to demonstrate a five-year supply of deliverable housing sites, so (as per paragraph 14 of the National Planning Policy Framework), the relevant policies for the supply and location of housing cannot be considered up to date. Thus an “in principle” objection to the development on the grounds that the application site lies outside of a settlement boundary is no longer supported by a policy.

Where relevant policies are out of date the presumption in favour of sustainable development means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole or where specific policies indicate that development should be restricted. The site does not fall under one of the restrictive policies listed in footnote 9 to the NPPF in so far as the site is not within the Green Belt or AONB. The development would also not have an impact upon designated heritage assets.

Having determined that the Council is unable to demonstrate a 5 year housing supply, it is therefore necessary to assess the sustainability of the site when assessed against the NPPF as a whole. There are three dimensions to sustainability.

Environmental

The site lies to the south of the former settlement boundary of Wickwar marked by Poplar Lane to the north however as indicated above the boundary of Wickwar has been altered by the grant of consent to 80 dwellings on land to the immediate north of this application site being separated from it by the width of Horwood Lane. The site itself has no landscape designation. The site is bounded to the south by Pincot Lane where there are a few scattered properties and by Sodbury Road to the west. The eastern boundary is with open countryside. The site is undeveloped/greenfield land and will result in encroachment upon the countryside. It is considered that the proposal would therefore result in some environmental harm. Some hedgerow would be removed to form the access however it is considered that this harm would be mitigated by the suggested landscaping proposals and the open space provision. It is not considered given its location that the development would have an adverse impact upon the setting of the Area of Outstanding Natural Beauty. Within the vicinity as identified above there are Locally Listed Buildings however the impact upon their setting is not considered significant albeit it would be a consideration for the reserved matters application in ensuring that that the new development in its layout and form in rural in character.

It not considered by the Council Ecologist given separation distances that there would be any significant impact upon the SSSI's to the east. On the site itself it is not considered that the proposal would result in any ecological harm, indeed it is considered that the open space provision and planting provides the opportunity to enhance the ecological value of the site and that this constitutes a benefit that weighs in favour of the proposal.

There is not considered to be a harm arising from increased flood risk and officers consider that it is possible for a future development to adopt a fully integrated sustainable drainage, with this being considered at the reserved matters stage.

It is not considered that the proposal would result in any significant detriment to Air quality over and above existing levels or that the development would result in any significant increase in noise levels or that future occupiers would be subject to any such noise impact from existing sources subject to an appropriate future layout and design.

The provision of a new access would result in environmental harm as there would be increased vehicle movements particularly given that the site is situated at distance from some key facilities. Officers note that the proposal would however secure some improvements to footways in the locality commensurate to the scale of the development. It is considered that the impact of the development can be mitigated through traffic calming measures and that these measures would have wider benefits to more than just the future occupiers of the development. The proposal would add to congestion to the surrounding highway particularly at the northern end of the High Street where there is a clear existing problem although the impact from the development itself is not assessed as severe.

Lastly, while the detailed layout would be considered through a future application, it is considered that the applicant has demonstrated in the design and access statement that while there is an acknowledged harm through encroachment into the countryside it is possible through sensitive design, use of landscaping and provision of open space to reduce the impact.

Social

The proposal would provide housing in accordance with the NPPF objective to increase housing delivery. 35% of the housing or 32 units would be affordable. It is considered that if allowed these units can be provided within 5 years and therefore contribute to the Council's land supply. It is considered that this is a significant and important social benefit which addresses a long term need for such provision in the district which has a shortfall in its housing delivery and in line with the national situation, a pressing need for affordable housing.

The site is located at distance from some key facilities and employment opportunities as set out elsewhere in this report and there will be a reliance on motor vehicles for accessing these. The site is in close proximity to a bus service that gives access to services in Yate and Wotton although as set out above the service is limited. The applicant has agreed to provide enhancements to the infrastructure, including a new bus stop on the northern side of the road and provide money to support transport for secondary school pupils. On balance the reliance on motor vehicle access to facilities is a harm that results from the proposal and as such weighs against it when considering the planning balance. With respect to access to facilities in Wickwar as indicated above footpath infrastructure improvements will go some way to ensuring a social connection with the village and provide some benefits to the wider community.

It is considered that there would be some modest social benefits through the provision of play space and managed open space as well as through the provision of a contribution to off-site sports facilities within the village. Improved footpath links would make it possible for this to be accessible to existing residents as well as future occupiers.

Economic

The economic role of sustainable development is to ensure that sufficient land of the right type is available in the right places at the right time to support growth. This site is not in a location supported by the current Development Plan as it is outside the development boundary, however as indicated above the NPPF is clear that where there is a need to increase the supply of land to meet housing requirements this harm need not be fatal and must be weighed against any benefits.

The economic dimension is supported by the provision of new dwellings, where construction jobs and supply chain would benefit although the benefit that the construction would bring to the immediate area would be very limited so little weight is given to this benefit. There would be some modest benefit to the local facilities in Wickwar through some additional spending power of the new population and through the additional pupils attending the primary school where there is a significant surplus of places.

The development would secure a financial contribution from the New Homes Bonus and Community Infrastructure Levy however on balance this would have a neutral impact.

In summary your officer considers that the proposed development results in both harm and benefits as set out above. The harm is that the development would place great reliance on motor car use as many facilities are not readily available for future occupiers and there would be an impact upon congestion on the surrounding roads. In addition the proposal does result in encroachment into the countryside.

On balance however it is considered that the proposal would fulfil three strands of sustainability. The provision of housing would support growth. A S106 agreement would ensure that appropriate infrastructure is provided both for the site itself and to the benefit of the wider area providing new footways and enhancing existing routes. The development would provide a social role in helping to provide the supply of housing needed to meet the needs of the present and future generations in particular through the provision of affordable housing. The proposal would also result in a net gain in Green Infrastructure both in terms of landscape features and biodiversity.

In conclusion therefore it is considered by your Officer that the adverse impacts of the development would not significantly and demonstrably outweigh the benefits of the proposal and therefore that permission should be granted subject to the signing of a S106 legal agreement and the conditions set out below.

5.21 Consideration of likely impact on Equalities

The Equality Act 2010 protects people from discrimination in the workplace and in wider society. As a result of this Act the public sector equality duty came into force.

Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

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

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That authority be delegated to the Director of Environment and Community Services to grant permission, subject to the conditions set out below and the applicant first voluntarily entering into an agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

a) Affordable Housing

- 35% of dwellings to be delivered as affordable housing, as defined by the NPPF (based on 90 dwellings 32 homes should be provided as affordable).
- Tenure split consisting of 73% social rent and 27% intermediate (to be delivered as shared ownership) i.e. 23 social rent and 9 shared ownership.
- In all other respects the development shall comply with the requirements as set out in para 5.15 above

Reason:

To accord with Policy CS18 of the South Gloucestershire Core Strategy 2013 and the Affordable Housing and Extra Care SPD 2014

b) Transport to School

- A financial contribution of £223,440 towards the costs of providing home to (secondary) school transport

OR if transport costs are combined with the previously granted consent to the north (PK16/4006/O)

- A financial contribution of £258,0200 towards the costs of providing home to (secondary) school transport

Reason:

To accord with Policy CS6 and Policy CS23 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013

c) Public Rights of Way

- £4300 towards the diversion order for Footpath LWR/22 to recognise its route around and not through the curtilage of Pincots Cottage.
- £4300 towards the diversion order for Footpath LWR21A to link to the path to the north of Horwood Lane
- £1400 towards upgrading path furniture to include BS compliant accessible gates or kissing gates improvement for Public Rights of Way LWR22 and LWR/21A.

Reason:

To accord with Policy CS1, CS6 and CS8 of the South Gloucestershire Local Plan Core Strategy 2013 and PSP10 of the South Gloucestershire Policies Sites and Places Plan 2017

d) On and Off-Site Public Open Space and Sports Facilities

The following minimum amounts shall be provided on site

- On-site provision of 2484 sq.m of Informal Recreational Open Space
- On-site provision of 3240 sq.m of Natural and Semi-Natural Open Space (which will include surface water infrastructure)
- On-site provision of 540 sq.m of provision for children and young people (equipped children's play areas, including provision for young people)
- On-site provision of 432 sq.m of allotments
- On-site Informal Recreational Open Space, Natural and Semi-Natural Open Space, Children's and Young People provision and Allotments to be privately managed and will be subject to a Management and Maintenance Scheme. Provisions to ensure the in-perpetuity arrangements for the operation, management and maintenance of all public open spaces and surface water infrastructure that will not be adopted by a statutory undertaker. An inspection fee will be charged to ensure compliance with the approved plans prior to the transfer to any private management company.

- £173,424.15 towards off-site provision and/or enhancement of Outdoor Sports facilities (King George V Playing Fields Wickwar) and £52,489.73 towards the maintenance of this provision.

Reason:

To accord with Policy CS6 and CS24 of the South Gloucestershire Local Plan Core Strategy (Adopted)

e) Highways Works and Infrastructure

1) Should the matters listed below, itemised in the S106 signed 23rd May 2017 attached to Planning Consent PK16/4006/O (Land South of Poplar Lane) not be secured, they shall be provided as part of the S106 associated with the current application (PK17/4552/O).

- A three metre wide public footway / cycleway along the length of the application site, parallel to Sodbury Road from Horwood Lane *to close to Poplar Lane*.
- Provision of a financial contribution of £345668 towards highway and infrastructure improvements in Wickwar – the works to be carried out with this financial contribution many include provision for a new footway along the western side of Sodbury Road between “the Timber Yard” and Firth Lane, and towards provision of other footway improvements such as through the shuttle signal section as well as improvements to the existing local bus stops and provision of a new bus stop OR as otherwise agreed in consultation with the Local Member and the Parish Council

2) The construction of a new access to the Council’s adoptable standards together with minimum visibility splays of 2.4m by 43m including a 3m wide footway along the whole site frontage on Sodbury Road as shown on 7742 L02 F (Development Framework). The said footway shall be connected to the existing footway network in the area together with all associated highway works including lighting, drainage, kerbing of the road edge along the site frontage and signage with all details first to be agreed with the Highway Authority.

- The submission prior to the commencement of development of a Travel Plan. With the development proceeding in accordance with the approved Travel Plan. For avoidance of doubt the Travel Plan shall include measures to reduce single occupancy car use (car club), realistic modal shift targets, and a monitoring regime, together with mitigation measures in the event that targets are not met. Reason to reduce the impact of the development on the local and strategic highway networks. This obligation will require confirmation of the way the Travel Plan is to be managed.

In addition in support of the Travel Plan the following shall be provided:

£375 per dwelling (£33750 in total for 90 dwellings) towards the administration and management of the Travel Plan by South Gloucestershire Council and £200 of sustainable transport vouchers.

- The payment to the Council of its reasonable costs in connection with any traffic regulation orders or consultation procedures required for the development or the highway works and carryout forthwith any consequent physical works including associated works

Reason:

To accord with Policy CS1 and CS8 of the South Gloucestershire Local Plan Core Strategy 2013 and Policy PSP11 of the South Gloucestershire Local Plan Policies, Sites and Places Plan November 2017.

- 7.2 That 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: David Stockdale
Tel. No. 01454 866622

CONDITIONS

1. Approval of the details of the layout, scale and appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority 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).

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

Reason

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

4. The development hereby permitted shall be carried out in accordance with the principles and parameters set out in the design and access statement dated September 2017 and no part of the development shall exceed 2.5 stories (9 metres) in height above existing ground level.

Reason

To ensure that the proposed development remains of an appropriate scale, in keeping with the character of the surrounding area, in accordance with the requirements of Policies CS1 and CS9 of the adopted South Gloucestershire Local Plan Core Strategy 2013.

5. Approved Plans

This decision relates only to the plans identified below:

Received 29th September 2017

7742-L03-B Site Location Plan
4746/38/03 Proposed Junction Layout

Received 15th March 2018

7742 L 02 F Development Framework

Reason

For the avoidance of doubt

6. Sustainable Urban Drainage

The reserved matters details referred to in condition 1 shall include full details of a Suds (Sustainable Urban Drainage System) e.g. soakaways (if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection will be required to be submitted with the Reserved Matters Application for approval.

The submitted details will be required to include the following:

A clearly labelled drainage layout plan showing the pipe networks and the location of the attenuation pond and conveyance swales (if ground conditions are satisfactory). The plan should also show any pipe node numbers referred to within the drainage calculations.

Drainage calculations to show there is no flooding on site in 1 in 30 year storm events; and no flooding of buildings or off site in 1 in 100 year plus a percentage for climate change storm event

Where attenuation forms part of the Surface Water Network, calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 year plus 30% climate change storm event.

A plan showing the cross sections and design of the attenuation ponds and its components (to include an all-around access track for maintenance).

A drainage layout plan showing exceedance / overland flood flow routes if flooding occurs and the likely depths of any flooding.

A manhole / inspection chamber schedule to include cover and invert levels.

Details of the maintenance regime in relation to the Surface Water Network and components such as the Attenuation Pond and Flow Control Devices.

Reason

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) December 2013 and the National Planning Policy Framework.

7. Construction Method Statement

Prior to the commencement of development, including any works of demolition, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. All works shall proceed in accordance with approved details. For the avoidance of doubt, the Statement shall include details of:

- (i) The hours of working
- (ii) The parking of vehicles of site operatives and visitors
- (iii) Loading and unloading of plant and materials
- (iv) Storage of plant and materials used in constructing the development
- (v) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (vi) Wheel washing facilities
- (vii) A detailed Dust Management Plan (DMP), with measures to control the emission of dust and dirt during construction
- (viii) A scheme for recycling/disposing of waste resulting from demolition and construction works

Reason

In order to protect the amenity of the area during the construction period and in the interests of highway safety to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and the provisions of the National Planning Policy Framework 2012.

A pre-commencement condition is needed in order to avoid the need for future remedial action.

8. Construction Environmental Management Plan

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall be written in accordance with BS42020, including mitigation details on birds, great crested newt, reptiles, dormice and badger, as well as any pollution prevention measures. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason

To protect the wildlife and the ecological interests of the site to accord with Policy CS9 of the adopted South Gloucestershire Local Plan Core Strategy 2013

This will be integral to the development and will need to be agreed prior to the commencement of work to avoid the need for remedial action.

9. Ecology (Habitat boxes)

Prior to the first occupation of the development, the location, number and type of habitat boxes for birds (including house sparrow and swift), bats and dormice shall be submitted to the local planning authority for approval in writing. The approved details shall be carried out in accordance with the approved details.

Reason

To protect the wildlife and the ecological interests of the site to accord with Policy CS9 of the adopted South Gloucestershire Local Plan Core Strategy 2013.

10. External Lighting

Prior to the installation of any external lighting, a "lighting design strategy for biodiversity" for the development shall be submitted to and approved in writing by the local planning authority. The strategy shall:

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

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason

To protect the wildlife and the ecological interests of the site to accord with Policy CS9 of the adopted South Gloucestershire Local Plan Core Strategy 2013.

11. Landscape and Ecological Management Plan

A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development. The LEMP shall be written in accordance with BS42020. The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP

are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason

To protect the wildlife and the ecological interests of the site to accord with Policy CS9 of the adopted South Gloucestershire Local Plan Core Strategy 2013.

12. Contamination

A. A preliminary risk assessment (Phase I desk study) submitted to the Local Authority in support of the application has identified that unacceptable risks exist on the site, as represented in the Conceptual Site Model. Prior to the commencement of development a further scheme of detailed investigation shall be carried out by a suitable competent person to more fully 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 to address those unacceptable risks identified shall be submitted prior to the commencement of the development for the written approval of the Local Planning Authority, led by the findings of the preliminary risk assessment, and identify what mitigation measures are proposed to address unacceptable risks (Remediation Strategy).

The resulting Remediation Strategy shall include a schedule of how the works will be verified (Verification Strategy). Thereafter the development shall proceed in accordance with any agreed mitigation measures.

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

C. 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 with 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

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

A pre-commencement condition is needed in order to avoid the need for future remedial action.

13. Public Art

The reserved matters details referred to in condition 1 shall include full details for a unique site specific integrated public art scheme including but not limited to detailed designs, timescales and triggers. For the avoidance of doubt the submission shall be prepared in line with recommendations in the Council's Art and Design in the Public Realm - Planning Advice Note.

Reason

To protect the character, distinctiveness and visual amenity of the site and the surrounding locality; and to accord with Policy CS23 - Community Infrastructure and Cultural Activity and Policy CS1 - High Quality Design Point 7 of the South Gloucestershire Local Plan: Core Strategy (adopted December 2013).

14. Trees

The landscaping details submitted pursuant to condition 1 shall include the submission of an Arboricultural Implications Assessment, Arboricultural Method Statement and a Tree Protection Plan for approval. The development shall be carried out in accordance with the approved details.

Reason

To protect the health of the trees and thereby the character and visual amenity of the area to accord with Policy CS2 and CS9 of the adopted South Gloucestershire Local Plan Core Strategy 2013, Policy PSP2 of the South Gloucestershire Local Plan; Policies, Sites and Places Plan November 2017 and the Trees on Development Sites SPD Adopted Nov 2005

15. Archaeology

The reserved matters details referred to in condition 1 shall include a programme of archaeological work and subsequent detailed mitigation, outreach and publication strategy, including a timetable for the mitigation strategy. The submitted details shall be approved in writing by the Local Planning Authority prior to the commencement of any work. For the avoidance of doubt the definition of work shall include any groundworks, including any exempt infrastructure, geotechnical or remediation works. Thereafter the approved programme of mitigation measures and method of outreach and publication shall be implemented in all respects.

Reason

In the interest of archaeological investigation or recording, and to accord with Policy CS9 of the adopted South Gloucestershire Local Plan Core Strategy (Adopted) 2013.

A pre-commencement condition is needed in order to avoid the need for future remedial action.

16. Multi-User Link

The reserved matters details to be submitted for approval referred to in condition 1 shall include full details of a 3 metre wide multi-user link to run from the north to the south of the site alongside the Sodbury Road (these details will include the necessary access points from the link). The approved details shall then be implemented prior to the first occupation of the development.

Reason

To accord with Policy CS1 and CS8 of the adopted South Gloucestershire Local Plan Core Strategy 2013 and Policy PSP10 of the Policies, Sites and Places Plan Nov 2017 and the provisions of the National Planning Policy Framework 2012.

17. Noise Attenuation

The reserved matters details to be submitted for approval referred to in condition 1 shall include a scheme for the protection of the occupiers of the dwellings hereby permitted from road traffic noise to achieve British Standard 8233:2014 internal ambient noise levels. This scheme shall be submitted to and approved in writing by the Local Planning Authority.

All relevant works that form the approved scheme shall be completed before each of the dwellings hereby permitted are first occupied. The required internal noise levels are: living rooms 35dB LAeq 16-hour (0700 to 2300); bedrooms 30dB LAeq 8-hour (2300 to 0700). All habitable rooms must be afforded noise mitigation measures including appropriate glazing and ventilation so as to achieve the above standards. In addition the layout and/or mitigation measures employed shall achieve a general daytime noise level in rear gardens not exceeding 55dB LAeq 16-hour (0700 to 2300) free field measurement.

Reason

In order to protect the amenity of future occupiers of the development and to accord with Policy CS9 of the adopted South Gloucestershire Local Plan Core Strategy 2013 and the provisions of the National Planning Policy Framework 2012

18. Electric Vehicle Charging Points

The reserved matters details to be submitted for approval referred to in condition 1 shall include details of a scheme of Electric Vehicle charging points for each residential property. All Vehicle charging points shall be provided in accordance with the agreed details prior to the first occupation of each property.

Reason

In order to reduce greenhouse gas emissions and to provide and promote the provision of sustainable travel options to accord with Policy CS8 of the South Gloucestershire Local Plan Core Strategy 2013.

19. Gas Fired Boilers

All gas fired boilers shall meet a minimum standard of <40mgNO_x/kWh.

Reason

In the interests of air quality and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013

20. North-Bound Bus Stop

The reserved matters details to be submitted for approval referred to in condition 1 shall include full details of a Northbound bus stop on Sodbury Road opposite the development together with all associated works. For the avoidance of doubt the new bus stop at this location must include,

- a. Raised pavement to allow disable access,
- b. A Bus shelter with Real-Time Passenger Information unit with the required electricity supply connected to the new bus shelter together with all associated works.

The bus stop shall be provided prior to the first occupation of the development in accordance with the approved details.

Reason

In order to encourage travel options other than the private motor car and to accord with Policy CS8 of the South Gloucestershire Local Plan Core Strategy 2013.

21. Safe Crossing Facility

The reserved matters details to be submitted for approval referred to in condition 1 shall include full details of an appropriate/safe crossing facility to the new Northbound bus stop with all associated works.

The safe crossing facility shall be provided prior to the first occupation of the development in accordance with the approved details.

Reason

In the interest of encouraging travel options other than the private motor car and in the interests of highway safety to accord with Policy CS8 of the South Gloucestershire Local Plan Core Strategy 2013.

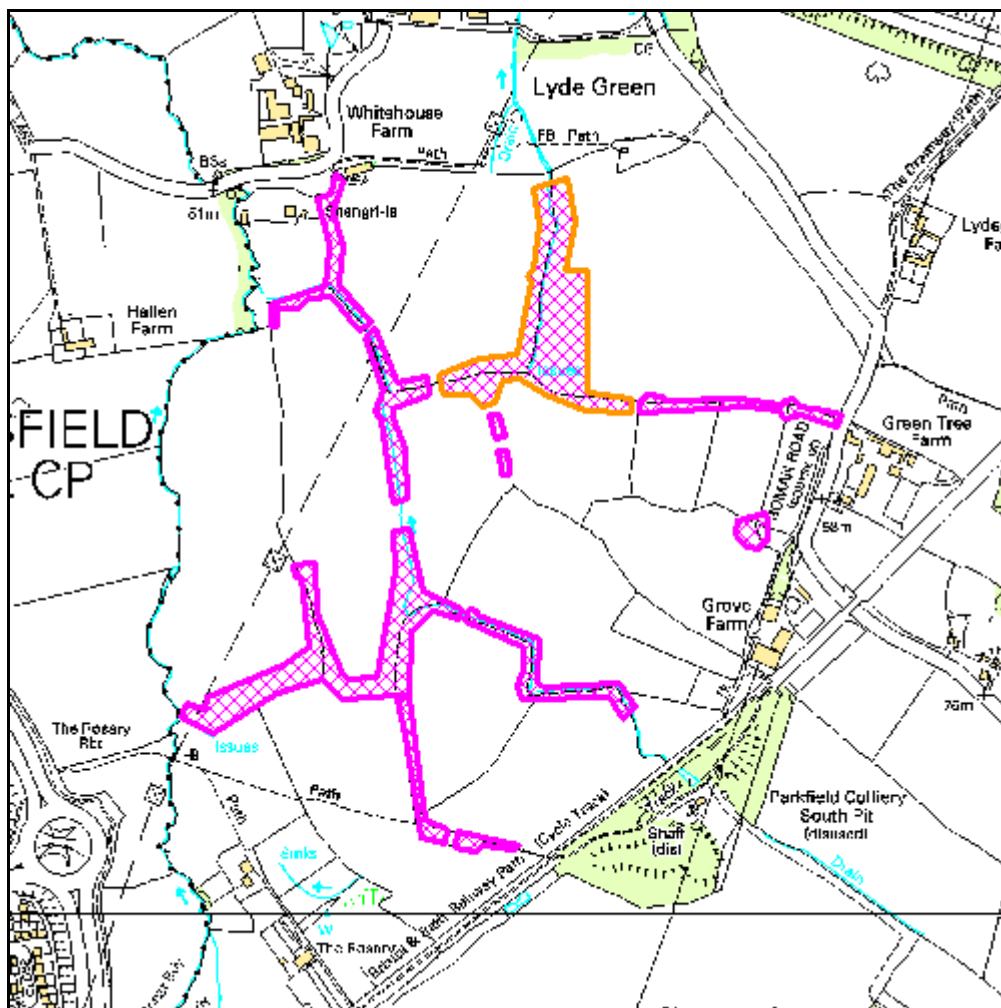
22. As part of the reserved matters required by condition 1, information shall be submitted demonstrating how the development will reduce carbon dioxide emissions through the use of renewables and/or low carbon energy generation either on or near the site.

Reason

To reduce the environmental impact of development and to accord with Policy CS3 and CS4 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP6 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework, March 2012.

CIRCULATED SCHEDULE NO. 44/18 – 2 NOVEMBER 2018

App No.:	PK18/4208/RVC	Applicant:	Emersons Green Urban Village
Site:	Emersons Green East Emersons Green South Gloucestershire BS16 7JN	Date Reg:	18th September 2018
Proposal:	Variation of condition 9 (added by PK18/4160/NMA) attached to PK17/2725/RM to substitute plans for RG-L-01 Rev Q.	Parish:	Emersons Green Town Council
Map Ref:	367476 177650	Ward:	Emersons Green
Application Category:	Major	Target Date:	14th December 2018



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 100023410, 2008. **N.T.S.** **PK18/4208/RVC**

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application appears on the circulated schedule because an objection has been received from Emersons Green Town Council, which is contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks reserved matters consent for the variation of condition 9 (added by the non-material amendment application PK18/4160/NMA and lists the approved drawings) attached to the approved application PK17/2725/RM to substitute the previously approved landscape drawing with the revised plan RG-L-01-01 Q.
- 1.2 The proposal amends the design of footpaths within public open space located around the south and eastern sides of parcel 23 within Lyde Green. The main design change is that the width of the southern portion of the path is reduced from 3 metres to 1.8 metres (approx.) and the surface will be bonded gravel. The proposal also amends the alignment of the path junction to the north. The reason for the amendment is to reduce the impact on occupiers of dwellings adjacent to the path and existing vegetation.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework 2018
National Planning Policy Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development
CS6 Infrastructure and Developer Contributions
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS23 Community Infrastructure and Cultural Activity
CS24 Green Infrastructure, Sport and Recreation Standards
CS29 Communities of the East Fringe of Bristol Urban Area

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

PSP2 Landscape
PSP3 Trees and Woodland
PSP8 Residential Amenity
PSP10 Active Travel Routes
PSP11 Transport Impact Management
PSP19 Wider Biodiversity
PSP20 Flood Risk Surface Water and Watercourse Management
PSP21 Environmental Pollution and Impacts

- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PK17/2725/RM, Laying out of public open space and provision of play areas associated with Phase 5; including a Neighbourhood Equipped Area for play (NEAP), a number of Local Areas for Play (LAP), informal open space, bridges, landscaping and all associated works. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PK15/4232/RVC (formerly PK04/1965/O). Approved on 6th November 2017.
- 3.2 PK15/5115/RM, Erection of 88no. dwellings including details of the layout, scale and appearance with access and landscaping. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PK04/1965/O). This application relates to parcels 23 and 24 and was approved on 10th June 2016.
- 3.3 PK18/4160/NMA, Non Material Amendment to PK17/2725/RM to add the plans as a condition. Approved on 18th September 2018.

4. CONSULTATION RESPONSES

- 4.1 Emersons Green Town Council
Objection, Members are concerned that well established trees and hedgerows are to be removed and request that the Conservation Officer gives consideration to the quality and quantity of the proposed replacements. Members request that the developers work closely with the Conservation Officer to this effect
- 4.2 Landscape Officer
No objection
- 4.3 Sports England
Sports England has not provided a detailed response but has provided general guidance and advice
- 4.4 Coal Authority
No objection
- 4.5 Natural England
No comment
- 4.6 Transportation DC Officer
No objection
- 4.7 Drainage Officer
No objection
- 4.8 Highway Structures Officer
No comment

4.9 Environmental Health Officer

No adverse comments

4.10 Conservation Officer

No comment

4.11 Public Rights of Way Officer

The links to and for the PROW appear to have been provided for throughout the application area so PROW have no objection to this. I would like to request what surface is being provided for pedestrians across the conservation area as this will be a primary link to the Railway Path.

4.12 Public Art Officer

No comment

Other Representations

4.13 Local Residents

No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks planning permission to vary condition 9 attached to the previously approved permission PK17/2725/RM. Section 73 of the Town and Country Planning Act allows for applications for the variation of conditions attached to previously granted planning permissions. The regulations set out that when determining such applications it is only the question of the conditions attached to the approved consent which may be considered. As such, the principle of the original scheme cannot be re-considered under this application. The main issue to consider under this application is whether the revised path design is acceptable, and whether conditions attached to the decision notice are still accurate and relevant.

5.2 There is some conflict in the Emersons Green East Design Code regarding the design of footpaths in this location. They can be either a safe route to school comprising a 3m wide adopted path with lighting columns, or a more informal 1.8 metre path with no lighting. The plans propose an informal unilluminated path to the south and southeast sections of the footpath. This would allow for more green space within these green corridors and impact less on existing vegetation to be retained and wildlife. A bonded gravel surface has been used elsewhere in the Lyde Green development and is considered to be acceptable. North – south and east-west safe route to school links on adoptable surfaces will still be provided to ensure that there are adequate and safe links to primary schools. As such, the proposed footpath design is acceptable. The PROW Officer has queried the surface material of the PROW route through the ecological buffer area at the eastern edge of the site, which abuts the Railway Path. This section of the route is located outside of the application site and there is no change over the previously approved scheme (PK17/2725/RM). A hard surface link to the Railway Path are provided via the Ibstock Land to the south.

- 5.3 The junction of the safe route to school, where it joins the spine road link, is proposed to be moved some 9.5 metres north. This is to reduce the impact on the privacy of residential occupiers to the west. Although the path would encroach into an area where translocated species rich grassland is proposed, a significant level of translocated species rich grassland, and wildflower meadow grassland will still be provided elsewhere on the application site. Accordingly, there are no ecological objections on this basis.
- 5.4 The conditions on the original consent have been reviewed and it is considered that they are all still pertinent and will be copied to the new consent. Condition 1 has however, been amended to refer to details submitted and approved through the discharge of condition process. The Council has adopted its Policy Sites and Places Plan, which has superseded the 2006 Local Plan; therefore, the reasons for the conditions will be updated to refer to policies in the Council's Policies Sites and Places Plan.
- 5.5 It is noted that Emersons Green Town Council have objected to the proposal on the basis that well established trees and hedgerow are to be removed. However, the amount of hedgerow and trees proposed to be removed is the same as application PK17/2725/RM, which has already been approved. The majority of trees and hedgerow within the site will be retained and protected. Accordingly, there is no objection on this basis.
- 5.6 Consideration of likely impact on Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities. Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers. The Local Planning Authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have a neutral impact as equality matters have duly been considered in planning policy.

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 consent has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 Permission for the variation of condition is GRANTED subject to the following conditions.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

1. The NEAP shall be provided in accordance with the following details and plans: General Arrangement Sheet 3, 296-PH5-POS-150-03 B (26th October 2018); Kickabout Area Construction Detail, 296-PH5-POS-310 A (26th October 2018); Landscape Proposals POS East Sheet 02, RG-L-01-02 N (6th July 2018); Landscape Proposals POS East Sheet 04, RG-L-01-04 N (22nd June 2018); Sunshine Playgrounds product list and plan (22nd June 2018); and be open to the public prior to the first occupation of the 1500th dwelling.

Reason

To ensure the provision of a public play area that satisfactory meets the needs of occupiers of Lyde Green in a timely manner and in accordance with the S.106 Agreement dated 12.6.13 (associated with the Outline planning permission), Policy CS24 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

2. Prior to the construction of the footpaths hereby approved details of any street lighting shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that the lighting scheme does not adversely impact on the landscaping scheme, and to ensure the health and appearance of vegetation in the interest of the character and appearance of the area and to accord with policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and policy PSP2 South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted) November 2017.

3. All hard and soft landscape works shall be carried out in accordance with the approved details. The works, with the exception of the NEAP area highlighted on the drawings submitted, shall be carried out in the first available planting season following the date of this decision or in accordance with the programme agreed with the Local Planning Authority.

Reason

In the interests of the character and appearance of the area, and to accord with Policy PSP2 South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted) November 2017 and policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

4. The footpath network hereby approved shall be provided in accordance with the approved details prior to the first occupation of the 1500th dwelling.

Reason

To ensure a satisfactory footpath link, and in accordance with Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted) November 2017.

5. Prior to the commencement of the development hereby approved, protective fencing shall be erected around the trees and hedgerows to be retained, in accordance with Haydon's Preliminary Arboricultural Implication Assessment and Tree Protection drawings 4372-D-1 to 4 and in accordance with BS 5837:2012 and the methodology contained in the submitted Tree Survey, Arboricultural Impact Assessment by Haydon's (7.11.14). It shall be retained as such throughout the construction of development hereby approved. All trees and hedgerows identified within said report for retention shall be retained thereafter.

Reason

To protect the health of trees in the interests of the visual amenity of the area and to accord with policy PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted) November 2017; and policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

This is a pre-commencement condition to ensure that the trees are protected.

6. Any trees or plants shown on the landscaping scheme hereby approved, which die, are removed, are damaged or become diseased within 5 years of the completion of the approved landscaping scheme shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size, location and species as those lost.

Reason

In the interests of the character and appearance of the area, and to accord with Policy PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted) November 2017; and policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

7. Prior to the construction of footbridges hereby approved, a signed Approval in Principle (AIP) for the design of all bridges required shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved AIP.

Reason

To ensure the bridge design is fit for purpose and provides adequate crossings over water courses and to accord with policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

8. Prior to the first use of the footpaths hereby approved, stiles blocking the definitive line of the footpaths LPU/36/30 and LPU/36/20 shall be removed and replaced with structures compliant with the British Standard BS5709 Least restrictive Access option i.e. a gap or a gate.

Reason

To ensure there is adequate means of access to a recreational route and to accord with policy PSP10 South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted) November 2017.

9. The development shall be carried out in accordance with the following plans:

Landscape Proposals POS East Sheet 02, RG-L-01-02 N
Received on 6th July 2018

Landscape Proposals POS East Sheet 04, RG-L-01-04 N
Received on 22nd June 2018

Landscape proposals POS east 01, RG-L-01-01 Q
Received on 14th September 2018

Landscape proposals POS east 03, RG-L-01-03 N

Landscape proposals POS east 05, RG-L-01-05 N

Received on 23rd October 2017

Landscape details woodland planting, LD01

Landscape details tree pit with stakes, LD02

Landscape details street furniture, LD06

Landscape details rabbit proof fencing

Landscape details timber stile, LD08

Landscape details timber post and rail fence with maintenance gate, LD09

Landscape details estate rail, LD10

Detailed landscape proposals planting details, LD11

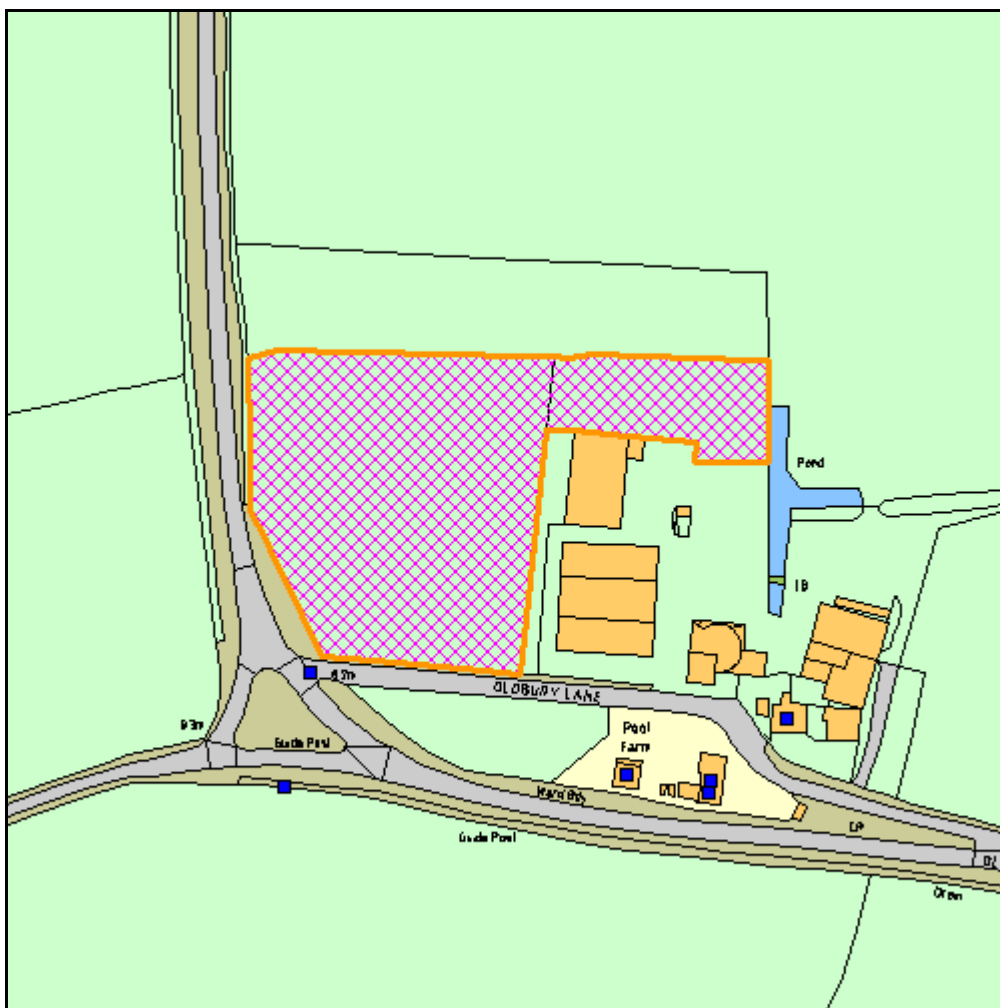
Redline POS east overview, RG-L-04

Reason

In the interests of clarity and for the avoidance of doubt.

CIRCULATED SCHEDULE NO. 44/18 – 2 NOVEMBER 2018

App No.:	PT17/5414/F	Applicant:	Mrs Williams
Site:	Pool Farm Oldbury Lane Thornbury South Gloucestershire BS35 1RE	Date Reg:	8th December 2017
Proposal:	Change of use of land from agricultural to mixed agricultural and equestrian use (sui generis) as defined in the Town and Country (Use Classes) Order 1987 (as amended)	Parish:	Oldbury-on-Severn Parish Council
Map Ref:	362613 192257	Ward:	Severn
Application Category:	Minor	Target Date:	15th January 2018



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 100023410, 2008. **N.T.S.** **PT17/5414/F**

REASON FOR CIRCULATION

The application is circulated as a result of concerns being received prior to the amended Scheme of Delegation.

1. THE PROPOSAL

- 1.1 The applicant seeks permission for the change of use from Agricultural to Equestrian and Agricultural mixed use (sui-generis) at this 2.776 acre (1.123 hectare) site on the Oldbury Road outside of Thornbury. The existing vehicular access will be used to access the site – this is immediately west of the existing old farm sheds. This is currently from the adjacent field to the northeast of the field and gives access into the existing farm yard. There is no operational development proposed.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2018

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP11	Transport Impact Management
PSP20	Flood risk, surface water and watercourse management
PSP30	Horse Related Development
PSP44	Open Space, Sport and Recreation

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)

3. RELEVANT PLANNING HISTORY

- 3.1 None but it is noted that part of the adjacent farm yard is now used for storage. This having previously been agreed under PT08/0621/F change of use of agricultural buildings to storage (Class B8) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) in June 2008.

4. CONSULTATION RESPONSES

4.1 Oldbury Parish Council
No comment

Thornbury Town Council (adjoining Parish)
No objection

4.2 Other Consultees
Sustainable Transport

No objection subject to the inclusion of conditions relating to use of the existing field access only, no more than four horses and no commercial or business activities. Including a riding school or livery activities.

British Horse Society
No comments received

Economic development
No objection

Archaeology
No response

Other Representations

4.3 Local Residents
One letter of objection

- Their rear garden is opposite the site
- The application is devoid of much detail, so it is assumed that there are no plans to build stables, remove grass and replace with a surface that would increase dust or acoustics. Also assumed is that there would be no installation of lighting, which would have a negative impact on the environment and the local wildlife, which is prevalent in this area and should be protected.
- Concern about increase in traffic between the house and the site.
- The writer suggests conditions restricting to small scale equestrian usage only, with no other commercial usages whatsoever, or using as a riding school, entry and exist only via the gates next to the field and no parking or storage in the lane and that hours of usage are put in place to avoid usage outside of feeding and cleaning, at antisocial hours in the morning or evening.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policies PSP30 and PSP44 of the Policies, Sites and Places Plan support proposals for horse related development subject to specific criteria which are considered below. The proposal must also satisfy PSP11 which seeks to prevent highway safety issues. Policy CS9 states that the best and most versatile agricultural land is maintained, and that soil is utilised in an efficient

and sustainable way. Due to the small scale of built development and the fact that the land remains otherwise intact, it is considered that the change of use could easily be reverted in the future, were more agricultural land needed. It is considered that the principle of development is supported and the application should be approved unless other material considerations indicate otherwise.

5.2 Design

The proposal is only for change of use and uses existing access gates to the site which are directly adjacent to the old agricultural buildings on adjoining land owned by the applicant. The application site is relatively well enclosed by 1.5m (approx.) high and wide maintained hedgerows, which would remain given that no additional access is proposed. There are therefore no design concerns in relation to the development.

5.3 Horse Development

Policies PSP30 and PSP44 of the Policies, Sites and Places Plan support proposals for horse related development provided it does not have an unacceptable impact in relation to the environment, residential amenity, highway safety and horse welfare. Highway safety is dealt with below within the Transportation section although it is noted that with a kilometre of the site are a range of bridleways which can be accessed

5.4 General guidelines from the British Horse Society (BHS) such that each horse should have between 1-1.5 acres of land; in this case the field is 1.1 Ha or 2.7 acres, which would be able to support 2 horses at any one time on a full grass keep but with additional feeding and given the access to exercise routes locally the keeping of three horses, with supplementary feeding with hay/haylage if required, is considered acceptable. This will be conditioned within the decision notice, in order to reduce the risk of overgrazing and give the ground a chance to recover. The agent suggested that three horses or four ponies could be viewed the same. It is considered that a condition needs to be enforceable and that ambiguity can arise in knowledge between species, but also that horses can be the same size as ponies and as such based on the BHS guidance three horses or ponies would be appropriate.

5.5 There would be no permitted development rights associated with the proposed sui-generis use and as such it is not considered necessary to restrict operational development. Further as the site is screened by a dense hedge and the surrounding land is flat it is not considered that the use of horse jumps would have a material impact on the surrounding countryside. It is not considered that the change of use would have any adverse environmental effects by means of noise, smells or disturbance due to the size and siting of the land relative to the nearest house (Pool Farm – which is in different ownership). The development therefore is considered to be in accordance with the criteria listed in PSP30 and PSP44 of the Policies, Sites and Places Plan (Adopted) November 2017.

5.6 Transport

The agent has advised that the access to be used with the site is that to the west of the old farm buildings and this seems most appropriate as it negates traversing through the commercial units next door. A transport officer has commented on the application, asking for some conditions to be added in order to make the development acceptable. These conditions are:

- No more than 4 horses shall be kept on site (this is reduced by wider considerations to 3 horses)
- Access must be obtained from the existing site access – such that a new access is not required.
- There shall be no commercial uses or business activities on this site. This shall include a riding school or livery activities.

5.7 These conditions are considered necessary, and will be included within the decision notice.

5.8 Flood risk

The site is just within defended flood zone three. The proposal involves no buildings so there will be no displacement or impediment to the flow of water. The grazing and exercising of horses in a flood zone makes them no more vulnerable than the existing authorised use of the site to graze agricultural animals. As such there is no justification to withhold planning permission but an informative is recommended on the decision notice to advise the owner of the sites floodzone three designation.

5.9 Impact on neighbouring properties

Given the small number of horses likely to be permitted or the use of the field as agricultural pasture, traffic movements will be limited most likely to morning and evening feed and maintenance times. These are unlikely to be carried out very late at night or very early in the morning, particularly as there are no stables, such that residents are detrimentally affected and as such it is not considered necessary or reasonable to impose hours of operation for the servicing of the site. The agent has advised that the access to be used with the site is that to the west of the old farm buildings, this seems most appropriate and would keep further access noise away from the neighbour's house. The road outside the site is a public road without restrictions and vehicles stopping there will not necessarily cause noise disturbance to neighbours nor cause a traffic hazard, provided that they are considerate. Users of the site cannot be forced to park on site and as such the neighbours request for such a condition is unreasonable. Overall the proposal is a limited change of use which with conditions put in place will not materially affect residential amenity.

5.10 Archaeology

There are no ground works proposed and as such the proposal would have no impact on Archaeology.

5.11 Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty

came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That permission is granted, subject to the conditions listed on the decision notice.

Contact Officer: Karen Hayes
Tel. No. 01454 863472

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 more than 3 horses or ponies shall be kept on site at any time.

Reason

The site size is limited to 1.1Ha and it is considered that restricted numbers of horses is justified, having proper regard to the safety and comfort of horses, to minimise access issues, to preserve the landscape and to accord with policies PSP30 South Gloucestershire Local Plan Policies, Sites and Places Plan Adopted November 2017.

3. Vehicular access to and from the site shall be gained via the existing access to the immediate south-east of the southern part of the site (west of all buildings shown on the location plan) and no further accesses shall be created from highways bounding the site.

Reason

In the interests of facilitating access to this separate use and to prevent additional use of the main commercial access in the interests of residential amenity. To accord with policies PSP30 South Gloucestershire Local Plan Policies, Sites and Places Plan Adopted November 2017 and policy CS 9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

4. The equestrian use of the site shall be limited to private use or for livery purposes and at no time shall the land be used as a riding school or for other business purposes whatsoever.

Reason

The application indicates that these uses are not proposed. Such commercial use of the site would have implications in terms of noise and disturbance to neighbours, parking and access concerns and would require further justification which is not submitted. To accord with policies PSP30 South Gloucestershire Local Plan Policies, Sites and Places Plan Adopted November 2017 and policy CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.