

# 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. 47/18

**Date to Members: 23/11/2018**

**Member's Deadline: 29/11/2018 (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](mailto:MemberReferral@southglos.gov.uk) identifying the application reference and site location
- b) Within 5 working days of the date of this schedule e.g. if the schedule is published on a Friday, comments have to be received by end of the following Thursday (see cover page for the date)
- c) The 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](mailto:MemberReferral@southglos.gov.uk) (not individual email addresses), where referrals can be picked up quickly by the Technical Support Team. Please note a copy of your referral e mail will appear on the website.

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

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

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

A template for referral is set out below:

## Referral from Circulated Schedule to Development Management Committee

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

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

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

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

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](mailto:MemberReferral@southglos.gov.uk)

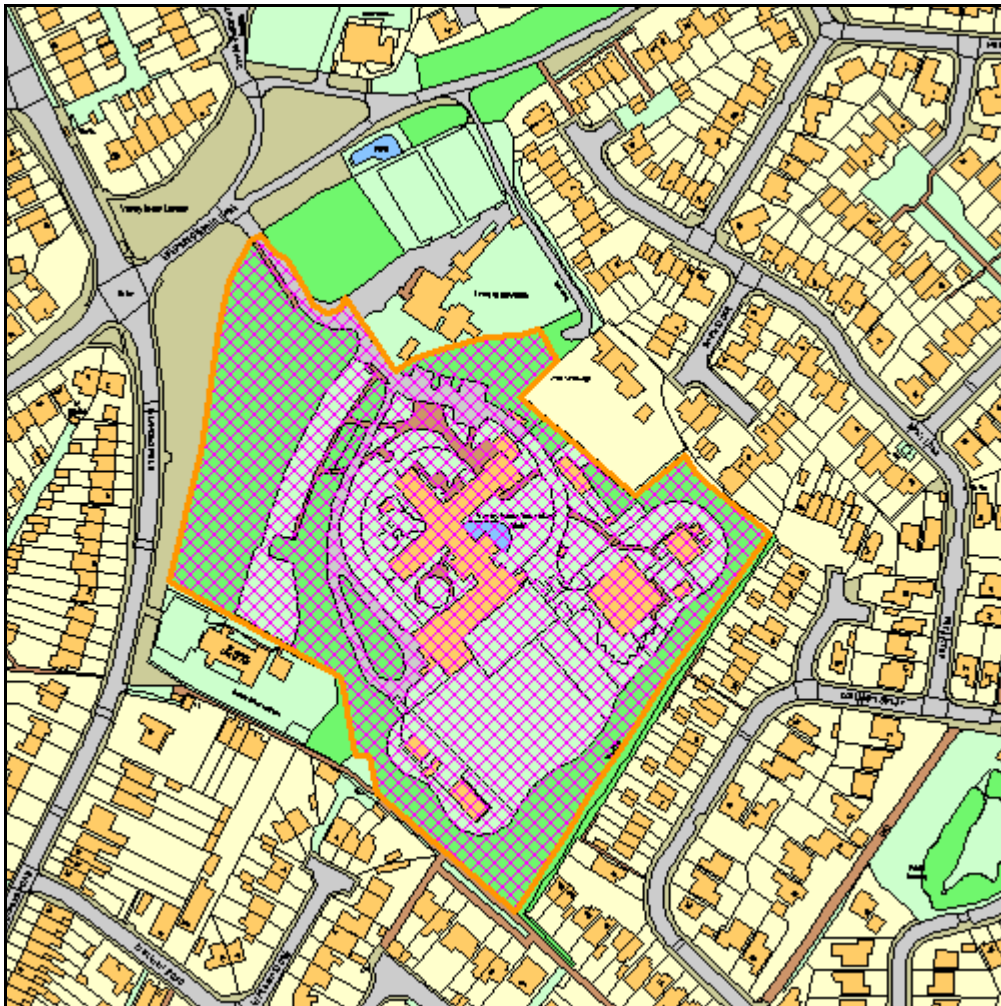
# CIRCULATED SCHEDULE - 23 November 2018

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK18/1535/R3F	Deemed Consent	Vinney Green Secure Unit Emersons Green Lane Emersons Green South Gloucestershire BS16 7AA	Rodway	Emersons Green Town Council
2	PK18/1538/R3F	Deemed Consent	Vinney Green Secure Unit Emersons Green Lane Emersons Green South Gloucestershire BS16 7AA	Rodway	Emersons Green Town Council
3	PK18/1723/RM	Approve with Conditions	PI12b & PI13b Land At North Yate New Neighbourhood Yate South Gloucestershire	Yate North	Yate Town Council
4	PK18/2781/F	Approve with Conditions	Land Adjacent To Cherry Cottage Siston Hill Siston South Gloucestershire BS30 5LT	Siston	Siston Parish Council
5	PK18/3743/F	Approve with Conditions	20B Cossham Street Mangotsfield South Gloucestershire BS16 9EN	Rodway	None
6	PK18/4398/RVC	Approve with Conditions	46 Parkfield Rank Parkfield Road Pucklechurch South Gloucestershire BS16 9NP	Boyd Valley	Pucklechurch Parish Council
7	PK18/4591/TRE	Approve with Conditions	6 Shackel Hendy Mews Emersons Green South Gloucestershire BS16 7DZ	Emersons Green	Emersons Green Town Council
8	PK18/4718/F	Approve with Conditions	25 Haweswater Close North Common South Gloucestershire BS30 5XS	Oldland	Bitton Parish Council
9	PK18/4856/RVC	Approve with Conditions	57 Anchor Road Kingswood South Gloucestershire BS15 4RF	Rodway	None
10	PT18/0913/O	Approved Subject to Section 106	Land At Post Farm Thornbury South Gloucestershire BS35 1RB	Thornbury North	Thornbury Town Council
11	PT18/2669/F	Approve with Conditions	The Slad Itchington Road Thornbury South Gloucestershire BS35 3TW	Thornbury South And Alveston	Thornbury Town Council
12	PT18/4359/F	Approve with Conditions	14 Barley Close Frampton Cotterell South Gloucestershire BS36 2ED	Frampton Cotterell	Frampton Cotterell Parish Council
13	PT18/4405/F	Approve with Conditions	51 Beaufort Crescent Stoke Gifford South Gloucestershire BS34 8QY	Stoke Gifford	Stoke Gifford Parish Council
14	PT18/4605/F	Approve with Conditions	23 Bridgman Grove Filton South Gloucestershire BS34 7HP	Filton	Filton Town Council

**CIRCULATED SCHEDULE NO. 47/18 – 23 NOVEMBER 2018**

<b>App No.:</b>	PK18/1535/R3F	<b>Applicant:</b>	SGC Property Services
<b>Site:</b>	Vinney Green Secure Unit Emersons Green Lane Emersons Green Bristol South Gloucestershire BS16 7AA	<b>Date Reg:</b>	24th May 2018
<b>Proposal:</b>	Erection of extensions to existing buildings, re-coating/ replacement of existing metal roof covering, temporary relocation of pond and installation of external generator.	<b>Parish:</b>	Emersons Green Town Council
<b>Map Ref:</b>	366560 176519	<b>Ward:</b>	Rodway
<b>Application Category:</b>	Major	<b>Target Date:</b>	22nd August 2018

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100023410, 2008. **N.T.S.** **PK18/1535/R3F**

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

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

This application is referred to the Circulated Schedule for determination as: it is an application submitted on behalf of the Council; a comment which could be construed as an objection has been received from the Town Council; and, over 3 other objections have been received.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the extension of the building and the installation of a new generator. The development would also include the recoating and/or replacement of the existing roof covering and the temporary relocation of a pond.
- 1.2 The application site is Vinney Green Secure Unit. Vinney Green is a secure youth custody facility which provides a living, educational, and recreational environment to up to 24 young people detained by the Youth Custody Service. The unit was first opened in 1995 and now requires refurbishment. Following an inspection by Ofsted, these extensions are required to respond to some of the inspection's recommendations.
- 1.3 Vinney Green Secure Unit is located within the east fringe of Bristol. It is set within leafy, landscaped grounds giving it a secluded feel despite being within Emersons Green. Part of the site falls within the coal referral area due to past mining activities.

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS23	Community Infrastructure and Cultural Activity
CS29	Communities of the East Fringe of Bristol

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

PSP1	Local Distinctiveness
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PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP22	Unstable Land

- 2.3 Supplementary Planning Guidance  
 Design Checklist SPD (Adopted) August 2007  
 CIL and S106 SPD (Adopted) March 2015

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

- 3.1 PK18/1538/R3F *Pending decision*  
 Erection of 2no. storey-and-a-half extensions to provide two new living rooms.  
 Installation of single storey portable building and new backup generator and associated works.

### 4. **CONSULTATION RESPONSES**

- 4.1 Emersons Green Town Council  
 'Members have noted the concerns and comments regarding the generator raised by neighbours, and would request additional information on the proposed frequency of use and likely noise output of the generator before a decision is made.'

#### **Internal Consultees**

- 4.2 Archaeology  
 No comment
- 4.3 Arts and Development  
 No comment
- 4.4 Conservation  
 No comment
- 4.5 Ecology  
 Holding objection: reports should be amended to include reptile surveys prior to determination and appendices.
- 4.6 Highway Structures  
 No comment
- 4.7 Landscape  
 Comments received on clarification of works
- 4.8 Lead Local Flood Authority  
 Comments received requesting further details on relocation of ponds



- 4.9 Public Rights of Way  
No objection
- 4.10 Sustainable Transport  
No objection
- 4.11 Trees  
No objection subject to tree works being carried out as stated

#### **Statutory / External Consultees**

- 4.12 The Coal Authority  
Objection: site falls within defined high risk area, no coal mining risk assessment has been submitted.
- 4.13 Wessex Water  
No objection

#### **Other Representations**

- 4.14 Local Residents  
5 comments from local residents have been received which raise the following points:
- Buildings higher than tree line
  - Concern over generator noise
  - Concern over location of generator
  - Generator should only be used in emergencies
  - Generator use as capacity generator would devalue homes and affect wellbeing
  - Grounds of site are large enough for a generator
  - Height of building would impact on amenity
  - Impact on surrounding countryside from development
  - Impact on wildlife
  - Noise regulation should be imposed
  - Objection to relocation of pond
  - Operating hours of generator of concern

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

- 5.1 This application seeks permission for a number of extensions to an existing facility in Emersons Green and the installation of a generator.
- 5.2 While much of the detail is redacted for national security reasons, the development consists of (summarised): a new 'link' extension between existing wings; revised perimeter wall; extension to east side of the building; extension to the southern wing of the building; extension to the ancillary building on the eastern boundary; and, part replacement of existing building on the smaller unit.

## Principle of Development

- 5.3 Policy CS23 allows for the provision, extension, or enhancement of community infrastructure. Although not a 'public' piece of community infrastructure, the provision of services such as those at Vinney Green are an important element of social care and justice and should be considered community infrastructure.
- 5.4 Development should therefore secure a high standard of design, protect residential amenity, ensure it is not harmful to the distinctiveness of the locality, and adequately provide for transport and access to be acceptable.

## Design

- 5.5 Much of Vinney Green Secure Unit is excluded from sight when within the public realm surrounding the site due to the high security walls and fence. Furthermore, the unit itself is 'tucked' away, accessed down a single track drive which has more in common with the character of a single dwelling than a development of this size. Although the drive gives way to parking and turning areas, emergency access routes, and the building itself, it is all set within a mature belt of vegetation. The character of the site is therefore one of leafy seclusion and there is little interaction between the site and the surrounding residential neighbourhood beyond the trees and hedging.
- 5.6 The existing buildings 'peak' above the perimeter wall; the majority of the built form on the northwest part of the site (from where access is gained) is single storey. Taller buildings are positioned to the middle and back of the site; these buildings are more visible from the public realm but again appear small in scale within their setting.
- 5.7 It is proposed to add a number of extensions, described above and shown on the public plans. The extensions would provide improved educational and living spaces for the residents as well as appropriate office and training buildings/spaces for the staff. The extensions would most be situated within the existing inner area of the unit, although the rebuilding of the perimeter wall would be required to the northwest. While Vinney Green is generally single-storey, there are sections which are two-storey. The proposal would create a greater amount of two-storey built form. This is an appropriate design solution to the redevelopment of the site. The setting of the unit is one of its defining characteristics and development which projected into and harmed the mature screening vegetation is less desirable than extending upwards. Overall, the increase in height would be noticeable but it would be set towards the middle and rear of the site and therefore would not significantly alter the character of the site or its context and relationship with other nearby uses.
- 5.8 The generator would be a stand-alone self-contained addition housed in a shipping container style building. It would be positioned towards the northeast of the site which provides some of the more service based functions. It is therefore an appropriate position for the building to be located in. Furthermore, the appearance of the building is acceptable within its context and is functional and industrial in appearance.

- 5.9 Overall, in design terms all of the proposed aspects of the development are considered acceptable and no objection is raised in this regard.

#### Residential Amenity

- 5.10 Residential properties are located to the east and south of the site. The secluded and contained nature of the site described earlier creates a strong distinction between the secure unit and the surrounding residential development. Concern was raised that it would lead to overshadowing and loss of light. Plans have been submitted with the application that indicate sufficient separation distances are in place to prevent any such impact. On this basis, and on officer assessment, it is not considered that the extensions to the buildings would have a noticeable impact on the residential amenity of any nearby occupier.
- 5.11 Concern has been raised with regard to the generator. The generator is suitably located within the site although it is one of the areas of the site in closer proximity to (although still considerably separate from) nearby residential properties. A facility such as this requires an uninterrupted power supply. While battery storage technology is improving, the most feasible option to securing a power supply is a generator. The principle of a generator is therefore accepted. In terms of managing the impact, this would be most appropriate under the provision of environmental protection legislation. The means by which to control the operation of the generator under the planning system is by condition, which would be an awkward and onerous which was unyielding to the unexpected and inflexible. Officers are satisfied that adequate protection of residential amenity is provided through other legislation and therefore do not seek to impose any further restrictions under this planning permission.

#### Transport and Parking

- 5.12 The proposal will provide improved education and living facilities residents. It would also provide additional staff facilities. It would not directly lead to an increase in staffing or demand for parking provision. The existing access and parking arrangements remain unchanged. Therefore, no transportation objection is raised to this proposal

#### Landscaping

- 5.13 A number of trees would be removed in proximity to the development areas. These are all within the inner belt of woodland which runs between the buildings on the site, the outer access routes, and the mature landscaped boundary.
- 5.14 New planting is proposed to mitigate the loss of trees, both within the 'public' areas of the site and the controlled, inner, section. Detailed arboricultural information is provided as to how the development may be undertaken without an adverse impact on the retained trees. Subject to conditions to ensure compliance with the detail provided, the development would not have a lasting adverse impact on the visual amenity of the locality or the mature trees and landscaping which screen the site.

## Land Stability

- 5.15 The east fringe of Bristol has a history of coal mining activity. In many of the now built up areas there are land stability issues from the legacy of mining activity. It is clear that coal mining occurred in close proximity to the site as this has been identified as a high risk area. Indeed, a band of past activity runs to the southwest of the site; this band does fall within the site towards where one of the proposed extensions is to be sited.
- 5.16 When the application was submitted, the applicant served notice under Article 10A of the Development Management Procedure Order for the application to be registered without a Coal Mining Risk Assessment. The assessment of the application has therefore proceeded on this basis.
- 5.17 An objection has been received from the Coal Authority. The objection is that a Coal Mining Risk Assessment has not been submitted and therefore features and hazards from the coal mining legacy has not been considered.
- 5.18 Land stability is an important issue and will need consideration. The question is, however, whether the planning authority is sufficiently satisfied that there is the scope for development to proceed under the provisions of a planning condition or whether the information is required prior to the application being determined. There is no doubt that parts of the site are in an area where a mine entry may have been positioned and that there may be unrecorded shallow workings elsewhere across the site. However, the site is not undeveloped; the proposal is for extensions to the existing building. There is no evidence before the planning authority that the existing building has suffered from maintenance issues caused by land instability. Furthermore, it is likely that land stability was considered when the original building was constructed in the mid-1990s.
- 5.19 It is therefore, on the balance of probabilities, likely that the impact of the mining legacy in this location could be managed by a condition. This is because it is more likely than not that any mining feature of hazard would not prevent development (and the condition is not therefore tantamount to a refusal) and the impact of any feature or hazard could be adequately mitigated and managed.
- 5.20 While the objection of the Coal Authority is noted and significant weight is applied to this objection, it is in the public interest that the accommodation contained within this proposal is provided. Officers therefore have not found that the objection from the Coal Authority, in this instance, would prevent this application from being determined favourably subject to details being secured by condition.

## Drainage

- 5.21 As part of the redevelopment of the site, alterations to the drainage are required. This includes changes to attenuation ponds. Additional information was provided during the course of the application. On receipt of this information, officers are satisfied that drainage can, in general, be achieved.

However, to ensure that appropriate attenuation and drainage is provided, a SUDS scheme should be applied by condition.

### Ecology

- 5.22 A preliminary ecological appraisal has been submitted with this application. This had identified that there is some potential for the site to be used by protected species. The ecology officer has requested that the suggested reptile survey is provided prior to determination and that the appendices are submitted.
- 5.23 While reptiles may use the site, this is because the grounds of Vinney Green House (a Victorian mansion to the northeast of the site) is somewhat overgrown and provides a suitable habitat. There are good connections between the grounds of the old house and the application site. The issue with reptiles would only come about if there was ground clearance beyond the security wall and the use of the land as some form of construction compound. It is considered unlikely that this would happen. Therefore the provision of a report prior to determination would be overly onerous and disproportionate to the likely level of harm. As a result, officers consider that an appropriately worded condition could provide sufficient protection and adequately manage this matter.
- 5.24 A further condition would be applied to ensure biodiversity gain as set out in the ecological report.

### Impact on Equalities

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

### Other Matters

- 5.27 A number of matters raised from the consultation responses have not been addressed in the main body of this report. These will be considered below.
- 5.28 It is not within the scope of this planning application to prevent the use of the generator except in emergency situations. It would be cumbersome for the planning system to attempt to define an emergency and improper for the

planning system to interfere in the appropriate operations of a nationally important secure youth detention facility. Furthermore, it is considered unlikely (given the associated costs) that the generator would be used except when there was deficient power supplies from the national grid and therefore any condition would be unnecessary.

- 5.29 The relocation of the pond may bring forward biodiversity gain. While an objection is noted, the benefits are also of value and this is not a reason on which the proposal should be resisted.

#### Overall Planning Balance

5.30 This development would provide improved facilities for children in need of care within a custodial environment. Vinney Green Secure Unit is one of only a handful of similar facilities across the country. It is within the interests of social care, national security, youth justice, as the corporate parenting responsibilities of the Council that this development proceeds.

5.31 Some harm would result from the removal of trees but this would, over time, be mitigated by replacement tree planting. There is a risk to the development from land stability issues related to the legacy of coal mining in the area but this is considered on this occasion suitable to be managed by condition. There is the potential for harm to protected species unless adequate survey and mitigation is undertaken; in this instance this could be managed by condition.

5.32 While there are matters which require the submission of further detail to the local planning authority, officers are content that sufficient detail has been provided at this stage to fully assess the potential impacts of development. The pressing need for the development weighs heavily in favour of granting permission, particular given that the matters outstanding can be adequately managed by condition.

## **6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

7.1 It is recommended that planning permission is GRANTED subject to the conditions listed below.

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

## **CONDITIONS**

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

Reason

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

2. Prior to any groundworks within the defined Development High Risk Area, a Coal Mining Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate whether there are any coal mining features or hazards - specifically historic unrecorded workings at shallow depth and the potential of a mine entry - which would affect the development. If the assessment identifies that there are features or hazards which affect development, detailed mitigation measures as to how the stability of the land will be ensured, shall be included within the report and approved in writing by the Local Planning Authority. The development, including any agreed mitigation, shall then proceed in accordance with the approved details.

Reason

To ensure that any issue of land stability related to the local coal mining legacy are adequately managed and to accord with policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy PSP22 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework (2018).

3. The development shall proceed in strict accordance with Arboricultural Impact Assessment and Arboricultural Method Statement, including tree protection plan (180314-VGSU-TPP-LI&AM) prepared by Assured Trees and dated 15 March 2018. For the avoidance of doubt, the tree protection measures shall be installed prior to any development and shall thereafter be retained until the development is complete.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

4. The proposed replacement tree planting, as identified on plan 1745-2701-A, shall be carried out in the first planting season following the substantial completion of the development hereby approved. Should any of the replacement trees required by this condition become diseased, damaged, or dies within five years of the date of planting, it should be replaced with a tree of the same species and of equivalent size.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

5. Prior to any building operations being undertaken, drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, and mining culverts) within the development shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

For the avoidance of doubt, the details required to discharge this condition shall include:

- \* Confirmation from Wessex Water that the principle to match existing discharge rates is acceptable;
- \* A clearly labelled drainage layout plan showing the pipe networks and any attenuation features with details of the orifice plate to be installed;
- \* Updated drainage calculations to show there is no flooding on site in 1 in 30 year storm events (winter and summer); and no flooding of buildings or off site in 1 in 100 year plus an allowance for climate change storm event (winter and summer);
- \* 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 an allowance for climate change storm event (winter and summer);
- \* A plan showing the cross sections and design of the attenuation pond and its components; and,
- \* Ownership and/or responsibility, along with details of the maintenance regime in relation to the Surface Water Network and any components such as Attenuation features and Flow Control Devices where applicable.

#### 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.

6. Prior to the installation of any construction compound or the suchlike required in connection with this development on land to the northwest, north, or northeast of the existing secure unit, a reptile survey of the land in question shall be submitted to and approved in writing by the local planning authority. The survey report should include – if reptiles are found – appropriate mitigation and working methods to limit the harm to species and habitat. The report shall also include measures taken to restore the land to its current condition once the construction compound (or similar) is removed.

#### Reason

In the interests of ecology and the protection of species and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017, and the provisions of the National Planning Policy Framework (July 2018).

7. The development hereby permitted shall be carried out in accordance with the advice and mitigation measures contained within Section 6 and incorporate the biodiversity enhancements contained within Section 7 of the Preliminary Ecological Appraisal and Bat Scoping Report prepared by Darwin Ecology and dated December 2017.



Reason

In the interests of ecology and the protection of species and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017, and the provisions of the National Planning Policy Framework (July 2018).

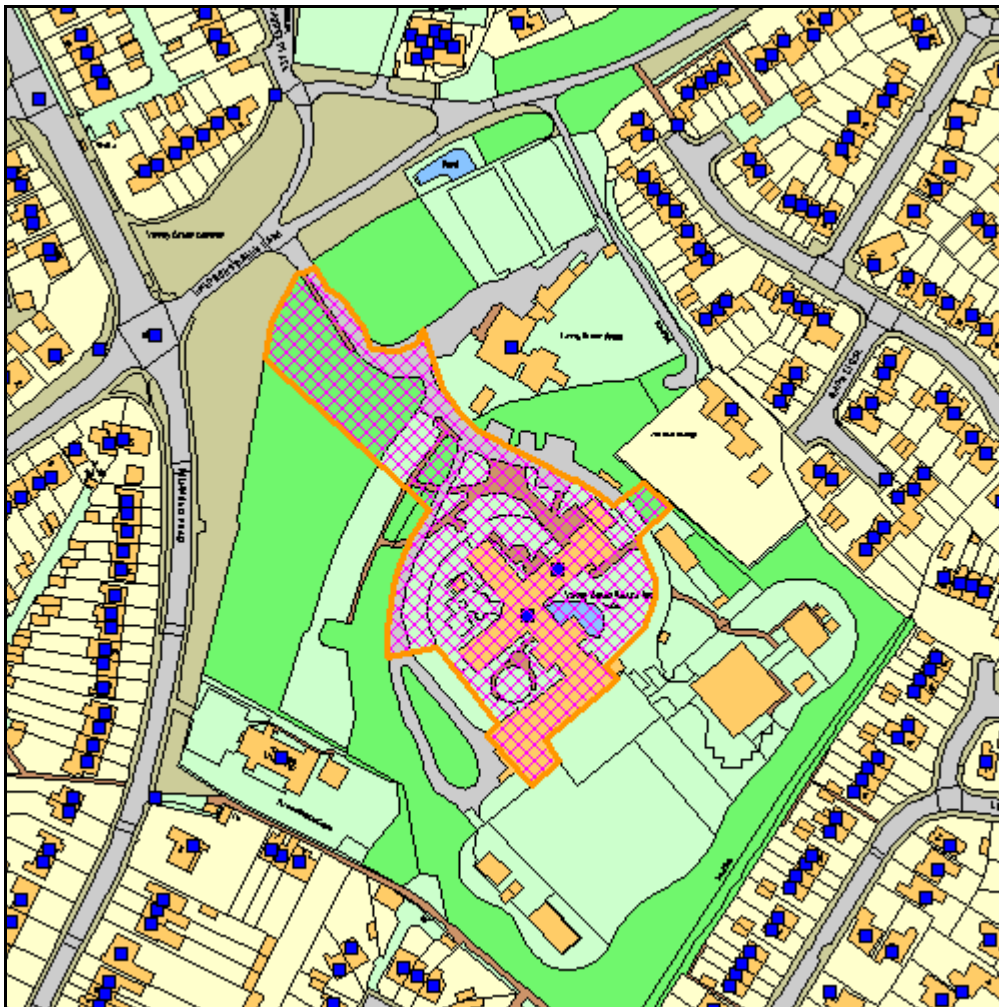
8. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

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

**CIRCULATED SCHEDULE NO. 47/18 – 23 NOVEMBER 2018**

<b>App No.:</b>	PK18/1538/R3F	<b>Applicant:</b>	South Glos. Council
<b>Site:</b>	Vinney Green Secure Unit Emersons Green Lane Emersons Green Bristol South Gloucestershire BS16 7AA	<b>Date Reg:</b>	24th May 2018
<b>Proposal:</b>	Erection of 2no. storey and half extensions to provide two new living rooms. Installation of single storey portable building and new backup generator and associated works.	<b>Parish:</b>	Emersons Green Town Council
<b>Map Ref:</b>	366560 176519	<b>Ward:</b>	Rodway
<b>Application Category:</b>	Minor	<b>Target Date:</b>	18th July 2018



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 100023410, 2008. **N.T.S.** **PK18/1538/R3F**

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

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

This application has been referred to the circulated schedule for determination as it has been submitted on behalf of the Council.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of two extensions at the end of two of the existing wings of the building. It also seeks permission for the placement of a single storey portable building to provide a back-up generator.
- 1.2 The application site is Vinney Green Secure Unit. Vinney Green is a secure youth custody facility which provides a living, educational, and recreational environment to up to 24 young people detained by the Youth Custody Service. The unit was first opened in 1995 and now requires refurbishment. Following an inspection by Ofsted, these extensions are required to respond to some of the inspection's recommendations.
- 1.3 Vinney Green Secure Unit is located within the east fringe of Bristol. It is set within leafy, landscaped grounds giving it a secluded feel despite being within Emersons Green. Part of the site falls within the coal referral area due to past mining activities.

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS23	Community Infrastructure and Cultural Activity
CS29	Communities of the East Fringe of Bristol

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

PSP1	Local Distinctiveness
PSP3	Trees and Woodland
PSP8	Residential Amenity

PSP11	Transport Impact Management
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP22	Unstable Land

- 2.3 Supplementary Planning Guidance  
 Design Checklist SPD (Adopted) August 2007  
 CIL and S106 SPD (Adopted) March 2015

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

- 3.1 PK18/1535/R3F *Pending decision*  
 Erection of extensions to existing buildings, re-coating/ replacement of existing metal roof covering, temporary relocation of pond and installation of external generator.

### 4. **CONSULTATION RESPONSES**

- 4.1 Emersons Green Town Council  
 No objection

#### **Internal Consultees**

- 4.2 Landscape  
 Comments received on clarification of works
- 4.3 Sustainable Transport  
 No objection
- 4.4 Trees  
 No objection subject to tree works being carried out as stated

#### **Statutory / External Consultees**

- 4.5 The Coal Authority  
 Objection: site falls within defined high risk area, no coal mining risk assessment has been submitted.

#### **Other Representations**

- 4.6 Local Residents  
 1 objection has been received which raises the following points:

- Concern over noise from back-up generator
- Other generators nearby have caused disturbance to residents
- Extensions to building should be no higher than existing buildings
- Loss of tree is undesirable

## 5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks permission for a number of extensions to an existing facility in Emersons Green and the installation of a portable building to form back-up generator.

### Principle of Development

- 5.2 Policy CS23 allows for the provision, extension, or enhancement of community infrastructure. Although not a 'public' piece of community infrastructure, the provision of services such as those at Vinney Green are an important element of social care and justice and should be considered community infrastructure.
- 5.3 Development should therefore secure a high standard of design, protect residential amenity, ensure it is not harmful to the distinctiveness of the locality, and adequately provide for transport and access to be acceptable.

### Design

- 5.4 Much of Vinney Green Secure Unit is excluded from sight when within the public realm surrounding the site due to the high security walls and fence. Furthermore, the unit itself is 'tucked' away, accessed down a single track drive which has more in common with the character of a single dwelling than a development of this size. Although the drive gives way to parking and turning areas, emergency access routes, and the building itself, it is all set within a mature belt of vegetation. The character of the site is therefore one of leafy seclusion and there is little interaction between the site and the surrounding residential neighbourhood beyond the trees and hedging.
- 5.5 The existing buildings 'peak' above the perimeter wall; the majority of the built form on the northwest part of the site (from where access is gained) is single storey. Taller buildings are positioned to the middle and back of the site; these buildings are more visible from the public realm but again appear small in scale within their setting.
- 5.6 It is proposed to add two extensions, one onto the end of each of the single storey wings. The extensions would provide improved lounges for the residents. The extensions would follow the footprint of the building and project to the existing boundary wall. However, whereas the existing roof structure is hipped, the proposed extensions would be gabled. While this would result in a minor change to the character of the building, it is not wholly unusual for buildings to have different roof structures on different aspects. It does not, in its own accord, result in poor design.
- 5.7 The generator would be a stand-alone self-contained addition housed in a shipping container style building. It would be positioned towards the northeast of the site which provides some of the more service based functions. It is therefore an appropriate position for the building to be located in. Furthermore, the appearance of the building is acceptable within its context and is functional and industrial in appearance.

- 5.8 Overall, in design terms all of the proposed aspects of the development are considered acceptable and no objection is raised in this regard.

#### Residential Amenity

- 5.9 Residential properties are located top the east and south of the site. The secluded and contained nature of the site described earlier creates a strong distinction between the secure unit and the surrounding residential development. It is not considered that the extensions to the buildings would have a noticeable impact on the residential amenity of any nearby occupier.
- 5.10 Concern has been raised with regard to the generator. The generator is suitably located within the site although it is one of the areas of the site in closer proximity to (although still considerably separate from) nearby residential properties. A facility such as this requires an uninterrupted power supply. While battery storage technology is improving, the most feasible option to securing a power supply is a generator. The principle of a generator is therefore accepted. In terms of managing the impact, this would be most appropriate under the provision of environmental protection legislation. The means by which to control to the operation of the generator under the planning system is by condition, which would be an awkward and onerous which was unyielding to the unexpected and inflexible. Officers are satisfied that adequate protection of residential amenity is provided through other legislation and therefore do not seek to impose any further restrictions under this planning permission.

#### Transport and Parking

- 5.11 The proposal will provide additional lounges for the residents. It would not directly lead to an increase in staffing or demand for parking provision. The existing access and parking arrangements remain unchanged. Therefore, no transportation objection is raised to this proposal.

#### Landscaping

- 5.12 A number of trees would be removed in proximity to the development areas. These are all within the inner belt of woodland which runs between the buildings on the site, the outer access routes, and the mature landscaped boundary.
- 5.13 New planting is proposed to mitigate the loss of trees. Detailed arboricultural information is provided as to how the development may be undertaken without an adverse impact on the retained trees. Subject to conditions to ensure compliance with the detail provided, the development would not have a lasting adverse impact on the visual amenity of the locality or the mature trees and landscaping which screen the site.

#### Land Stability

- 5.14 The east fringe of Bristol has a history of coal mining activity. In many of the now built up areas there are land stability issues from the legacy of mining activity. It is clear that coal mining occurred in close proximity to the site as this has been identified as a high risk area. Indeed, a band of past activity runs to

- the southwest of the site; this band does fall within the site towards where one of the proposed extensions is to be sited.
- 5.15 When the application was submitted, the applicant served notice under Article 10A of the Development Management Procedure Order for the application to be registered without a Coal Mining Risk Assessment. The assessment of the application has therefore proceeded on this basis.
- 5.16 An objection has been received from the Coal Authority. The objection is that a Coal Mining Risk Assessment has not been submitted and therefore features and hazards from the coal mining legacy has not been considered.
- 5.17 Land stability is an important issue and will need consideration. The question is, however, whether the planning authority is sufficiently satisfied that there is the scope for development to proceed under the provisions of a planning condition or whether the information is required prior to the application being determined. There is no doubt that parts of the site are in an area where a mine entry may have been positioned and that there may be unrecorded shallow workings elsewhere across the site. However, the site is not undeveloped; the proposal is for extensions to the existing building. There is no evidence before the planning authority that the existing building has suffered from maintenance issues caused by land instability. Furthermore, it is likely that land stability was considered when the original building was constructed in the mid-1990s.
- 5.18 It is therefore, on the balance of probabilities, likely that the impact of the mining legacy in this location could be managed by a condition. This is because it is more likely than not that any mining feature of hazard would not prevent development (and the condition is not therefore tantamount to a refusal) and the impact of any feature or hazard could be adequately mitigated and managed.
- 5.19 While the objection of the Coal Authority is noted and significant weight is applied to this objection, it is in the public interest that the accommodation contained within this proposal is provided. Officers therefore have not found that the objection from the Coal Authority, in this instance, would prevent this application from being determined favourably subject to details being secured by condition.

#### Impact on Equalities

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

It requires equality considerations to be reflected into the design of policies and the delivery of services.

- 5.21 With regards to the above this planning application is considered to have a positive impact on equality as it would provide improved accommodation to children requiring care within a custodial environment.

#### Other Matters

- 5.22 A number of matters raised from the consultation responses have not been addressed in the main body of this report. These will be considered below.
- 5.23 No details of other generators have been provided. Any harm arising from the use of a generator should be managed under environmental protection legislation.

#### Overall Planning Balance

- 5.24 This development would provide improved facilities for children in need of care within a custodial environment. Vinney Green Secure Unit is one of only a handful of similar facilities across the country. It is within the interests of social care, national security, youth justice, as the corporate parenting responsibilities of the Council that this development proceeds.
- 5.25 Some harm would result from the removal of trees but this would, over time, be mitigated by replacement tree planting. There is a risk to the development from land stability issues related to the legacy of coal mining in the area but this is considered on this occasion suitable to be managed by condition.
- 5.26 The balance therefore falls towards the grant of planning permission.

### **6. CONCLUSION**

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

### **7. RECOMMENDATION**

- 7.1 It is recommended that planning permission is GRANTED subject to the conditions listed below.

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



## **CONDITIONS**

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

### Reason

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

2. Prior to any groundworks within the defined Development High Risk Area, a Coal Mining Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate whether there are any coal mining features or hazards – specifically historic unrecorded workings at shallow depth and the potential of a mine entry – which would affect the development. If the assessment identifies that there are features or hazards which affect development, detailed mitigation measures as to how the stability of the land will be ensured, shall be included within the report and approved in writing by the Local Planning Authority. The development, including any agreed mitigation, shall then proceed in accordance with the approved details.

### Reason

To ensure that any issue of land stability related to the local coal mining legacy are adequately managed and to accord with policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy PSP22 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework (2018).

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

### Reason

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

4. The development shall proceed in strict accordance with Arboricultural Impact Assessment and Arboricultural Method Statement, prepared by Assured Trees and dated 15 March 2018. For the avoidance of doubt, the tree protection measures shall be installed prior to any development and shall thereafter be retained until the development is complete.

### Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

5. The proposed replacement tree planting, as identified on plan 1745-2711-A, shall be carried out in the first planting season following the substantial completion of the development hereby approved. Should any of the replacement trees required by this condition become diseased, damaged, or dies within five years of the date of planting, it should be replaced with a tree of the same species and of equivalent size.

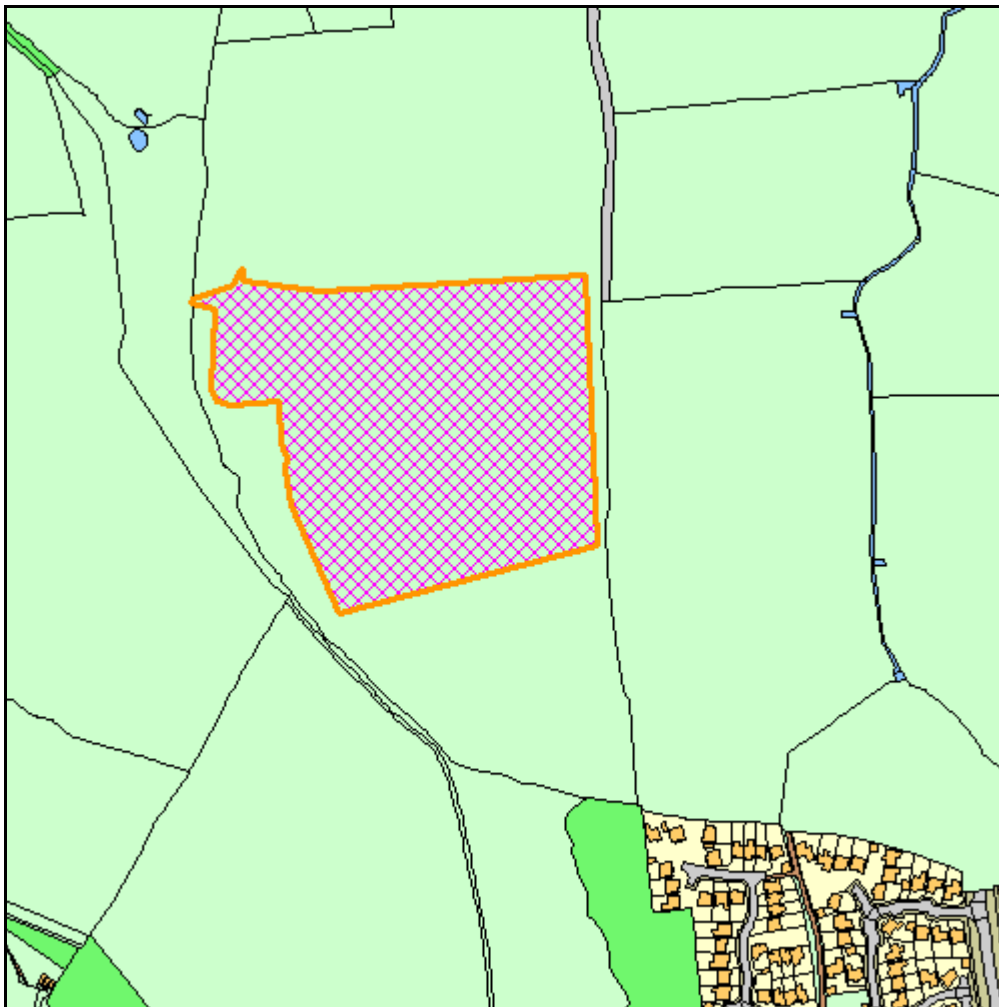
Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 47/18 – 23 NOVEMBER 2018**

<b>App No.:</b>	PK18/1723/RM	<b>Applicant:</b>	BDW Trading Ltd
<b>Site:</b>	PI12b & PI13b Land At North Yate New Neighbourhood South Gloucestershire Yate	<b>Date Reg:</b>	24th April 2018
<b>Proposal:</b>	Erection of 226 no. dwellings with associated roads, drainage, landscaping, garaging and parking to include reserved matters for appearance, layout, scale and landscaping to be read in conjunction with outline permission PK12/1913/O amended by PK17/4826/RVC.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	371507 183765	<b>Ward:</b>	Yate North
<b>Application Category:</b>	Major	<b>Target Date:</b>	13th July 2018

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**N.T.S.**

**PK18/1723/RM**

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

## **INTRODUCTION**

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

## **1. THE PROPOSAL**

- 1.1 This application seeks reserved matters consent for the erection of 226no. dwellings with associated roads, drainage, landscaping, garaging and parking. The reserved matters, which comprise appearance, layout, scale, and landscaping should be read in conjunction with outline permission PK12/1913/O superseded by PK17/4826/RVC. This outline consent included details of access into the site off Randolph Avenue and Leechpool Way, with provision for access from Peg Hill. The scheme benefits from an approved design code (North Yate New Neighbourhood Design Code Rev D-March 2017) and masterplan (Condition 39 Detailed Masterplan 4739-LDA-00-XX-DR-L-0013), as well as a number of framework plans approved at outline stage.
- 1.2 The application site comprises parcels PL12B and PL13B in the North Yate New Neighbourhood. These parcels are in the second phase of development according to the approved phasing plan. The site is approximately 4 hectares in area and slopes down gradually from east to west with some 2m level difference across the parcels. The highest point is the southeast of the site at 73.80AOD, which slopes down gradually to the north east. A strategic cycleway is required to be provided adjacent to the eastern boundary of the site, which extends north to south and connects Tanhouse Lane with Brimsham Park. Green space, including an attenuation basin, is required to be provided to the southwest of the parcel. These features are provided as part of the infrastructure application and are outside the scope of this application. Vehicular access to the parcel is off a primary road, which has already been approved under the first phase infrastructure. Public right of way LYA 53/10 crosses through the site and would be affected by the development.
- 1.3 The 226 dwellings proposed comprise a mixture of houses and flats of 1, 2, 3 and 4 beds of 2, 2.5 and 3 storeys in height. Out of the 226 dwellings, 76 would be affordable housing. A statement of compliance has been submitted in support of this application.
- 1.4 Following pre-application discussions and through the course of the application, a number of improvements have been secured to the scheme. The following are the main improvements that have been secured:  
  
The design and appearance of dwellings and the apartment blocks;  
The layout of the development to provide consistent and stronger frontages;  
More interesting and imaginative shared surface design;  
A better sense of place to the major node;  
More secure courtyard parking;

More pedestrian crossings over the central secondary street;  
The setting of the footpath to the western edge.

## 2. **POLICY CONTEXT**

### 2.1 National Guidance

National Planning Policy Framework July 2018  
National Planning Practice Guidance

### 2.2 Development Plans

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

CS1 High Quality Design  
CS2 Green Infrastructure  
CS4a Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS16 Housing Density  
CS17 Housing Diversity  
CS18 Affordable Housing  
CS30 Yate and Chipping Sodbury  
CS31 North Yate New Neighbourhood

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

PSP1 Local Distinctiveness  
PSP2 Landscape  
PSP3 Trees and Woodland  
PSP6 Onsite Renewable and Low Carbon Energy  
PSP8 Residential Amenity  
PSP10 Active Travel Routes  
PSP11 Transport Impact Management  
PSP16 Parking Standards  
PSP17 Heritage Assets and the Historic Environment  
PSP19 Wider Biodiversity  
PSP20 Flood Risk, Surface Water and Watercourse Management  
PSP21 Environmental Pollution and Impacts  
PSP37 Internal Space and Accessibility Standards for Affordable Dwellings  
PSP43 Private Amenity Space Standards  
PSP47 Site Allocations and Safeguarding

### 2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist SPD (adopted)  
The South Gloucestershire Residential Parking Standards SPD (adopted)  
Waste Collection: Guidance for New Developers SPD (adopted)  
Extra Care and Affordable Housing SPD (adopted)

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

- 3.1 PK10/042/SCO, Scoping Opinion for a proposed mixed-use site approximately 104ha in North Yate.
- 3.2 PK12/1913/O, Mixed use development across 100.76 hectares of land comprising up to 2,450 new dwellings (Use Class C3), extra care housing (Use Class C2), 4.63 hectares of employment land (Use Class B1,B2) provision of a local centre, two primary schools, together with the supporting infrastructure and facilities including: new vehicular and pedestrian accesses, public open space and landscaping and proposal to underground the electricity powerlines. Outline application including access with all other matters reserved. Approved on 17th July 2015.
- 3.3 PK15/5230/RVC, Variation of condition 41 of Planning Permission PK12/1913/O to change the proposed wording which related to the need for an Energy Statement and energy targets. Approved on 6th May 2016.
- 3.4 PK16/2449/RVC, Variation of condition 12 attached to planning permission PK12/1913/O to allow for a programme for archaeological investigations across the site. Approved on 15th August 2016.
- 3.5 PK17/0039/NMA, Non-material amendment to Condition 19 of PK16/2449/RVC (Outline planning permission for the North Yate New Neighbourhood) to reflect the updated phasing plan submitted pursuant to Condition 4. Approved on 23<sup>rd</sup> February 2017.

### **4. CONSULTATION RESPONSES**

#### **4.1 Yate Town Council**

##### **Objection.**

The site is coming forward out of order and will result in conflicts between construction traffic and resident traffic;

The plans are misleading as they show green space to the north and south;

Plots 100-120 adjoin the local centre and need to be planned as such in relation to parking – town/district centre shoppers may choose to parking in 12b and 13b;

Inappropriate provision for safe pedestrian movement;

Lack of POS footpaths to provide east/west movement between parcels;

Lack of pavements and street lighting except on main roads;

Lack of streetlights and unadopted roads will be dangerous for pedestrians.

This is worst to the north of the application;

Lack of pedestrian crossings on main roads;

We need a plan showing safe route to schools;

Lack of provision along the main road elements for bus stops/shelters;

The roads are too narrow;

Drives exit directly onto what will be main roads unlike the rest of Brimsham Park and vehicles will need to reverse directly onto the road;

Lack of cycling routes along main roads or off road;

Safe crossing is required across Randolph Avenue;

We are against thin areas of grass verge on main roads;

On-street parking is likely to occur along the central road which is very narrow;  
Visitor parking is poorly located and often insufficient in number especially for apartment blocks;  
Nowhere for delivery lorries to park and turn;  
The layout will allow several rat runs to be created;  
The eastern edge of the parcel could become a dangerous rat run;  
Does the level of parking and garage sizes meet the Council's minimum standards?  
It needs to be recognised that there will be desire line to get to the district centre;  
The POS to the west has been reduced from the masterplan to just a pond;  
These two phases show no informal play space;  
We oppose the use of render and weatherboarding on dwellings;  
All social housing should be designed for life;  
Ownership of boundaries associated with 300-305 and 234 and 235 is unclear;  
Concerns relating to flooding and drainage;  
The whole development requires a tree protection order;  
Trees must be adequately protected;  
Concerns regarding the loss of trees and the effects on bats;  
Tree, landscape and ecology officers at the Council should be consulted

4.2 Housing Enabling Officer

No objection

4.3 Archaeological Officer

No comment

4.4 Drainage Officer

No objection in principle to this application

4.5 PROW Officer

To date no application has been made for the diversion of LYA/50 across the site. Please note that an order to divert a path cannot be made under the planning act if the development affecting the path is substantially complete. The Public path order policy applies as does PSP 10 whereby the path is safeguarded and any alternative proposed must be of equal or better quality, with no new gradients, steps or other features that adversely affect the accessibility of the path to be introduced.

4.6 Waste Officer

The bin store sizes and locations are good. Plastic and cans will need to be in 240 litre bins, not 660 litre bins due to the lift mechanism on the collection lorry but this will not present an issue. The roads are narrow and often there are car parking spaces opposite the place that the lorry will stop to empty a bin store (for example plot 223-228). This will create a road block and may inconvenience residents, perhaps for six minutes each week. One junction near plot 278 appears to be too narrow and the vehicle track intrudes into the visitor car parking space.

4.7 Transportation Officer

Having assessed the revised plans as submitted with the application and with the new information on the general layout, parking (both on-plot and visitors' parking) as well as vehicle tracking for service vehicles, etc. I confirm that there is no highway objection to this application.

It is recommended that the finished/top surface material on 'shared-surfaced' roads to be in form of 'Concrete Block paving material' with exception on tight corners and within the hammerhead where tarmac material may be used. That is said, the transportation officer is satisfied that this matter can be decided by the colleagues in 'Development Implementation team' at S38 stage where construction details are decided.

4.8 Public Art Officer

Public art for the NYNN to be delivered in line with the approved public art strategy for the site

4.9 Environmental Protection Officer

No objections in principle. Development must comply with the agreed construction management plan.

4.10 Urban Design Officer

A general review of the architectural handling of the apartment types is encouraged, but the primary south-facing edge of these parcels is a particular concern and is capable of significant improvement – Street Scenes drawing 0642-3-103-1 should be used as a 'design tool' to re-visit this important street composition and to establish a stronger language that is more closely aligned to the requirements of the design code.

4.11 Landscape Officer

The revised planting plans have accommodated my comments and now have a less generic character.

4.12 Highway Structures Officer

If the application includes a structure that will support the highway or support the land above a highway. No construction is to be carried out without first providing the Highway Structures team with documents in accordance with BD2/12 of the Design Manual for Roads and Bridges that will allow formal Technical Approval of the proposals to be carried out. The applicant will be required to pay the fees associated with the review of the submission whether they are accepted or rejected.

Or

If the application includes a boundary wall alongside the public highway or open space land then the responsibility for maintenance for this structure will fall to the property owner.

4.13 Landscape Officer

The revised planting plans have accommodated my comments and now have a less generic character.



## **Other Representations**

- 4.14 Local Residents  
No comments received

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

North Yate New Neighbourhood is a major development site allocated by policy CS31 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013 for a major mixed use development of up to 3000 dwellings. Outline consent was subsequently granted on 17th July 2015 for a mixed use development across 100.76 hectares of land comprising up to 2450 new dwellings, including 4.63 hectares of employment land, a local centre, two primary schools and supporting infrastructure. This approval covers a substantial area of the NYNN allocation. A masterplan and design code for the North Yate New Neighbourhood were subsequently approved by the Local Planning Authority on 20th January 2017 and 12th May 2017 respectively. The principle of the development is therefore, acceptable.

### **5.2 Urban Design**

The approved design code envisages a new neighbourhood made up of different areas with their own particular qualities. Three separate character areas – Yate Gallops, Yate Woods, and Yate Meadows are proposed in order to achieve this. The idea, according to the design code, is that the character areas facilitate design that works with the existing site and its surrounding context, whilst enabling a range of development types to come forward to broaden the market choice on offer and to help deliver a commercially sustainable scheme.

- 5.3 The site lies within the Yate Gallops character area. This area is located in the centre of the NYNN site and has a tight, highly organised urban form. Streets are tree lined and the formality of the area is reflected in the species and consistent placement of tree planting. The scale and density of buildings is required to be highest to the south, close to the local centre, and decrease at the northern end, which will aid in the legibility of the development.

### **5.4 Parameter Plans**

The approved parameter plans show that parcels PL12b and PL13b are required to provide entirely residential development, with a density between 45-60 dwellings per hectare, with a maximum height of 2-3 storeys. The proposal is entirely residential and has a density of 55dph and a maximum height of 3 storeys. The proposal is considered to comply with the approved density and storey heights parameter plans.

### **5.5 Green Infrastructure**

The applications are not required to provide any specific green infrastructure/open space. On street tree planting is required to be provided in the central street between the parcels; the development also abuts an attenuation basin to the southwest. Planting within and around the attenuation basin has already been approved by virtue of the first phase infrastructure

application (PK17/4260/RM). The approved infrastructure plans have been superimposed over the proposed layout in this area to ensure that tree and woodland grass planting approved fits acceptably with the proposed scheme. Tree planting is proposed along the central street in accordance with the parameter plan, and the species proposed is considered to be acceptable. A separation distance of approximately 15 metres at the closest point is provided between the development and an existing hedgerow to the west of the parcel, which accords with the approved parameter plan.

#### 5.6 Access and Movement

The application parcels are subdivided by a central secondary street, which extends north/south from which east/west tertiary streets extend in accordance with the parameter plan. Footway or shared surface access is required to be provided to the east and western edges of the parcel, whilst a strategic cycle way is required to the eastern edge. These links have been provided on a mix of 3 metre wide dedicated cycle/pedestrian paths, as well as shared surfaces. The proposal is considered to be in accordance with the parameter plan.

#### 5.7 Waste Collection and Storage

The Refuse Strategy Layout plan submitted demonstrates that the majority of properties will have refuse storage areas within rear gardens with collection intended from the public highway to the front of the property, which will ensure convenient access by future occupiers and collection crews; and that the various receptacles are stored where they will be well screened from the public realm. Where this is not possible, bin muster areas or front bin stores are proposed. Apartment blocks are served by dedicated bin and cycle stores. The Council's Waste Officer has raised no objections in respect of the bin store sizes and locations. The Waste Officer's comments regarding the potential for the delivery vehicle to block roads is noted; however, the width of roads has already been agreed in principle by virtue of the masterplan and design code. The proposal is considered to be in accordance with the approved design code in respect of the width of the secondary and shared surface streets. The revised tracking plans submitted demonstrate that collection vehicles will be able to manoeuvre safely within the scheme.

#### 5.8 Layout and Appearance

In the original plans submitted there was quite a big deviation from the design code and masterplan in respect of the form and layout of proposed development along the primary and secondary streets. The design code and masterplan envisage a high level of continuous, unbroken frontage to provide strongly defined perimeter blocks with a high degree of courtyard parking. Apartment blocks of 3 storeys are provided to front on to the primary street, and whilst these are comprised of separate standard blocks rather than a single continuous bespoke building, the layout has been amended to reduce gaps created by single storey bin stores previously proposed to create a tighter and more consistent frontage. Brick walls between the buildings will also tie the frontage together better. The apartment block to the eastern end of the primary frontage comprises stone gables to the front and a stone panel to the side to accentuate the building within the streetscene. A key building is required to be provided at the junction between the secondary and primary streets.

The building proposed with parapets to the eaves and verges, as well as glazed projecting balconies and a unique coloured render finish is considered to be acceptable. A major node is required to be provided to the front of the building at the junction, and the changes to the alignment of the road and paths, the surface treatment, boundary treatment, provision of street furniture and additional tree planting will provide more of an open character and a better sense of place than the original plans proposed. Both buildings on opposite sides of the junction are dual fronted so that they adequately address the junction.

- 5.9 The primary street comprises a large number of large apartment blocks, which will be prominent due to their size and also their location adjacent to the local centre and the main route into the NYNN from Randolph Avenue. A streetscene plan has been submitted to provide a clearer understanding of the appearance and composition of this street. Following comments from the Council's Urban Design Officer, the developer has amended the appearance of the apartment blocks to include additional windows to the rear and/or side elevations of Blocks A, B and C to improve the solid to void ratio; and changed the window design for Block B (Plots 112-123) to provide a more coherent hierarchy of the fenestration to be in-keeping with other apartment blocks to provide a more consistent frontage to the street. In addition, to produce a greater richness of detail, additional contrast brick detailing has been introduced between window openings to provide more vertical emphasis and ordering in the elevations. This approach has been repeated for all of the apartment buildings along the southern street (aside from the key building) to ensure a 'family resemblance' between the buildings.
- 5.10 The secondary road comprises a mix of 2.5 storey semi-detached and terrace properties and three storey apartment blocks. The larger apartment blocks are located at road junctions, which is considered to be the correct approach. The aspirations of the code, in respect of continuous terrace frontages, has not been met as the scheme is not solely reliant on rear parking courts and on street parking. The use of semi-detached properties allows for parking, which is better related to properties to the sides and rear, which will be more convenient for use by occupiers. The apartment blocks have been re-orientated so that they primarily present to the secondary street rather than the east-west tertiary street to provide stronger and more continuous frontages to the secondary street, which considered acceptable. Metal gates are proposed between properties to tie the frontages together better, and the use of consistent brick and render elevational materials, slate grey tiles, which is mirrored on the opposite side of the street, will provide a consistent and well composed streetscene. Boundary treatment in this location is 150mm dwarf wall with 750mm railings over, which accords with the design code.
- 5.11 The tertiary streets comprise primarily terrace properties of 2 storeys with red brick with blue engineering brick to add interest and brown pantile roof tiles. The properties front onto shared surface tertiary streets, which have been improved through increased level of landscape planting, build outs and changes of surface material to create more interest and sense of place to these areas.

- 5.12 The northwestern section of the parcel forms part of the Yate Woods character area in the design code; however, it is agreed that it is sensible to for this area to be designed as part of the Gallops character area, as in this location the dwellings would primarily be viewed alongside other properties within the Gallops character area. The properties front onto a 3m wide pedestrian footpath and concerns were raised regarding areas of inactive frontage such as boundary walls, side elevations and the rear of garage blocks. A street elevation submitted provides a better understanding of the appearance of this area. Landscape planting to the front of the boundary walls and the rear wall of the garage block will help soften and buffer these blank elevations. A ground floor window to the side of plot 236 will provide natural surveillance to the footpath. Accordingly, it is considered that there will be an adequate frontage to the footpath.
- 5.13 The eastern edge comprises a mix of 2.5 storey and 2 storey terrace and semi-detached properties with a 3 storey apartment block. The provision of 2 storey in this edge location adjacent to green space is acceptable. A number of the units are set back behind parking which results in large breaks of the main building line. The use of stone as a primary material again reflects the edge location, and the consistent materials of stone with blue engineering brick and brown pantiles will help to provide a sufficiently consistent and adequately strong frontage. Amendments to the planting design will help to soften and screen the rows of front vehicular parking from certain views.
- 5.14 **Public Rights of Way**  
Public right of way LYA/53/10 crosses the site, which links Randolph Avenue to Tanhouse Lane. Development will block the route of the public right of way; therefore, it will need to be diverted to an acceptable route to ensure the Randolph Avenue/Tanhouse Lane link is maintained. This has already been accepted in principle by virtue of the approved NYNN Masterplan. A separate diversion application will be required to be submitted in order to divert the footpath and an informative note is appropriate to bring this to the attention of the developer.
- 5.15 **Shared Street Design**  
All of the streets within the parcels are proposed to be shared surface type apart from the central secondary street and the primary street to the south, which accords with guidance within the design code. There has been a considerable improvement in the design of the shared surfaces, with provision of buildouts with landscaping and changes in surface material to provide greater interest to these areas, and also better control vehicular speeds. The shared surface serving plots 282-284 and 294-296 in particular shows creative use of surface materials and landscaping in the design of the shared surface street. Visitor parking is proposed within the shared surface areas, which accords with advice in the design code to ensure that the areas are functional and lively places. The NYNN Design Code makes reference to 'truly' shared surface streets. The main feature of a 'truly' shared surface street is that it is laid flush with no engineered features such as kerbs associated with priority for vehicles. A kerb plan was requested from the developer to show that a flush surface will be provided. The developer has not acceded to this request as this

matter will be dealt with through the S38 highway adoption process. Accordingly, there is no objection on this basis.

#### 5.16 Security

There has been improvements to the design of parking courts with increased tree and hedge planting to soften these areas and improve their environment. The design code requires that courts have good natural surveillance and be enclosed by robust materials. The proposal accords with the guidance with close boarded fencing to the boundaries of parking courts and natural surveillance. Where there is not sufficiently good natural surveillance, 1.8 metre high timber and metal vehicular and pedestrian gates are proposed to secure the parking courts. Side elevations which present to the street now comprise fenestration to ensure a good level of surveillance to the street. Concerns were raised regarding the likely resulting environment of the footpath to the northwest of the parcel, which is addressed by areas of inactive frontage such as boundary walls and the rear of a garage block. Accordingly, revised plans submitted introduce tree planting and climbing plants to areas of inactive frontage, as well as windows within the side elevation of plot 236, which will provide an acceptable environment for this area.

#### 5.17 Landscaping

Tree protection fencing has been agreed and is required to be installed around retained trees and hedgerows under applications PK17/4260/RM and PK18/1656/RM for infrastructure. The whole of the NYNN site is covered by Tree Reservation Order SGTPO 09/09 (632) dated 22nd September 2009. The works to trees, as well as the location of tree protection fencing has been agreed with the Council's Tree Officer under applications PK17/4260/RM and PK18/1656/RM.

5.18 The parcel abuts a POS area to the southwest which contains tree and grass planting associated with an attenuation basin. Concerns were raised by officers regarding the proximity of the development to this area, and possible encroachment into the POS. Plan have been amended with the POS area superimposed over the development layout to demonstrate that the approved landscape planting will not be adversely affected. Yate Town Council's concern regarding the design of this area of open space is noted; however, this area is outside the application site and has already been considered under application PK17/4260/RM.

5.19 The highway verge planting was originally proposed as turf and trees, which conflicted with the approved, design code compliant, infrastructure planting scheme, which as well as trees, comprises a variety of tall grasses, shrubs and bulbs. The revised plans include a label which states that verge planting will be as shown and approved in the landscape infrastructure scheme. This is considered to be acceptable, and provides clarification in respect of the location of tree planting to fit with accesses and streetlighting required, and ensures the provision of the approved verge planting.

5.20 Additional tree planting is proposed to parking courts to soften, and provide more amenity to these areas. The tree planting proposed to the parking court of plots 303 -314 would also contribute to the setting of the adjacent public open space containing an attenuation basin. The planting specification has been amended in accordance with the Council's Landscape Officers comments to provide larger trees of greater stature, and through the use of more interesting and distinctive species for planting in line with the requirements of the design code. Following the submission of revised plans, the Council's Landscape Officer has confirmed that they address the comments made and that the planting will have a less generic character.

5.21 Urban Design Conclusion

The overall appearance and quality of the proposed scheme, particularly the appearance large apartment blocks, has been improved following negotiation between Council officer's and the developer to better reflect the aspiration of the design code. Accordingly, there are no objections in respect of urban design.

5.22 Residential Amenity

The reserved matters parcel is located in a central position within the overall NYNN site; therefore, existing residential properties are not located within close proximity. There is a separation distance of approximately 200 metres between existing properties at Pear Tree Hey and the proposed development at the closest point, which is considered sufficient to ensure that existing residential occupiers will not be significantly adversely affected through loss of privacy, outlook or natural light. Back to back distances and the orientation of the proposed dwellings are sufficient to ensure that future occupiers would have an adequate level of privacy and amenity. Garden sizes are considered to be adequate and sufficiently private to ensure that they will be functional for future occupiers. For affordable dwellings, where no garages are provided, the plans indicate the location of storage sheds within rear garden with sufficient private amenity space remaining to serve the dwellings. Although the size of private amenity space for a number of properties is less than the guide set out under Policy PSP43, there is no objection on this basis given that the proposed density has already been accepted in principle by virtue of the approved density plan. Moreover, the size and layout of private amenity areas are such that it is considered that they would function adequately for future occupiers. Most of the apartment blocks are proposed to have either private balconies or communal amenity space, with some of the apartment blocks benefitting from a formal seating area.

5.23 Transportation

In accordance with the masterplan and parameter plans, vehicular access into the parcel is off the primary road, which leads to a north-south secondary road, from which east-west tertiary streets are accessed. The tertiary streets are designed along shared surface principles where there is no defined carriageway or footways. These streets are relatively short, and whilst they are reasonably straight, they include buildouts of landscape planting, changes of surface material and on-street parking to further keep vehicular speeds low.

- 5.24 The central north-south secondary street along 'The Ride' is required to be 5m in width with 2 metre wide footways and 0-2 and 2-4 metre wide verges either side of the carriageway. The proposed scheme accords with the design code, although the carriageway has been widened to 5.5 metres to address the Town Council's concerns regarding the narrow width of the road. Tracking plans submitted demonstrate that bin collection wagons will still be able to pass adequately even if some on-street parking occurs in this location. The tracking plans submitted also indicate that the design of the tertiary streets will allow large vehicles such as bin wagons to safely manoeuvre through the site. The revised plans submitted now demonstrate tactile paving/crossing points at the junctions in east-west direction, as well north-south in accordance with the Council's Transportation Officers' comments. A pedestrian crossing point with tactile paving and dropped kerb is provided at the southeastern corner of the parcel to provide a safe crossing point to the local centre. The shared surface tertiary roads and the secondary street will be adopted streets with street lighting; and therefore, will provide safe routes to school.
- 5.25 The Town Council's comment in relation to a crossing point at Randolph Avenue is noted; however, this is beyond the scope of the application. Any off-site traffic calming measures required are set out in, and controlled through the S106 agreement approved at outline stage. Although the proposed plans allow for direct access to properties from main roads, this accords with the approved masterplan and design code; therefore, there is no objection on this basis. A Parking Matrix Plan has been submitted which sets out the amount of parking provided for each property, as well as the allocation of visitor parking. The plan identifies that garages count towards parking provision, which is acceptable given that they meet the Council's minimum size standards. The Highway Authority have raised no objections in relation to the amount and location of the proposed parking. It is not considered that the proposed layout would result in any dangerous rat running.
- 5.26 Listed Building Impacts  
The closest heritage asset is the grade II listed Goosegreen Farmhouse and barn which is approximately 446 metres to the south of the parcels. Given the separation distance and the intervening development, it is not considered that there would be a significant effect on the setting and significance of the listed building. Weight is also given to the fact that the masterplan showing residential development in this location has also been approved in principle.
- 5.27 Affordable Housing  
The plans propose 76 affordable dwellings, with 60 for social rent and 16 for intermediate housing. The quantum of affordable housing as well as the tenure and type reflects the agreed Affordable Housing Masterplan. It has been agreed that there should be no more than 12 affordable dwellings in a cluster with no more than 6 flats with a shared access. The Affordable Housing Officer has confirmed that the proposal complies with the clustering arrangements. The officer has advised that the applicant should be mindful of the location of affordable housing clusters that will come forward as part of reserved matters applications on neighbouring parcels of land. An informative note is considered to be appropriate to bring this to the attention of the developer. The application proposes 3 of the social rented homes consisting of 2x2 bed flat and 1x3 bed

house to be provided as wheelchair accommodation, which is in accordance with the approved Affordable Housing Plan. The applicant has confirmed that the parking will be to Wheelchair specification and that outdoor garden space will be provided for each wheelchair unit and the Council's Affordable Housing Officer has raised no objections on this basis. The developer has confirmed that the proposed wheelchair accommodation will meet the South Gloucestershire's wheelchair accommodation standard; and a number of issues raised by the Senior Occupational Therapist such as the position of the sink, toilet and shower have been adequately addressed in the revised plans submitted. The design standards that the dwellings are required to meet have already been agreed and stipulated in the approved S106 agreement.

#### 5.28 Drainage

The Council's Drainage Officer has raised no objections to the proposal. The Drainage Officer is satisfied that the information submitted demonstrates compliance with the wider Surface Water Drainage Masterplan/Strategy set out in H560-FN19H Technical Note on Hydraulic Modelling of Surface Water Drainage System For Phase 0A and B infrastructure. Although the Council's Drainage Officer has highlighted there are some minor contributing impermeable areas compared to the wider Surface Water Drainage Strategy plan, they are satisfied that it would not result in any adverse flooding and drainage effects. The Drainage Officer has highlighted that the proposed surface water drainage system cannot be connected until certain drainage and road infrastructure are provided. This infrastructure has already been approved under application PK17/4260/RM and therefore; the necessary infrastructure can be provided accordingly. The Drainage Officer has highlighted that road SR6, which is the central secondary road is still awaiting consent under PK18/1656/RM; however, this road (the central secondary road) is included within the proposed reserved matters scheme. It is therefore, considered that an acceptable means of drainage could be achieved.

#### 5.29 Ecology

A number of ecological strategies were secured as part of the discharge of conditions on the outline consent. This included a Landscape and Ecological Management Plan, and wildlife mitigation strategies. These strategies were required to help mitigate the impact on, as well as measures to enhance wildlife. An informative note is attached to notify the developer of the requirement to accord with the relevant wildlife strategies.

#### 5.30 Further Matters

The application is considered to accord with the agreed phasing plan. The plans are considered to be sufficiently accurate to adequately determine the application. The local centre will be subject to separate reserved matters and this area will have its own parking area as set out in the masterplan. Footpaths through POS are provided within the infrastructure application. The tertiary streets are shared surface areas, which accords with the design code, and will be adopted and lit by street lights. Bus stops/shelters are included in the infrastructure application; this matter is outside the scope of the application.



### 5.31 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 Reserved matters consent is GRANTED subject to the following conditions.

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

## CONDITIONS

1. Prior to the first occupation of any dwelling in the parcel, details of 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 prior to the first occupation of any dwelling in the parcel.

### 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 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017.

2. All hard and soft landscape works shall be carried out in accordance with the details hereby approved. The works shall be carried out in the first planting season prior to occupation of the final dwelling approved under this reserved matters application or in accordance with the programme agreed in writing by the Local Planning Authority.

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.

3. 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, 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.

4. Prior to the construction of development above Damp Proof Course (DPC) level, samples of all external facing materials shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason

To ensure an adequate standard of external appearance and to accord with policy CS1 of the South Gloucestershire Core Strategy (adopted) December 2013.

5. Prior to the construction of development above Damp Proof Course (DPC) level, sample panels of stonework, demonstrating the colour, texture and pointing are to be erected on site and approved in writing by the Local Planning Authority . The approved sample panel shall be kept on site for reference until the stonework is complete. Development shall be carried out in accordance with the agreed sample.

Reason

To ensure an adequate standard of external appearance and to accord with policy CS1 of the South Gloucestershire Core Strategy (adopted) December 2013.

6. Prior to the construction of development above Damp Proof Course (DPC) level, sample panels of brickwork, demonstrating the colour, texture, facebond and pointing are to be erected on site and approved in writing by the Local Planning Authority. The approved sample panel shall be kept on site for reference until the brickwork is complete. Development shall be carried out in accordance with the agreed sample.

Reason

To ensure an adequate standard of external appearance and to accord with policy CS1 of the South Gloucestershire Core Strategy (adopted) December 2013.

7. Prior to the construction of development above Damp Proof Course (DPC) level, the design and details including materials and finishes of the following items on all dwellings shall be submitted to and approved in writing by the local planning authority:
1. Eaves, verges and ridges
  2. All windows (including cill, reveal and lintels)
  3. All external door hoods, architraves, canopies and porches
  4. Extracts, vents, flues & meter boxes
  5. Dormers

The design details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 together with cross section profiles. The scheme shall be implemented strictly in accordance with the approved details.

Reason

To ensure an adequate standard of external appearance and to accord with policy CS1 of the South Gloucestershire Core Strategy (adopted) December 2013.

8. Prior to the construction of development above Damp Proof Course (DPC) level, a sample panel of the render indicating colours and texture, shall be erected on site and approved in writing by the Local Planning Authority. The approved sample panel shall be kept on site for reference until the development is complete. Development shall be carried out in accordance with the agreed sample.

Reason

To ensure an adequate standard of external appearance and to accord with policy CS1 of the South Gloucestershire Core Strategy (adopted) December 2013.

9. The bin storage shown on the drawings hereby approved shall be provided before the corresponding dwellings are first occupied, and thereafter retained for that purpose.

Reason

In the interest of the amenities of the site and to accord with policy CS1 of the South Gloucestershire Core Strategy (adopted) December 2013.

10. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided for the plot to which it relates before the corresponding building is first occupied, and thereafter retained for that purpose.

Reason

In the interest of the amenities of the site and to accord with policy CS1 of the South Gloucestershire Core Strategy (adopted) December 2013.

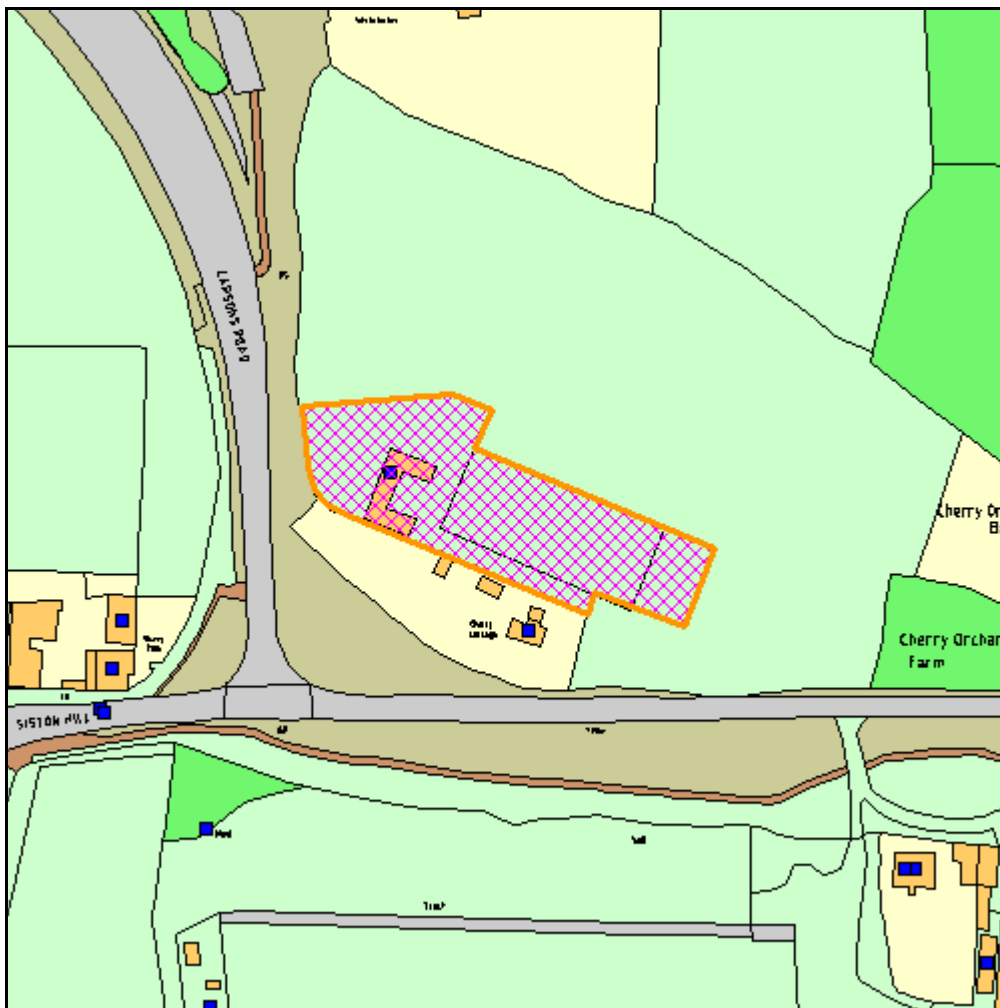
11. Prior to the construction of the major node junction, a sample of the contrast material shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed sample.

Reason

In the interests of the character and visual amenity of the area and to accord with policy CS1 of the South Gloucestershire Core Strategy (adopted) December 2013.

**CIRCULATED SCHEDULE NO. 47/18 – 23 NOVEMBER 2018**

<b>App No.:</b>	PK18/2781/F	<b>Applicant:</b>	Mr G Wheadon
<b>Site:</b>	Land Adjacent To Cherry Cottage Siston Hill Siston Bristol South Gloucestershire BS30 5LT	<b>Date Reg:</b>	9th July 2018
<b>Proposal:</b>	Retention of mobile home to be occupied as rural workers dwelling and continued use of land as stud farm (sui generis).	<b>Parish:</b>	Siston Parish Council
<b>Map Ref:</b>	366963 174518	<b>Ward:</b>	Siston
<b>Application Category:</b>	Minor	<b>Target Date:</b>	31st August 2018



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 100023410, 2008. **N.T.S.** **PK18/2781/F**

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

## **REASONS FOR REPORTING TO CIRCULATED SCHEDULE**

A representation has been made by the parish council, which is contrary to the findings of this report. Furthermore, the application represents a departure from normal Green Belt policy. Under the current scheme of delegation it is therefore required to be taken forward under the Circulated Schedule procedure.

### **1. THE PROPOSAL**

- 1.1 Planning permission is sought for the retention of a mobile home to be occupied as a workers dwelling, and the continued use of land as a stud farm (sui generis). The application relates to land adjacent to Cherry Cottage, Siston Hill, Siston.
- 1.2 The application site comprises 2.023ha of land located to the rear of Cherry Cottage, Siston. The site is accessed off Carsons Road. The site is located outside of any defined settlement boundary, and within the Bristol and Bath Green Belt.
- 1.3 Planning permission was granted in 2014 for the use of the land as a stud farm and the installation of 2no. foal boxes. The application also sought consent for the stationing of a mobile home, to be occupied as a workers dwelling. A temporary consent for a period of 3 years was granted, and the development was subsequently implemented. The current application now seeks to regularise the use and workers accommodation on a permanent basis.
- 1.4 Acorus Rural Property Services Limited were instructed by the Local Planning Authority to undertake an independent review of the submitted Agricultural Appraisal. A summary of the findings are set out in section 4 of this report.
- 1.5 As an element of the proposal constitutes inappropriate development in the Green Belt and therefore represents a departure from normal Green Belt policy, the application has been advertised as a departure.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework July 2018  
National Planning Policy Guidance (2014)

#### **2.2 Development Plans**

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

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development

CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS23	Community Infrastructure and Cultural Activity
CS24	Green Infrastructure, Sport and Recreation Standards
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP28	Rural Economy
PSP29	Agricultural Development
PSP40	Residential Development in the Countryside
PSP41	Rural Workers Dwellings

- 2.3 Supplementary Planning Guidance  
 Development in the Green Belt SPD (Adopted) 2007  
 Design Checklist SPD (Adopted) 2007  
 Residential Parking Standards SPD (Adopted) 2013

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

#### **3.1 PK14/2036/F**

Change of use of land from part agricultural and part keeping of horses to Stud Farm (sui generis) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended), stationing of 1no. mobile home and erection of 2no. Foaling boxes.

Approved: 13.10.2014

#### **3.2 PK08/2171/F**

Change of use of land from agricultural to land for the keeping of horses. Erection of stables, tack room and hay barn. Construction of outdoor menage.

Approved: 18.09.2008

#### **3.3 P98/4446**

Proposed new dwelling (outline).

Refused: 17.08.1998

## 4. CONSULTATION RESPONSES

### 4.1 Siston Parish Council

- Objection – see no reason or justification for changing the need for a regular review of the mobile home temporary condition.
- Even if proven to be important to the current business use of this land, it is considered all such benefits will be maintained by the same periodic review.
- Felt that nothing has changed to warrant a variation of the 2014 consent for this same very substantial three bedroom with living accommodation, a mobile(?) dwelling still deemed to be inappropriate and lacking the very special circumstances necessary for any permanency approval in this sensitive Green Belt location.
- Councillors remain opposed to anything other than a regular review of this temporary permission.

### 4.2 Other Consultees

#### Sustainable Transport

No comment

#### Lead Local Flood Authority

No objection

#### Highway Structures

No comment

#### Landscape Officer

Not clear if new building proposed to replace existing. Query whether landscape plan is required.

### 4.3 Acorus Rural Property Services

#### Labour

As part of the application, a standard man day calculation has been provided which indicates a theoretical requirement for 1.72 full time workers. In undertaking my own calculations using data from the Equine Business Guide (6<sup>th</sup> Edition - 2015), my conclusions are consistent with figures stated to support of the application.

#### Evaluation of Business - Functional Need

In the 2014 assessment, my opinion was that *the scale of this facility (existing and planned) is too small to warrant permanent (on a temporary licence) on-site accommodation. The need can be met by the existing off-site accommodation.* Despite this advice, in referring to the case officer report it was concluded that *on balance it is Officer opinion that although small scale there would be sufficient need for 24 hour supervision on the site when the business expands and consequently the need for a mobile home to house the manager providing that 24 hour care.*

The scale of the activity has altered since the previous application with the addition of a further brood mare and stallion and the completion of the 2no. foaling boxes. It is accepted that the functional need has been enhanced as a result of these changes, and although concerns still stand in relation to the scale and the borderline case for justification, in considering the nature of these changes, labour calculation and the previous Council approval, I see there is no reason but to accept that a functional need for the dwelling is justified.

#### Evaluation of Business - Financial Viability

Trading accounts have been provided for 2015, 2016 and 2017 which show a net profit. A balance sheet for each financial year is also provided which appears to show the net worth of the activity being strong. In addition, there is a forward projection for 2019, 2020 and 2021.

On balance, whilst the variable and fixed costs (including labour) appear to be on the low side compared to standard data figures, the evidence submitted indicates a business that is sufficiently profitable and sustainable and, as such, I am content that the financial test is satisfied.

#### Dwellings on the Holding or in the Area

The application is to make permanent the current mobile home. There are no other dwellings on the holding. A Rightmove assessment has been undertaken which indicates that there is 1 property available for sale within ¼ mile of the postcode. Whilst available, given the distance and a guide price of £1.25m, it is not considered to be suitable in this case. As a result, there are no suitable properties in the area available to meet the need.

#### Conclusion

In my opinion, in considering the nature and scale of the activity, the functional need for on-site accommodation is borderline. However, given the previous Council approval, I consider it would be difficult to refuse the application on such grounds. As all other matters appear to be satisfied, the justification for on-site accommodation is supported.

### **Other Representations**

#### 4.4 Local Residents

One letter of objection was received during the statutory consultation period. The main concerns raised are outlined below:

- It does not seem appropriate to have a permanent dwelling as this would detract from the amenity value of Siston Common by increasing ribbon development.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Background

The land that makes up the holding equates to 2.023ha, and is owned by Mr and Mrs Geoffrey Wheadon. Planning permission was granted in September 2008 for the change of the use of land from agricultural to land for the keeping of horses. Consent was also granted for the erection of a stables, tack-room and hay barn, and the creation of an all-weather outdoor riding arena.



- 5.2 Permission was then granted in October 2014 for the change of use of land from part agricultural and part land for the keeping of horses to a stud farm (sui generis). The proposal also involved the stationing of 1no. mobile home and the erection of 2no. foaling boxes. Temporary consent, for a period of 3 years, was granted.
- 5.3 The current private facilities are used to keep and train Friesian Horses that belong to the site owner. A number of mares, foals, and two stallions are kept on-site at any given time. The yard is managed by Mr Wheadon's daughter, who assists in the care of the horses.
- 5.4 Principle of Development  
The development proposal relates to an existing rural enterprise. The National Planning Policy Framework makes a presumption in favour of sustainable development and has placed a strong emphasis in respect of supporting economic growth in rural areas. In particular the document sets out that planning policies should enable;
- a) *the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
  - b) *the development and diversification of agricultural and other land-based rural businesses.*
- 5.5 In terms of the Development Plan, policy PSP28 of the Policies, Sites and Places Plan is, subject to certain criteria, supportive of the intensification, extension or alteration of existing businesses located within the rural area.
- 5.6 As the application relates to the erection of a new dwelling, Policies CS5 and CS34 of the South Gloucestershire Core Strategy are also of relevance. These policies state that new build housing should be limited to urban areas and established settlement boundaries. In this regard, the proposal is contrary to the adopted development plan as it proposes a new dwelling outside of any established settlement boundaries as shown on the Proposals Map and is located within the open countryside.
- 5.7 The Development Plan policies discussed above set out the Council's general position in terms of rural development and new housing, which are both of relevance to this case. However a policy within the adopted Development Plan relates more specifically to applications for rural worker's dwellings. Policy PSP41 of the Policies, Sites and Places Plan supports the erection of dwellings for permanent workers in agriculture, forestry or other rural businesses outside of defined settlement boundaries, provided that the applicant can demonstrate that:

- 1) *the dwelling is required to satisfy a clearly established existing functional need to live at the place of work or within the immediate area, which can't be met within the defined settlement boundaries; and*
- 2) *the rural business has been established for at least three years, has been profitable for at least one of them, is financially sound, and has a clear prospect of remaining so; and*
- 3) *the need could not be fulfilled by another existing dwelling or building capable of conversion on the unit, or any other accommodation or building capable of conversion in the area, which is suitable and available for occupation by the worker concerned; and*
- 4) *the proposal(s) is satisfactorily sited in relation to the rural business and wherever possible, is sited within a hamlet or existing group of buildings.*

5.8 This approach is reflected in national policy. Paragraph 79 of the National Planning Policy Framework (July 2018), outlines that planning policies and decisions should avoid the development of isolated homes in the countryside unless certain circumstances apply. One such circumstance is when there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.

5.9 In order to determine whether the proposal for an agricultural workers dwelling is acceptable in principle, the development must be assessed against the criteria set out above. This assessment, as set out below, is made in light of the comments provided by the rural surveyor.

*Functional Need*

5.10 As part of the previously approved application, the evidence submitted was considered sufficient as to justify the need for a worker to reside on-site. Since the previous approval, it is acknowledged that the business has expanded, and that it is the intention of the applicant to continue to expand the stud farm enterprise. This is a matter that is accepted by the rural surveyor. Overall, given the nature of the business and the high value of horses kept on-site, the functional need for a worker to reside permanently on-site is acknowledged.

*Financial Viability*

5.11 Trading accounts have been provided for 2015, 2016 and 2017 which show a net profit. A balance sheet for each financial year is also provided which appears to show the net worth of the activity being strong. In addition, there is a forward projection for 2019, 2020 and 2021. The evidence submitted indicates a business that is sufficiently profitable and sustainable.

*Existing Buildings and Other Accommodation*

5.12 It is noted that Cherry Cottage is situated to the south-east of the stables and foaling boxes. However this property does not form part of the application site, and it is unclear whether the applicants, or any relatives of the applicants, reside within this property. In any case, the building is some 35m from the

stables and foal boxes, with several structures separating the two. As such, it is acknowledged that Cherry Cottage may not be sufficiently within sight or earshot of the animal's accommodation, as for it to provide suitable accommodation for an on-site worker.

- 5.13 In terms of other properties in the area, similar to the assessment made by the independent rural surveyor, the results of a property search in the area indicated that there were no suitable properties for sale in the locality. In any case, given the nature of the activities at the site, it is acknowledged that there is a functional need for a worker to reside in close proximity to the stable buildings.

Siting

- 5.14 The mobile home is situated on the northern edge of an area of hardstanding/gravel used for access and parking. The mobile home is well-related to the main stable building and foal boxes, and is not considered to hold an isolated position within the site. Overall it is considered that the dwelling would relate well to existing buildings, and the overall siting is considered appropriate.

Is there an essential need for a key worker to live at or near to the place of work in the countryside?

- 5.15 The case has been assessed under the guidance set out in paragraph 79 of the National Planning Policy Framework, i.e. whether there is an essential need for a worker to live at or near to the place of work in the countryside.
- 5.16 Temporary permission was granted in 2014, which provided the applicant with the opportunity to demonstrate an essential need for a key worker to live at the place of work in the countryside. On the basis of the assessment made above, the evidence submitted is considered to demonstrate the need. It is also acknowledged that the business has grown since 2014, and is anticipated to continue growing. Overall, the proposal is considered to meet each element of policy PSP41. However the application is to be assessed against other relevant areas of consideration in order to identify any harm. In this case, the further areas of consideration include design, visual amenity, landscape, residential amenity and transport. As the site is located within the Green Belt, the development must also accord with the principals of Green Belt policy to be acceptable.

5.17 Green Belt

Policy CS5 and CS34 of the Core Strategy and policy PSP7 of the Policies, Sites and Places Plan support the protection of the Green Belt from inappropriate development. The NPPF also attaches great importance to the Green Belt – with development in the Green Belt generally being considered inappropriate. Paragraph 145 of the NPPF sets out a number of exception categories, whereby the erection of new buildings in the Green Belt may be appropriate. Paragraph 146 sets out other forms of development in the Green Belt that are also not inappropriate, provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. One such form of development is the material change in the use of land.

- 5.18 In terms of the continued use of the land as a stud farm, it is not considered that the use of the land for this purpose would have any greater impact on the openness of the Green Belt than if it were used for agricultural purposes or for the keeping of horses. Furthermore, it is not considered that the use of the land for these purposes would directly conflict with any of the 5 purposes of Green Belt policy.
- 5.19 The foaling boxes are also considered to be appropriate facilities for a form of outdoor recreation. As such, these structures are considered to fall in to one of the exception categories for buildings in the Green Belt, as set out in paragraph 145 of the NPPF.
- 5.20 As such, it is considered that these two elements of the scheme fall in to predefined exception categories for development in the Green Belt, and are therefore not inappropriate.
- 5.21 However the worker's dwelling is not considered to fall in to any exception categories listed in paragraphs 145 and 146. This assessment was also made under the previously approved application (PK14/2036/F). This element of the proposal therefore constitutes inappropriate development in the Green Belt. Paragraph 143 of the NPPF outlines that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 moves on to state that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Very Special Circumstances

- 5.22 A case for very special circumstances has been submitted by the applicant. Very special circumstances are generally perceived to be reasons that can only apply to the applicant and no one else, making them unique and exceptional to the proposal at hand. The key points to be taken from the applicant's case are set out below:
- There is clearly an established continued functional need for a dwelling in this instance. The proposed dwelling is of a size and type appropriate to the needs of the holding. The proposed dwelling is not intrusive in the landscape will not be moved with the proposed continued application.
  - The existing breeding and training business is a viable business and the continued potential exists to sell breeding horses at high values owned by the applicant.
  - The functional need in this case is reinforced by the requirement to be on site all year round 24 hours per day to attend to foaling and breeding and to monitor the health of the mares and foals throughout the entire process before and after foaling. This is over and above the basic need to be on site to feed, exercise and muck out the horses and to attend to sick or injured animals. The potential emergencies are heightened by the

high value nature of the horses and their larger size and their unpredictable characteristics which can flare up without reason at a moment's notice. The presence is required in case the horses become cast in their stables. The horses are fed a morning feed at 7.30am, hay/lunch at midday, evening meal/hay at 5pm and a late feed/hay at 10pm. The hay has to be soaked beforehand. Mucking out and exercising continues throughout the day.

- The continuation of the use of the existing mobile home provides a unit that meets the needs of this rural enterprise by providing a dwelling within sight and sound of the animals thus enabling the occupier to respond quickly to emergencies should they arise. The keeping, breeding and rearing of horses generates a functional need for on-site residential presence of skilled equestrian worker.
- The horses have a high value and the loss of any livestock through not being able to attend to an emergency as quickly as possible will have considerable economic implications for the business.
- Harm to the openness of the Green Belt is limited and the number of equestrian buildings on the application site contribute positively to local distinctiveness and the wider landscape. It is not unusual to see equestrian buildings in the countryside. Any other harm would also be limited.

5.23 When considering whether very special circumstances exist, it important to first determine the overall harm to the Green Belt that would arise from the development. The workers dwelling is situated within a clutch of buildings, and is bordered on its eastern side by substantial vegetation. The building is not considered to hold an isolated or prominent position within the holding. Given these factors, and whilst also having regard to the limited scale of the building, the overall impact on the openness of the Green Belt is considered to be marginal.

5.24 The applicant has outlined that there is a continued, established functional need for a dwelling at the site. This assertion has been reviewed in an earlier section of this report, and it has been established that there is a functional need. Furthermore, the use of the site as a stud farm is considered to represent a relatively uncommon land use. The difference between this use and use as an agricultural farm is the likely value of animals kept at the site. It is therefore acknowledged that a higher level of welfare and security is required.

5.25 The National Planning Policy Framework makes a presumption in favour of sustainable development and has placed a strong emphasis in respect of supporting economic growth in rural areas. In this case, the stationing of a mobile home is considered to be fundamental to the continuation of the business. The requirement for a worker to reside on the site to allow for the business to continue has been afforded significant weight, which is considered to outweigh the marginal harm to the Green Belt. For the reasons outlined

- above, it is considered that the very special circumstances allowing for the principle against inappropriate development in the Green Belt to be overridden, apply in this case.
- 5.26 However as per the temporary consent, it is acknowledged that the erection and storage of items at the site would begin to degrade the openness of the Green Belt. As per the previous consent, a number of conditions will be attached to any decision, restricting the erection of new structures and the external storage of certain items at the site.
- 5.27 Design and Visual Amenity  
Policy CS1 of the Core Strategy seeks to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context. Policy CS1 is fully compliant with design guidance in the NPPF.
- 5.28 In terms of the impact of the development on the character of the area and visual amenity in general, it is considered that the use of the site as a stud farm and the associated foaling boxes are typical of a rural area, and do not appear out of keeping. As such, it is not considered that the continued use of the site for this purpose would detract from the rural character of the area.
- 5.29 In terms of the mobile home structure, whilst the building is not considered to exhibit any particular architectural or visual interest, it is considered to integrate successfully in to the site. In terms of the impact of the structure on the character of the area, given the substantial levels of vegetation at the boundary between the site and the public areas offered along Carsons Road, the mobile home is not readily visible from the public domain. As such, the overall impact of its retention on the character of the area is considered to be limited.
- 5.30 For the reasons set out above, it is not considered that the continuation of the current use and the retention of the mobile home on a permanent basis would cause any significant harm to the character of the area or visual amenity in general. The proposal is therefore considered to comply with policy CS1 of the Core Strategy.
- 5.31 Landscape Impacts  
Whilst the site is not situated within an Area of Outstanding Natural Beauty, the surrounding landscape is considered to be distinctly rural in nature. Policy PSP2 of the Policies, Sites and Places Plan outlines that development proposals should seek to conserve and where appropriate enhance the quality, amenity, distinctiveness and special character of the landscape.
- 5.32 Whilst the easternmost parts of the site consist of open fields, these fields are bordered by substantial vegetation. As such, the majority of the site is not visible from within the wider landscape. Furthermore, it is considered that the existing use and structures integrate successfully in to the site, and do not appear out of keeping. As such, it is not considered that the retention of the temporary use and structures would cause any significant harm to the quality

and character of the surrounding landscape. The proposal therefore accords with policy PSP2 of the Policies, Sites and Places Plan.

5.33 Residential Amenity

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

5.34 The nearest neighbouring property is Cherry Cottage, situated to the south of the site. Given the degree of separation and the relationship between the mobile home and the neighbouring property, it is not considered that the retention of the structure would have any significant impact on the occupants of the neighbouring property. Furthermore, it is not considered that the continued use of the land as a stud farm would have any significant impacts on the residential amenity of neighbouring residents.

5.35 In terms of the amenity of the occupants of the property, whilst there does not appear to be any designated area of grassed garden, areas of external space are provided. Given the level of boundary treatment, these areas are sufficiently private. Overall, it is considered that the occupant would have an adequate area of accessible, functional space to sit outside and to perform typical domestic outdoor tasks.

5.36 Overall it is not considered that the development would have any unacceptable impacts on residential amenity. The proposal therefore accords with policy PSP8 of the Policies, Sites and Places Plan.

5.37 Transport

There is no record of any highway or transportation issues arising from the temporary dwelling. As the existing access would be retained, and the retention of the dwelling would not result in increased vehicular movements, it is not considered that the proposal would have any significant impact on highway safety.

5.38 A condition attached to the temporary consent outlined that at no time shall the stables, foal boxes or associated land be used as a livery or a riding school. This was partially applied in the interests of highway safety, and restrict the levels of vehicular movements associated with the site. This condition is still considered necessary and reasonable in the interests of highway safety, and will be re-applied to any decision.

5.39 For similar reasons, another condition was attached, restricting the permitted number of horses to be kept at the site at any given time to a total of 8. However the applicant has outlined that given the expanding nature of the business, a total of 10-15 horses, consisting of a mixture of stallions, breeding mares and foals, are kept on-site at any given time.

5.40 As no complaints have been received in this respect, and there is no record of any highway safety issues arising from the business activities at the site, it is not considered that the keeping of 15 horses at the site would have any harmful impact. However should the number of horses to be kept at the site be entirely unfettered, it is possible that this could lead to increased vehicular movements at a relatively trafficked stretch of highway. On this basis and in the interests of highway safety, a condition will be attached to any decision, restricting the total number of horses to be kept at the site at any one time to a total of 15.

5.41 Coal Mining Legacy

A small portion of the site, situated to the west of the main building, falls within a coal referral area. However as the building is already in situ, it is not considered that the development would give rise to any ground stability issues.

5.42 Environmental Impacts

As the building is already in situ, and the site is not located in an area prone to flooding, it is not considered that the development would have any detrimental impact in terms of site drainage or flood risk. Furthermore, as the retention of the temporary use and mobile home would not involve any additional ground works, it is not considered that the proposal would have any archaeological impact. As the proposal would not involve any operational development, it is not considered that the development would have any impact from an ecological perspective. Overall, it is not considered that the development would have any detrimental impacts on the natural or historic environment.

5.43 Equalities

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

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

## 6. CONCLUSION

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



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

## **7. RECOMMENDATION**

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

**Contact Officer: Patrick Jackson**  
**Tel. No. 01454 863034**

## **CONDITIONS**

1. The occupation of the mobile home hereby approved shall be limited to a person solely or mainly working on the stud farm, or a widow or widower of such a person, and to any resident dependants.

### Reason

The site is not in an area intended for development and the development has been permitted solely because it is required to accommodate a person working in a rural enterprise, to accord with the provisions of the National Planning Policy Framework 2018 and Policy PSP41 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

2. The total number of horses to be kept on the site edged in red and blue on the approved plans shall not exceed 15 at any given time.

### Reason

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

3. No permanent jumps, fences, gates or other structures for accommodating animals and provided associated storage shall be erected on the land.

### Reason

To protect the character and appearance of the area and preserve the openness of the Green Belt, to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013); Policies PSP1 and PSP7 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017, and the provisions of the National Planning Policy Framework (2018).

4. At no time shall the stables, foaling boxes and associated land be used for livery or riding school.

Reason

In the interests of highway safety and the amenity of the area, and to preserve the openness of the Green Belt, to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; Policies PSP7, PSP8 and PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017, and the provisions of the National Planning Policy Framework (2018).

5. Any temporary jumps erected on the land shall be stored away to the side of the stable immediately after use.

Reason

To protect the character and appearance of the area and preserve the openness of the Green Belt, to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013); Policies PSP1 and PSP7 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017, and the provisions of the National Planning Policy Framework (2018).

6. At no time shall horse boxes, trailers, van bodies and portable buildings or other vehicles be kept on the land other than in the area immediately adjacent to the mobile home, stable building and foaling boxes.

Reason

To protect the character and appearance of the area and preserve the openness of the Green Belt, to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013); Policies PSP1 and PSP7 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017, and the provisions of the National Planning Policy Framework (2018).

7. At no time shall there be any bringing of foul waste upon the land subject of the planning permission hereby granted.

Reason

To avoid causing unacceptable environmental pollution, and to accord with Policy PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

**CIRCULATED SCHEDULE NO. 47/18 – 23 NOVEMBER 2018**

<b>App No.:</b>	PK18/3743/F	<b>Applicant:</b>	Universal Investments & Development Ltd
<b>Site:</b>	20B Cossham Street Mangotsfield South Gloucestershire BS16 9EN	<b>Date Reg:</b>	22nd August 2018
<b>Proposal:</b>	Change of use from offices (Use Class B1 (a)) to an 7 bedroom HMO (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	<b>Parish:</b>	None
<b>Map Ref:</b>	366499 176132	<b>Ward:</b>	Rodway
<b>Application Category:</b>	Minor	<b>Target Date:</b>	5th October 2018



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 100023410, 2008. **N.T.S.** **PK18/3743/F**

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

### **REASON FOR APPEARING ON CIRCULATED SCHEDULE**

The application appears on the Council's Circulated Schedule procedure following a number of objections contrary to the officer recommendation detailed in the report below.

## **1. THE PROPOSAL**

- 1.1 The application seeks planning permission for a change of use from offices (B1) to a seven bedroom HMO (sui generis) at 20B Cossham Street Mangotsfield.
- 1.2 The site did previously gain planning permission in 2010 to be used as a nursery (Use Class D1) which may have been implemented, however it was more recently used as a retail unit for at least three years. The lawfulness of this previous use is unclear, however this is not the subject of this application.
- 1.3 The site also benefits from extant planning permission for conversion into 1 no. dwelling (C3) from planning permission ref. PK16/0229/F. Notwithstanding this, an enforcement notice was served on the site in April 2018 as the property was being used as a HMO with nine occupants.
- 1.4 The site is situated within the established urban area of Mangotsfield within the East Bristol Fringe. The site is not a designated employment or retail area. The building is a locally listed building.
- 1.5 The application originally proposed eight bedrooms, however on the advice of officers this was reduced to seven.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
National Planning Practice Guidance

- 2.2 Development Plans

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

PSP1 – Local Distinctiveness

PSP8 – Residential Amenity

PSP16 – Parking Standards

PSP17 – Heritage

PSP39 – Residential Conversions and Houses of Multiple Occupation

PSP43 – Private Amenity Space

## 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 - Environment and Heritage

CS13 – Non- Safeguarded Employment Areas

CS14 - Town Centres and Retail

CS23 - Community and Cultural Uses

CS29 - East Bristol Urban Fringe

### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD

Residential Parking Standard SPD

## 3. RELEVANT PLANNING HISTORY

- 3.1 PK16/6919/F Withdrawn 17/03/2017  
Conversion of shop to form 4 no. dwellings and associated works
- 3.2 PK16/5086/RVC Approve with conditions 03/11/2016  
Variation of condition 4 attached to PK15/1874/RVC to substitute drawing number 2828/2 C for 2528/2 B.
- 3.3 PK15/3836/F Withdrawn 21/12/2015  
Change of use from Retail (Class A1) to Residential (Class C3) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended).  
*This application was withdrawn following a recommendation for refusal, due to parking, access and design issues.*
- 3.4 PK15/1874/RVC Approve with conditions 12/06/2015  
Variation of condition 4 attached to PK14/1052/RM to increase parking spaces from 13 to 17 spaces.
- 3.5 PK15/3835/F Approve with conditions 09/02/2016  
Change of use of part ground floor from Retail (Class A1) to Residential (Class C3) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended) to create 1no. dwelling.
- 3.6 PK15/1340/PNOR Withdrawn 28/04/2015  
Prior notification of a change of use from Offices (Class B1a) to 1 no. dwelling (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)  
*This application was withdrawn as the unit appears to be in retail use and therefore not eligible for this prior approval application.*
- 3.7 PK14/1052/RM Approve with conditions 16/07/2014  
Demolition of existing sorting office buildings, and erection of 4no dwellings (Approval of Reserved Matters)(To be read in conjunction with Outline planning permission PK13/0756/O)  
*Relating to 22 Cossham Street*

- 3.8 PK13/0756/O Approve with conditions 31/07/2013  
Demolition of existing sorting office buildings, and erection of 4no dwellings (outline) with access to be determined. All other matters reserved.  
*Relating to 22 Cossham Street*
- 3.9 PK10/2702/F Approve with conditions 11/01/2011  
Change of use from class B1 to class D1 - day nursery as defined in the town and country Planning (Use Classes order) 2005 (as amended) with associated works.

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

- 4.1 Parish/Town Council  
No comment received.

4.2 Other Consultees

Economic Development

Objection, market appraisal required to assess alternative economic development uses.

Sustainable Transport

No objection subject to conditions.

#### **Other Representations**

4.3 Local Residents

Three objections from individuals have been received, as well as a petition with 27 signatures opposing the development. The points made are summarised below:

- Who will reside in the HMO? There is one in Staple Hill which was used as a halfway house, causing numerous anti-social complaints.
- Insufficient parking, with impractical layout. Has forced parking on the road and Mangotsfield/Rodway Common
- Some spaces for the four dwellings (PK13/0756/O) are being re-utilised for parking for this development
- Too many vans at the site which take up more space than cars
- Over-occupation of the site
- Storage containers currently occupying some of the spaces
- Chaos during refuse collection, and bins are being abused with high levels of uneaten food. Streetcare are making additional collections to accommodate the excess litter

One letter of support has been received stating the following:

- All bins are put out in an orderly fashion and brought back in the following day
- Objections are prejudice against owners of site

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

As with the previously approved application at the site for 1 no. dwelling, there is some ambiguity regarding the lawful use of the building, however a residential 'C' class use has been established in principle and is still extant.

5.2 Policy PSP39 states that planning applications for HMOs should be approved provided that they would not impact on the character and amenities of the area within which they are located, would not prejudice the amenity of neighbours, provide adequate amenity space, refuse storage and servicing and provide parking in accordance with the Council's parking standards.

5.3 As the property is a locally listed building, policy CS9 and PSP17 are also relevant.

### 5.4 Design and Impact on Locally Listed Building

The Primitive Methodist Chapel which now comprises of 20A and 20B Cossham Street is circa 1870 with 1885 additions and is built in the 'early English style'. By virtue of the contribution the building is considered to make to the character and distinctiveness of the locality, the building is locally listed. No external alterations are proposed as part of the change of use and so the significance of the building should be preserved. The internal space of the main hall has been already subdivided through the insertion of a first floor and so the impact of the proposal will be just the further subdivision of this space, which is considered acceptable. Details of all vents and flues should however be conditioned in the event the application is approved to ensure the domestication of this building is managed.

5.5 Therefore, there is no objection to the proposal in terms of policy CS1 and CS9 of the Core Strategy and policy PSP17 of the Policies Sites and Places Plan.

### 5.6 Residential Amenity

The application is not considered to cause overlooking onto any neighbouring properties, and the development does not propose external alterations and therefore does not overbear. The reduction in the number of bedrooms proposed from eight to seven will allow one of the bedrooms to form additional communal living space, improving the living conditions of the occupiers. A condition restricting the number of people occupying the property to seven will be included on the decision notice to ensure the property does not become overcrowded.

5.7 An amenity area is proposed for the occupiers of the HMO, however it is not private. The site is only approximately 90m from public open space to the west of Mangotsfield football ground, which would take around 1 minute to walk to, or approximately 15 minutes to Page Park to the west of the site. The very limited amenity space shown is therefore considered acceptable, particularly when the extant planning permission for a four bedroom dwelling is taken into account, as this also had no private amenity space.

## 5.8 Transport

Local residents concerns about parking provision are noted, however the application proposes eight off-street parking spaces and adequate manoeuvring space for the property, and is in accordance with the parking standards within policy PSP16. Whilst the parking for the HMO does displace parking for other units, these parking spaces have been replaced elsewhere within the site. Objections have been received stating that some car parking spaces are unavailable as they are occupied by storage containers, however a condition on the decision notice will ensure that parking facilities are in place prior to occupation of the development. Adequate refuse storage has been provided, and despite objections received regarding the amount of food waste being created from the current unlawful HMO, this falls outside of the scope of the planning application. There is no objection from a transportation perspective.

## 5.9 Consideration of likely impact on Equalities

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

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

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

7.1 That planning permission is **GRANTED** subject to conditions.

Contact Officer: **Trudy Gallagher**  
Tel. No. **01454 864735**



## **CONDITIONS**

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

Reason

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

2. Prior to the installation of any vents or flues, details of any vents or flues proposed must be submitted to and approved in writing by the Local Planning Authority. The installation of any vents or flues shall then only proceed in accordance with these agreed details.

Reason

To ensure the character of the locally listed building is retained, in accordance with policy PSP17 of the Policies Sites and Places Plan (Adopted) November 2017.

3. Development shall proceed in accordance with the approved drawing titled Proposed Floor Plans 2528/2000 Rev D received on 5th November 2018.

Reason

To prevent further subdivision and overcrowding at the property, in accordance with policy PSP8, PSP16 and PSP39 of the Policies Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

4. The number of persons living at the property shall not exceed seven at any time.

Reason

To prevent overcrowding at the property, in accordance with policy PSP8, PSP16 and PSP39 of the Policies Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

5. Within three months from the date of this decision notice, the off-street parking spaces shown on approved drawing SK01 received on 13th August 2018 shall be implemented, and retained for parking purposes thereafter.

Reason

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

**CIRCULATED SCHEDULE NO. 47/18 – 23 NOVEMBER 2018**

<b>App No.:</b>	PK18/4398/RVC	<b>Applicant:</b>	Mrs Rebecca Day
<b>Site:</b>	46 Parkfield Rank Parkfield Road Pucklechurch South Gloucestershire BS16 9NP	<b>Date Reg:</b>	1st October 2018
<b>Proposal:</b>	Variation of condition 2 attached to planning permission PK17/0693/F to substitute plans with drawing numbers 2708-114 Rev B and 2708-115 Rev A.	<b>Parish:</b>	Pucklechurch Parish Council
<b>Map Ref:</b>	369077 177275	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Householder	<b>Target Date:</b>	22nd November 2018

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**N.T.S.**

**PK18/4398/RVC**

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

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

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

## **1. THE PROPOSAL**

- 1.1 This application seeks to vary condition 2 attached to planning permission PK17/0693/F to substitute plans with drawing numbers 2708-114 Rev B and 2708-115 Rev A, which show alterations to the approved materials and windows for development at 46 Parkfield Rank, Parkfield Road, Pucklechurch.
- 1.2 Planning permission PK17/0693/F approved the erection of a three storey and a single storey rear extension to form additional living accommodation, demolition of existing porch and erection of replacement front porch, and extension to existing outbuilding to form detached garden office.
- 1.3 This application relates to a mid-terrace, two storey property, located in a row of terraced houses on Parkfield, Pucklechurch. Parkfield is a row of small, terraced dwellings, with long, narrow plots that extend to the west, with vehicular access at the rear.
- 1.4 The application site is located outside of any defined settlement boundary and within the Bristol/Bath Green Belt.
- 1.5 The substituted plans show changes to the material palette and the size of the openings, including the provision of a Juliet balcony. The application is retrospective.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework July 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  
CS34 Rural Areas

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

PSP1 Local Distinctiveness  
PSP7 Development in the Green Belt

PSP8 Residential Amenity  
PSP16 Parking Standards  
PSP38 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
PSP40 Residential Development in the Countryside  
PSP43 Private Amenity Standards

- 2.3 Supplementary Planning Guidance  
Development within the Green Belt (Adopted) January 2006  
Residential Parking Standards (Adopted) December 2013

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

- 3.1 Pk17/0693/F Approve with conditions 07/06/2017  
Erection of a three storey and a single storey rear extension to form additional living accommodation. Demolition of existing porch and erection of replacement front porch. Extension to existing outbuilding to form detached garden office.

### 4. **CONSULTATION RESPONSES**

- 4.1 Pucklechurch Parish Council  
Objection.

The conditions relevant to external finishes were placed upon the development to ensure a satisfactory standard of external appearance and to remain in keeping with the character and appearance of the neighbouring properties so as to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

The design of the windows that have been included in PPCs opinion do not appear in keeping with the character and appearance of the host dwelling and neighbouring properties. Since the windows are also much larger, PPC also considers that they may result in a materially greater impact on privacy than those that were approved. The materials used in the construction of the external surfaces of the extension do not match those used in the existing building and so cannot be considered to be in keeping with the character and appearance of the neighbouring properties.

- 4.2 Other Consultees

#### Transport

We understand that this proposal already has planning permission and this application will permit the replacement of a number of drawings by new versions. However, our examination suggests that this will not result any material change to the development as a whole. Consequently we have no highways or transportation comments about this application.

## **Other Representations**

- 4.3 Local Residents  
None received.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The scope of a variation of condition application (section 73 application) is more limited than a full planning application. The Local Planning Authority may only consider the question of the conditions, and cannot revisit or fundamentally change the original permission. It may be decided that the permission should be subject to the same conditions as were on the original permission; or that it should be subject to different conditions; or that permission may be granted unconditionally. There is a right of appeal in the usual way against any conditions imposed.

- 5.2 In assessing this application it is necessary to assess whether the relevant condition, or any variations satisfy the requirements of planning conditions as set out in the National Planning Policy Framework (NPPF). The NPPF requires all planning conditions to pass three tests – that conditions should be:

- i. Necessary to make the development acceptable
- ii. Directly related to the development
- iii. Fairly and reasonably related in scale and kind

- 5.3 Despite a change in the Development Plan following the adoption of the Policies Sites and Places Plan in November 2017, the planning permission granted in early 2017 is still extant and therefore the principle of development is established. The matter for consideration under this application relates solely to the scope of condition 2 of planning permission PK17/0693/F and the changes proposed in the substituted plans.

### **5.4 Green Belt**

No further extensions are proposed on the substituted plans, and so the impact on the Green Belt is not increased.

### **5.5 Design**

Whilst the Parish Council has objected to the design on the grounds that it is out of keeping with the rest of the terrace, officers do not consider the rear elevation of the site to be particularly visible from the public realm. Whilst the material palette of timber cladding and contemporary coloured window frames is very different to the surrounding properties, the ridge height and angle of the proposed extension is as approved. Furthermore, the wider terrace shows a diverse range of rear extensions to Parkfield Rank, and so there is no objection from a design perspective. It is therefore considered appropriate to remove condition 3 from the original permission, which required the materials used to match the surrounding materials.

5.6 Residential Amenity

The only issue to consider with regards to residential amenity is the impact of the Juliet balconies on the adjacent gardens. As the balconies would provide a similar viewpoint to the previously approved rear windows, providing long distance and indirect views into neighbouring gardens and so officers do not have any objection.

5.7 Transport

The size of the extension is as approved, so there is no transportation objection.

5.8 Other conditions

As development has already taken place, there is no need to apply a condition to the decision notice restricting that the development is commenced within three years. Condition 2 will be varied to show the new plans.

5.9 Consideration of likely impact on Equalities

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That planning permission is **GRANTED**.

Contact Officer: **Trudy Gallagher**  
Tel. No. **01454 864735**

## **CONDITIONS**

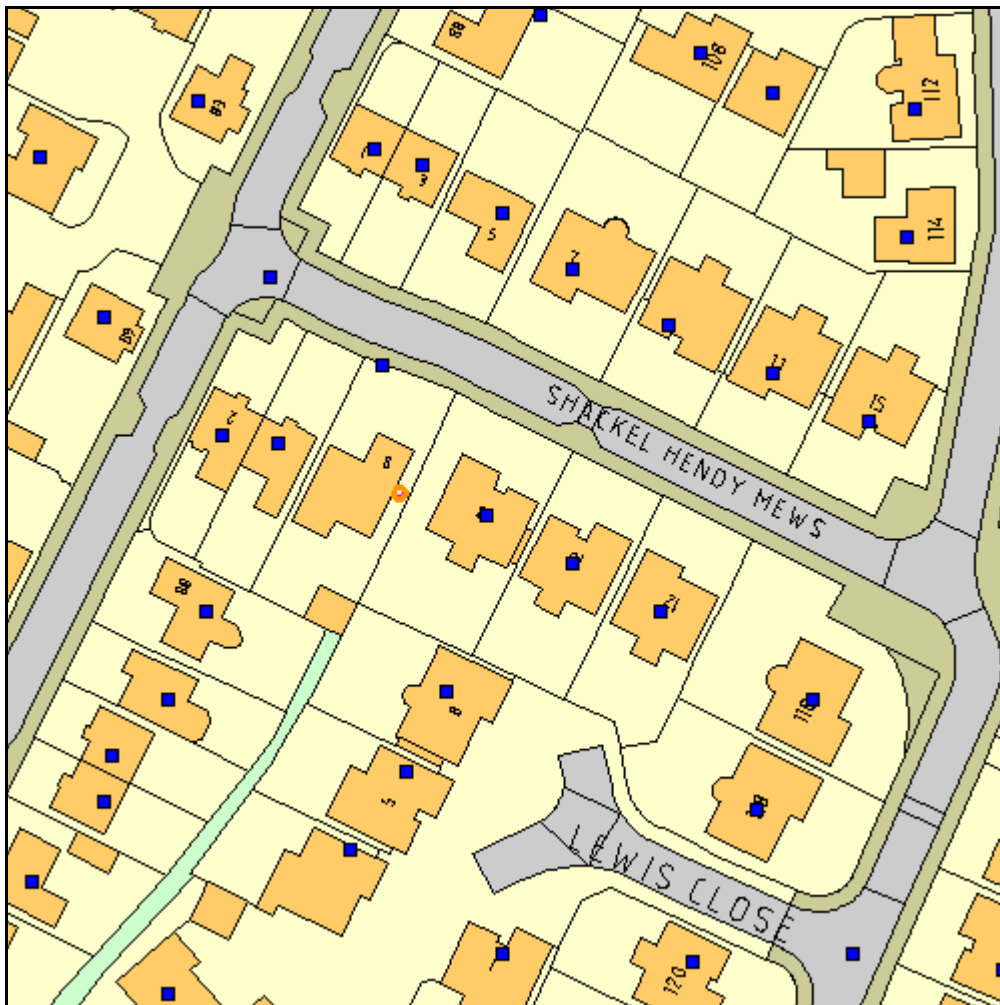
1. Development shall proceed in accordance with the following plans:  
Site Location Plan (2708-101); Block Plan (2708-102); Proposed Site Plan (2708-103); Proposed North East Elevations (2708-114 Rev B) Proposed Section A-A (2708-115 Rev A). All received 27th September 2018.

### Reason

To ensure that the development is carried out in accordance with the plans and drawings as assessed in the application and in the interests of the visual amenity of the site and the surrounding locality; and the residential amenity of the surrounding locality and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

**CIRCULATED SCHEDULE NO. 47/18 – 23 NOVEMBER 2018**

<b>App No.:</b>	PK18/4591/TRE	<b>Applicant:</b>	Ms Kathryn Prout
<b>Site:</b>	6 Shackel Hendy Mews Emersons Green Bristol South Gloucestershire BS16 7DZ	<b>Date Reg:</b>	10th October 2018
<b>Proposal:</b>	Works to fell 1no Poplar tree covered by KTPO3/91 dated 29th July 1991.	<b>Parish:</b>	Emersons Green Town Council
<b>Map Ref:</b>	366984 176290	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Works to trees	<b>Target Date:</b>	3rd December 2018



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

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

This application is referred to the Circulated Schedule as comments have been received that are contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 Works to fell 1no Poplar tree covered by KTPO3/91 dated 29th July 1991.
- 1.2 The tree is within the garden of no.6 Shackel Hendy Mews, Emersons Green, Bristol, South Gloucestershire, BS16 7DZ.

### **2. POLICY CONTEXT**

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

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

- 3.1 PK05/2582/TRE, Site Address: 6 Shackel Hendy Mews Emersons Green BRISTOL South Gloucestershire BS16 7DZ, Decision: COND, Date of Decision: 05-OCT-05, Proposal: Works to reduce height to 4no. Poplar trees covered by Tree Preservation Order KTPO3/91 dated 29 July 1991, CIL Liable:
- 3.2 PK16/4796/TRE, Site Address: 6 Shackel Hendy Mews, Emersons Green, Bristol, South Gloucestershire, BS16 7DZ, Decision: COND, Date of Decision: 22-SEP-16, Proposal: Works to reduce crown to a height of 3m of 4 no. Poplar trees covered by Kingswood Tree Preservation Order KTPO3/91 dated 29 July 1991, CIL Liable:

### **4. CONSULTATION RESPONSES**

- 4.1 Emersons Green Town Council objects to the application on the grounds that the tree is covered by a Tree Preservation Order and that no justification has been provided for its removal.

#### **Other Representations**

- 4.2 Local Residents  
None received.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Proposed Work

Works to fell 1no Poplar tree.

### 5.2 Principle of Development

The only issues to consider are whether the proposed works would have an adverse impact on the health, appearance, or visual amenity offered by the tree to the locality and whether the works would prejudice the long-term retention of the specimen.

### 5.3 Consideration of Proposal

This tree is one of a row of similar hybrid Black Poplars that was protected at the time Emersons Green was developed. The row runs between several properties in Shackel Hendy Mews, Johnson Road and Lewis Close.

5.4 The trees have been pollarded to approximately 3 metres in height and the trees have been pruned back to these points repeatedly over the years since the development was built. This is considered an onerous management regime that would mean the trees would not meet the criteria for inclusion on a Tree Preservation Order if assessed today within the context of their location within the development.

5.5 The tree in question is within 1.2 metres of the building and will, therefore, inevitably have an impact on it.

5.6 It is not considered that the loss of this tree will have a negative impact on the amenity of the local area.

5.7 Given the size of the garden and the existence of other trees therein, a replacement for this tree is not deemed appropriate.

## 6. RECOMMENDATION

6.1 That consent is GRANTED subject to the conditions on the decision notice.

**Contact Officer: Simon Penfold**  
**Tel. No. 01454 868997**

## CONDITIONS

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

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree(s), and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

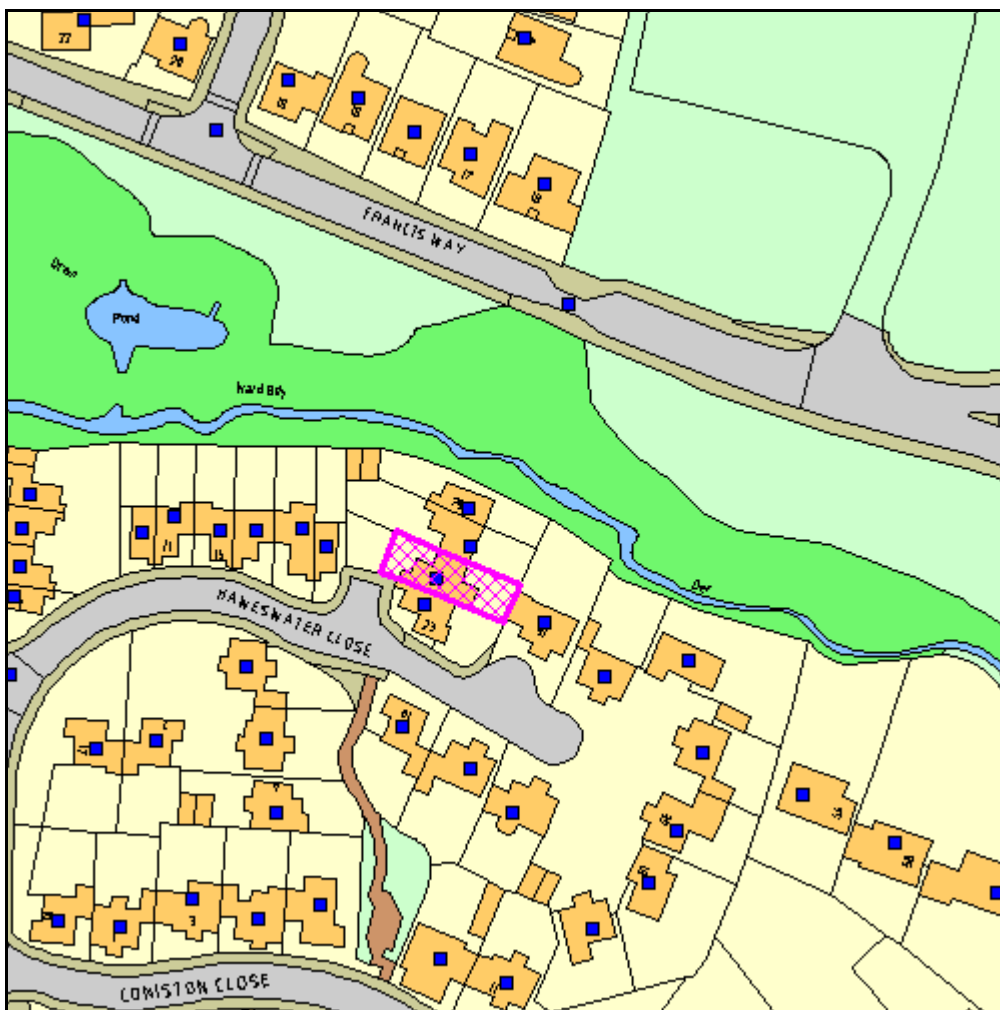
2. The works hereby authorised shall comply with British Standard 3998: 2010 - Recommendations for Tree Work.

Reason

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

**CIRCULATED SCHEDULE NO. 47/18 – 23 NOVEMBER 2018**

<b>App No.:</b>	PK18/4718/F	<b>Applicant:</b>	Mr And Mrs A Plumley
<b>Site:</b>	25 Haweswater Close North Common Bristol South Gloucestershire BS30 5XS	<b>Date Reg:</b>	17th October 2018
<b>Proposal:</b>	Erection of two storey front and first floor side extension over existing garage to provide additional living accommodation.	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	367786 172896	<b>Ward:</b>	Oldland Common
<b>Application Category:</b>	Householder	<b>Target Date:</b>	7th December 2018



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

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

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

## **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a two storey front and first floor side extension over existing garage to provide additional living accommodation at 25 Haweswater Close, North Common.
- 1.2 The application site relates to a two storey, link semi-detached property which is located within the established residential area of North Common.

## **2. POLICY CONTEXT**

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design  
CS4a Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility

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

PSP1 Local Distinctiveness  
PSP8 Residential Amenity  
PSP11 Transport  
PSP16 Parking Standards  
PSP38 Development within Existing Residential Curtilages  
PSP43 Private Amenity Standards

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007  
Residential Parking Standards SPD (Adopted) 2013

## **3. RELEVANT PLANNING HISTORY**

- 3.1 PK10/1799/F  
Erection of rear conservatory  
Approved: 07/09/2010

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

- 4.1 Bitton Parish Council  
Objection- considered to be visually out of keeping with other properties in the vicinity. Also concerned that sufficient parking is not provided.
- 4.2 Sustainable Transport  
Insufficient information submitted. Plans do not show existing or proposed vehicular access and parking. The proposed garage does not appear to meet minimum internal dimensions.
- 4.3 Lead Local Flood Authority  
The application has been assessed as being within Flood Zone 2. No objection will be made but the Council, in accordance with standard advice, requires submission of flood risk mitigation measures in accordance with the EA Form 'Householders and other minor extensions in Flood Zones 2 & 3'.

As a flood risk mitigation form has now been submitted and accepted we have no objection.

#### **Other Representations**

- 4.4 Local Residents  
No comments received

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

- 5.1 Principle of Development  
Policy PSP38 of the PSP Plan (November 2017) allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. The proposal accords with the principle of development subject to the consideration below.
- 5.2 Design and Visual Amenity  
The proposed development consists of the erection of a two storey side extension which would extend above an existing attached garage to facilitate an additional bedroom and WC.
- 5.3 The existing property is linked to the adjacent property to the north by their respective single garages. The proposal would sit on the north elevation encompassing the existing garage. It would extend at a two storey level forward of the existing garage by 2.2 metres and the rear of the garage by approximately 0.4 metres to meet the building line of the main property. It would consist of a dual pitched roof with an eaves and ridge height lower than the existing roof; the proposal would also be set back from the principal elevation of the main property by approximately 0.7 metres and as such would clearly identify as subservient.

- 5.4 The materials to be used in the external finish of the proposal include face brickwork elevations, stained window frames to match the existing dwelling. The proposed roof tiles have not been specified but should they match the existing dwelling not objections would be raised in terms of design. Concerns were raised buy the Parish Council that the proposal would be visually out of keeping with other properties in the area. However, it is considered by the officer that the proposal would identify subservient to the main dwelling and would result in a well-proportioned property. Therefore, subject to a condition ensuring all materials match the existing dwelling, it is not considered that the proposal would be significantly detrimental to the character of the area to such a degree as to warrant refusal.
- 5.5 Overall, it is considered that the proposed extension would not be detrimental to the character of the host dwelling or the surrounding area and is of an acceptable standard of design. As such, the proposal is deemed to comply with policy CS1 of the Core Strategy.
- 5.6 Residential Amenity  
Policy PSP8 of the PSP Plan (November 2017) sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.
- 5.7 Considering the siting of the proposal on the side elevation, combined with the fact the neighbouring property does not benefit from any side elevation windows, it would not appear to result in an overbearing or overlooking impact, nor is it considered to significantly impact on existing levels of light afforded to the neighbouring occupiers. Furthermore, it is considered that sufficient private amenity space for the occupiers of the host dwelling would remain following development.
- 5.8 Overall, the proposal is not considered to have a detrimental impact on the residential amenity of surrounding properties or the host dwelling and is therefore deemed to comply with policy PSP8 of the PSP Plan.
- 5.9 Drainage  
The submitted flood risk mitigation form has been accepted by the Lead Local Flood Authority and as such no objections are raised.
- 5.10 Sustainable Transport and Parking Provision  
The application is proposing an increase in bedroom numbers from two to three; South Gloucestershire residential parking standards require a two bedroom property to provide one off-street parking space and a three bedroom property to provide two off-street parking spaces. The submitted plans show a single garage with driveway in front, however the proposed garage does not meet the minimum internal dimensions to be classed as a parking space and the driveway could only accommodate one vehicle. However, a plan has been submitted to show an additional parking space provided on the existing front garden and as such the application would satisfy the Council's Parking Standards. Therefore, subject to a condition, no objections are raised in terms of transport.

### 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 set out above, and to all the relevant material considerations set out in the report.

## 7. RECOMMENDATION

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

**Contact Officer: James Reynolds**  
**Tel. No. 01454 864712**

## CONDITIONS

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

Reason

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

2. The off-street parking facilities shown on the plan hereby approved shall be provided within 1 month of the extension hereby approved being substantially complete, and thereafter retained for that purpose.



Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

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

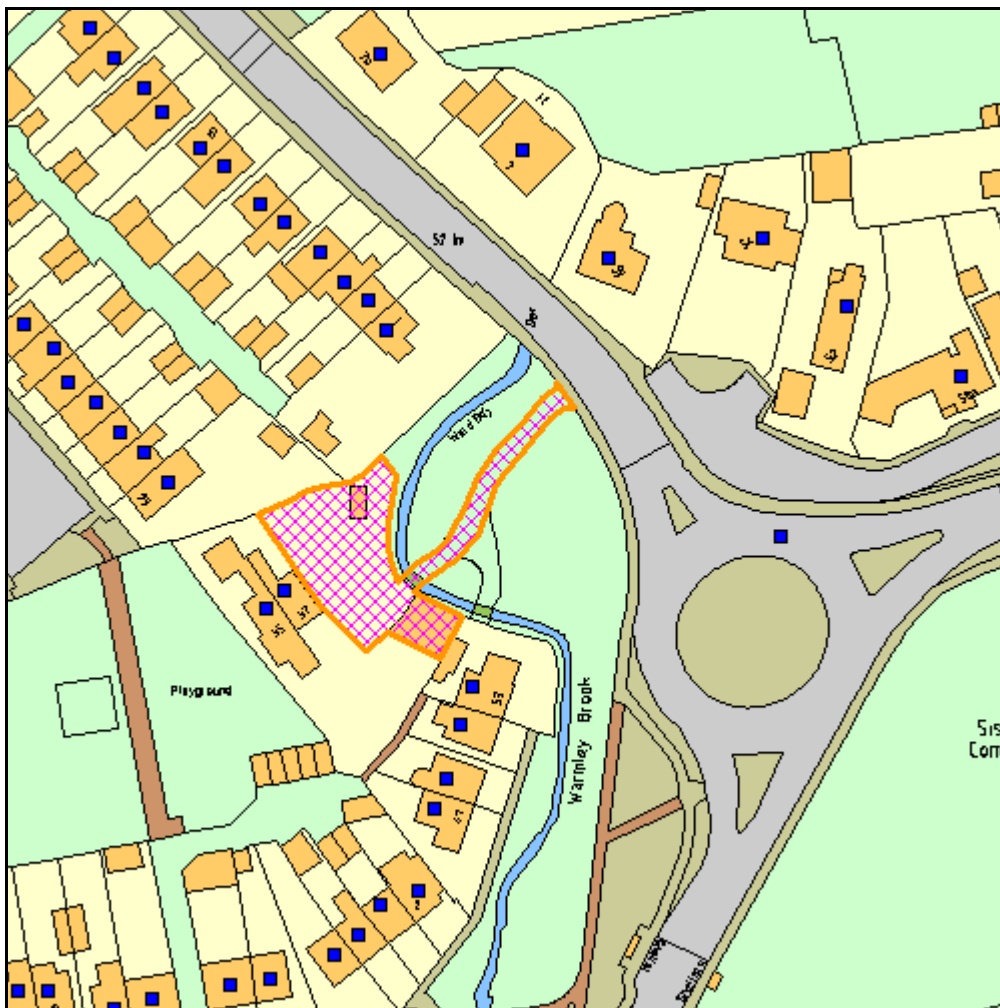
Reason

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

**CIRCULATED SCHEDULE NO. 47/18 – 23 NOVEMBER 2018**

<b>App No.:</b>	PK18/4856/RVC	<b>Applicant:</b>	Bullen And Naish
<b>Site:</b>	57 Anchor Road Kingswood South Gloucestershire BS15 4RF	<b>Date Reg:</b>	29th October 2018
<b>Proposal:</b>	Variation of condition 4 attached to PK15/4758/F to amend the widening of the access in accordance with plan number BN 7c.	<b>Parish:</b>	None
<b>Map Ref:</b>	366162 174723	<b>Ward:</b>	Rodway
<b>Application Category:</b>	Minor	<b>Target Date:</b>	18th December 2018

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100023410, 2008. **N.T.S.** **PK18/4856/RVC**

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

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

This report appears on the Circulated Schedule following comments from the Parish Council contrary to Officer recommendation.

## **1. THE PROPOSAL**

1.1 The application has been submitted under section 73 of the Town and Country Planning Act 1990 and seeks permission for the variation of condition 4 attached to planning permission PK15/4758/F to amend the access in accordance with plan BN 7d.

1.2 Condition 4 on application PK15/4758/F currently reads as follows:

*Prior to commencement of development the private access driveway shall be resurfaced and raised by 45mm and the access road shall be widened by 4.5 metres where it joins Station Road as detailed on plan BN6.*

#### *Reason*

*To avoid the need for future remedial action and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.*

1.3 The application site relates to land adjacent to 57 Anchor Road in Kingswood, which is within the east fringe of Bristol. In 2015, permission was granted here for the erection of 1 3-bed dwelling, including associated works and a new access across local green space Siston Common. The access is the subject of this application. It is located within a coalfield high risk referral area and is in close proximity to a brook, which has a medium-high risk floodplain and is a site of nature conservation interest.

1.4 This application follows a recently refused variation of condition PK18/3519/RVC. That variation was refused for the following reason:

*Insufficient information has been submitted with the application to enable the local planning authority to be satisfied that the proposal would not have an adverse impact on the Warmley Brook Site of Nature Conservation Interest. Accordingly, the proposal is contrary to Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the provisions of the revised National Planning Policy Framework.*

Post-refusal negotiations have resulted in the current scheme.

## 2. POLICY CONTEXT

### 2.1 National Guidance

Town and Country Planning (Pre-Commencement Conditions) Regulations 2018

National Planning Policy Framework (NPPF) 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
CS15	Housing Distribution
CS16	Housing Density
CS17	Housing Diversity
CS29	Communities of the East Fringe of Bristol

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

PSP1	Local Distinctiveness
PSP4	Designated Local Green Space
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP18	Statutory Wildlife Sites
PSP19	Wider Biodiversity
PSP20	Flood Risk
PSP22	Unstable Land
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space

### 2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) 2007

## 3. RELEVANT PLANNING HISTORY

### 3.1 PK18/3519/RVC

Variation of condition 4 attached to planning permission PK15/4758/F to amend widening of existing access as per submitted access plan (plan no. BN 7c)

Refusal

28.09.2018

*See point 1.4 for reason.*

### 3.2 PK15/4758/F

Erection of 1no. detached dwelling including new access and associated works (resubmission of PK15/0372/F)

Approval

18.12.2015

3.3 PK15/0372/F  
Erection of 1no. dwelling including new access and associated works  
Refusal  
27.03.2015

*Reasons:*

- 1. In the absence of a site specific flood risk assessment the application has failed to adequately assess flood risk to and from the development site and has failed to demonstrate how flood risk will be managed over the duration of the development's lifetime. The application therefore fails to meet the requirements of policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013, saved policy EP2 of the South Gloucestershire Local Plan (Adopted) 2006, the provisions of the National Planning Policy Framework 2012 and the guidance set out within the National Planning Practice Guidance 2014.*
- 2. The proposed development, by virtue of the location of the access on a principal classified highway in close proximity to a pedestrian crossing and roundabout, the inadequate access width, and the increase vehicular movements to and from the site, would result in additional conflicts and would interrupt the safe and free-flow of traffic in the locality to the detriment of highway safety. The development is therefore contrary to saved policy T12 of the South Gloucestershire Local Plan (Adopted) 2006.*

3.4 PK06/3622/F  
Erection of 1 no. dwelling with access, parking and associated works.  
Refusal  
28.02.2007

*Reasons:*

- 1. The proposal would lead to the increased use of a substandard access by reasons of unsatisfactory visibility, no footway and insufficient road width at the junction with a principle classified highway. The proposal thereby increases the hazards faced by highway users, all to the detriment of highway safety. Furthermore, the proposal would lead to an increase in turning movements to and from the public highway, close to a busy junction thus interfering with the safe and free flow of traffic, all to the detriment of highway safety. This proposal is contrary to Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.*
- 2. The design of the proposed new dwelling, by virtue of its materials and external appearance will not integrate with the design of the street scene and character of the immediately surrounding properties. The application is thus considered to be contrary to Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.*

3.5 PK05/3181/O  
Erection of 3 no. dwellings with associated car parking (Outline) with siting and means of access to be determined. All other matters reserved.  
Withdrawn  
13.12.2005

## 4. **CONSULTATION RESPONSES**

### 4.1 Siston Parish Council

Objection

- public safety issue

### 4.2 Other Consultees

#### Highway Structures

No objection

#### Lead Local Flood Authority

No objection

#### Coal Authority

No objection

- re-imposition of pre-commencement condition 6 on PK15/4758/F required

#### Ecology Officer

No objection

#### Sustainable Transport

No objection

### **Other Representations**

### 4.3 Local Residents

1 local resident has objected. Their comments are summarised below:

- loss of common land
- adverse impact on highway safety

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The application is submitted under Section 73 of the Town and Country Planning Act 1990. In accordance with Section 73(2) in determining such an application the Local Planning Authority shall consider only the question of the conditions subject to which planning permission has been granted. The Planning Practice Guidance advises that every condition must always be justified by the Local Planning Authority on its own planning merits on a case by case basis. Furthermore, it advises that any proposed condition that fails to meet any of the six tests should not be used. Paragraph 55 of the NPPF states that planning conditions should only be imposed where they are:

1. Necessary;
2. Relevant to planning;
3. Relevant to the development to be permitted;
4. Enforceable
5. Precise;
6. Reasonable in all other respects.

5.2 Being mindful of the reasons for attaching the condition in the first place, when assessing this application Officers will consider the potential issue of flood risk and the impact of the proposed changes on highway safety, visual amenity and local ecology. Following this, it will also need to be considered what conditions attached to application PK15/4758/F need to be carried forward and if any further conditions need to be attached to any new consent.

5.3 Material Changes in Policy

In addition to the above, it is necessary to consider whether there have been any relevant material changes in policy since the condition was imposed. It is noted that since condition 4 was issued as part of PK15/4758/F, there have been material changes in local and national planning policy. The Policies, Sites and Places Plan (PSP) has been adopted (November 2017) and replaces the South Gloucestershire Local Plan (2006). Likewise, the NPPF was revised in July.

5.4 Notwithstanding the above, Officers do not consider that these policy changes since the determination of the 2015 permission materially alter the assessment of the current application.

5.5 Assessment

*Highway Safety*

The purpose of condition 4 was to avoid future remedial action and in the interests of the amenity of the area and highway safety (and in compliance with CS8). The submitted revised site plan shows widening of the existing access only on one side, instead of both as previously approved, to a total width of 4.5m. Furthermore, the widening would be built to a grasscrete specification. The Transport Officer has reviewed the proposal and considers that the access remains acceptable.

*Visual Amenity*

Given its intended construction, the widening would have a relatively minor impact on the character and appearance of the area. The assessment in terms of design therefore remains unaltered.

*Flood Risk*

No objection is raised by the Flood Authority.

*Ecology*

Under this application, the applicant has sought to overcome the previous ecological objection to the increased hardstanding by offering a detailed grasscrete specification for the widening. The Ecology Officer considers this is acceptable and as such is sufficient to overcome the previous refusal reason. Condition 4 can therefore be varied as applied for but the provision of the access prior to occupation of the approved residence is recommended given the provisions of the new pre-commencement condition regulations.

- 5.6 Other conditions attached to PK15/4758/F  
Planning permission PK15/4758/F was approved subject to 6 other conditions in addition to condition 4. The effect of an application under Section 73 of the Act is to grant a wholly new planning permission. Therefore, the conditions attached to any original consent should be replicated on a new permission, reviewed or removed.
- 5.7 Bearing in mind the new pre-commencement condition regulations, the section below will assess the conditions attached to PK15/4758/F.
- 5.8 Condition 1  
This condition relates to the implementation of development within 3 years from the date of permission, in line with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended). The development has not been implemented and as such this condition needs to be carried over. However, as section 73 applications cannot be used to extend the life of applications, the original time limit will be retained within the condition.
- 5.9 Condition 2  
This condition restricts the hours of construction work at the site, to protect the residential amenity of nearby occupiers. It is recommended that this is carried forward.
- 5.10 Condition 3  
This condition relates to the submission of parking and turning details and has not been discharged. As a result, Officers would recommended that this condition is carried forward.
- 5.11 Condition 5  
This pre-commencement condition relates to the submission of drainage details and again has not been discharged. However, condition precedents must be fully justified and normally today such details would be required prior to occupation, not commencement. As such, this condition will be carried forward but amended to accord with the new regulations.
- 5.12 Condition 6  
Under the Town & Country Planning (Pre-commencement conditions) Regulations 2018, notice was served on the applicant that on the grant of planning permission, pre-commencement condition 6 would be re-imposed.
- 5.13 The agent did provide a substantive response before the date specified in the notice, but in the end written agreement was reached to the terms of the proposed pre-commencement condition. Condition 6 will therefore be carried forward.
- 5.14 Condition 7  
This is a compliance condition in relation to windows on the north east side elevation and is considered necessary to carry forward.



5.15 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 that 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.

5.16 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.

5.17 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.

5.18 Other Matters

It is acknowledged that the new access would be in closer proximity to the boundary of 1 Station Road, but the Highway Authority have not objected on the grounds that the development would put the safety of vehicle users at risk.

5.19 The evidence before Officers indicates that the application site does not extend onto common land and that the planning application is accompanied by a relevant certificate of ownership.

**6. CONCLUSION**

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

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

**7. RECOMMENDATION**

7.1 That condition 4 is varied as follows:

The dwelling hereby permitted shall not be occupied until the private access driveway has been resurfaced, raised by 45mm and widened to 4.5 metres where it joins Station Road as detailed on plan BN 7d and to the grasscrete specification within the approved Design and Access Statement.

**Contact Officer: Helen Braine**  
**Tel. No. 01454 863133**

## **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of the original consent (12.02.2016; PK15/4758/F).

### Reason

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

2. The hours of working on site during the period of construction shall be restricted to 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

### Reason

In the interests of highway safety and residential amenity and to accord with Policies CS1 and CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies PSP38 and PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the revised National Planning Policy Framework.

3. Notwithstanding the submitted plans, details showing the car parking provision and turning facilities within the site shall be submitted to and agreed in writing by the LPA. The development shall proceed in accordance with the agreed details and retained as such thereafter.

### Reason

To avoid the need for future remedial action and to ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and Policy PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

4. The dwelling hereby permitted shall not be occupied until the private access driveway has been resurfaced, raised by 45mm and widened to 4.5 metres where it joins Station Road as detailed on plan BN 7d and to the grasscrete specification within the approved Design and Access Statement.

### Reason

To avoid the need for future remedial action and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

5. Prior to the commencement of the relevant works on site, drainage detail proposals incorporating Sustainable Drainage Systems SUDS and confirmation of hydrological conditions e.g. soil permeability, watercourses, mining culverts within the development shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To avoid the need for future remedial action and to comply with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the revised National Planning Policy Framework.

6. All prior to the commencement of development:-

- (i) A scheme of intrusive site investigations shall be submitted to and approved in writing by the Local Planning Authority. The intrusive site investigations shall then be undertaken in accordance with the approved details and a report of the findings from the site investigations (Sites Investigation Report) be submitted to and approved in writing by the Local Planning Authority.
- (ii) In the event that the Site Investigation Report identifies the need for remedial works/migratory measures a scheme of these works/measures shall be submitted to and approved in writing by the Local Planning Authority. The implementation of these works/measures shall be undertaken fully in accordance with the approved details.

Reason

To ensure that the risk posed by the past coal mining activity in the area is adequately identified and where necessary mitigated and to accord with Policy PSP22 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the revised National Planning Policy Framework. This is required prior to commencement to fully engage with the coal mining legacy.

7. No windows shall be installed to the north east side elevation.

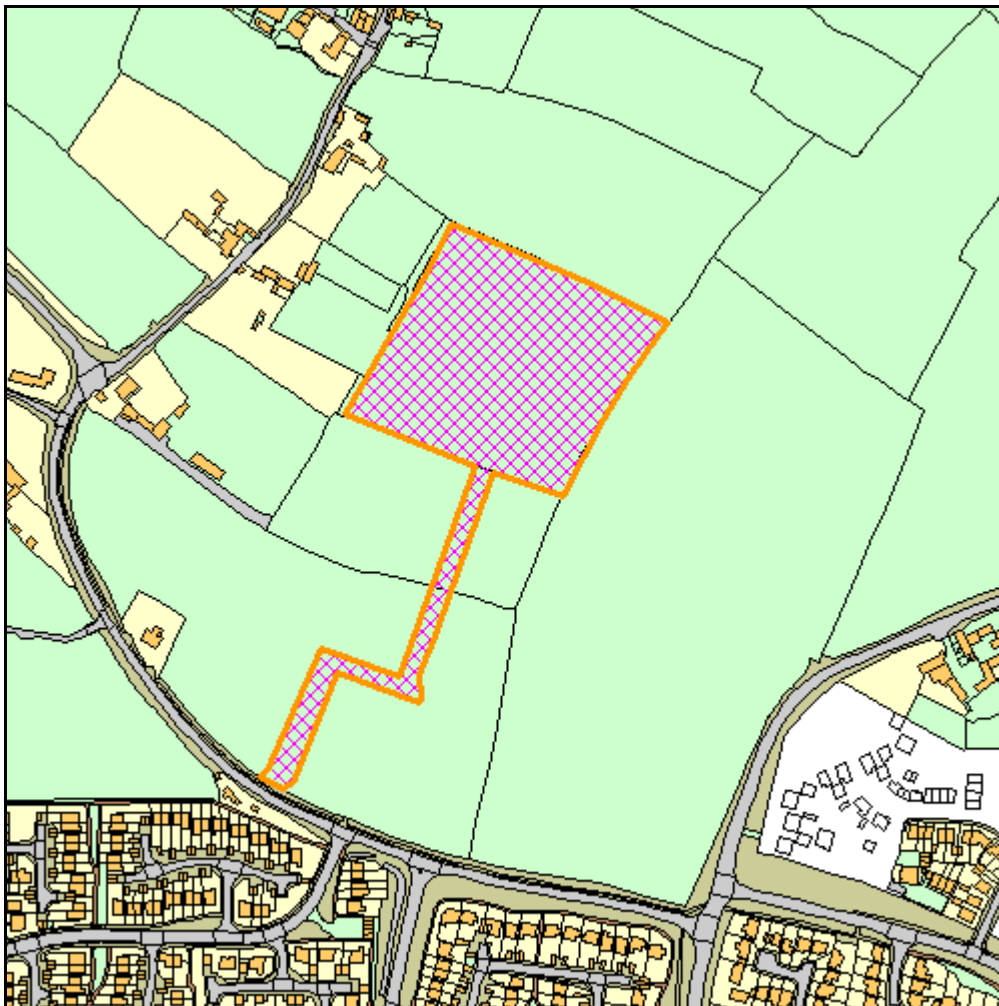
Reason

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

**CIRCULATED SCHEDULE NO. 47/18 – 23 NOVEMBER 2018**

<b>App No.:</b>	PT18/0913/O	<b>Applicant:</b>	Linden Ltd (T/a Linden Homes Western)
<b>Site:</b>	Land At Post Farm Thornbury South Gloucestershire BS35 1RB	<b>Date Reg:</b>	7th March 2018
<b>Proposal:</b>	Erection of up to 39no. dwellings with public open space and associated infrastructure (outline) with access to be determined; all other matters reserved.	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	364099 191455	<b>Ward:</b>	Thornbury North
<b>Application Category:</b>	Major	<b>Target Date:</b>	29th May 2018

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100023410, 2008. **N.T.S.** **PT18/0913/O**

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

This application has been referred to the Circulated Schedule following the receipt of an objection from Thornbury Town Council; the concerns raised being contrary to the officer recommendation. The application site falls outside the Thornbury Strategic Development Location and is not considered by Officers to be of more than local importance.

Officers are currently in the process of reviewing the Annual Monitoring Report and the Council's Five Year Housing Land Supply position. The officer recommendation is based on the Council's current position as this piece of work has not yet concluded. If the Five Year Housing Land Supply Position is substantially altered prior to the determination of the application members will be provided with an updated report.

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

### **1. THE PROPOSAL**

- 1.1 Outline planning permission (PT18/0913/O) is sought for erection of up to 39no. dwellings with public open space and associated infrastructure (outline) with access to be determined; all other matters reserved. Under this outline application access is the only issue to be considered in detail, all other matters are reserved for future determination. The submitted documents include an illustrative masterplan but it is important to stress that site layout is not for consideration as part of this outline application – the illustrative masterplan has been submitted purely to indicate how the development could be accommodated. The only matters for members to consider are the proposed means of access, the Design and Access Statement and the details included on the Parameter Plans, including a Boundary Landscape Strategy Plan.
- 1.2 The application comprises farmland currently used for grazing sheep. The field is enclosed by hedgerows and hedgerow trees. The site slopes gently to the north west with orchard trees scattered across the site. An area tree preservation order covers the site. There are two public rights of ways (PRoWs) which run Public Right of Way (PRoW) run adjacent to the site along the southern and western boundary, the first (636/7/1) runs close to the southern boundary joining with the A38 at either end, while the second (636/8/1), a bridleway, runs from the southern edge of the A38 to Dirty Lane.
- 1.3 The application site is setback from the northern part of Butt Lane directly behind the Post Farm site which sits opposite the Park Farm development and properties on Parkland Way and Charles Close. The wider site is bounded by Butt Lane to the south, Morton Street and the buildings of Post Farm to the west, with open fields to the north and adjacent to the committed development at Land West of Gloucester Road to the east. The site lies in the open countryside and outside the settlement of Thornbury.

- 1.4 In terms of vehicular access, approved as part of the extant outline permission for Post Farm Phase 1, is a direct access onto Butt Lane located at the South Eastern end of the wider site, the application site is linked through the southern section of the Post Farm development onto Butt Lane. Pedestrian access is proposed from the existing public rights of way and via the Post Farm site. Public open space is shown along all site boundaries, including a children's play area (LAP) in the north western corner of the site. An attenuation pond is detailed in the north west corner of the site and a foul pumping station is shown adjacent to the pond and the hedge to the western boundary of the site is included within the red edge of this application.
- 1.5 The proposal comprises a mixture of dwellings of 2 storeys in height (ridge height of maximum 9 metres), including 35% affordable housing dispersed within the layout.
- 1.6 This outline application relates to the field north of the committed Post Farm development site. The original Post Farm site to the south currently has planning permission for 125 dwellings (PT15/2917/O). Subject to an approved S106 agreement, permission will also be granted for the inclusion of 7 additional units (PT18/0902/F) would bring the total dwellings up to 132 on the site to the south.
- 1.7 The site located outside the settlement boundary of Thornbury in the open countryside and within the Rural Areas, as defined by the Core Strategy. The site does not lie within the Green Belt. The site has not been allocated for development in the Core Strategy.
- 1.8 The access off Butt Lane, via a new priority T junction, has been approved in detail through the extant outline consent (PT15/2917/O), which covers the Land at Post Farm to the South of the site. The proposal also accords with main principles of the existing extant outline planning permission and masterplan for the Post Farm site to the South.
- 1.9 The current outline application is accompanied by a Design and Access Statement (DAS) which includes parameter plans to guide the detailed design of the development.
- 1.10 Following officer comments, revised plans were submitted to address initial concerns raised and negotiations were undertaken to improve and revise the plans. Officers are satisfied that the type and amount of land uses proposed generally accord with the DAS, parameter and phasing plans approved under the extant outline permission for the site and that the DAS submitted in support of the scheme. Key changes are outlined below:
  - Inclusion of Tree Root Protection Area
  - Relocation of pumping station to minimise impacts on the Listed Building
  - Enlargement of landscape corridor along the western boundary to provide buffer Listed Building
  - Improved treatment to footpath along western boundary

- Suitable Area Basin
- Improvements and removal of incursions to Open Space
- Additional planting
- Indicating Phase 1 to west and red line adjustment
- Addition of footpath connection to eastern development site
- Revisions to the landscape strategy

## 2. **POLICY CONTEXT**

### 2.1 National Guidance

National Planning Policy Framework July 2018  
 National Planning Practice Guidance  
 The Community Infrastructure Levy Regulation 2010  
 National Planning Practice Guidance – Conserving and Enhancing the Historic Environment;  
 Managing Significance in Decision-Taking in the Historic Environment (GPA 2)  
 The Setting of Heritage Assets (GPA 3)  
 Settings and Views of Heritage Assets (GPA 3 consultation draft)

### 2.2 Development Plans

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

CS1 High Quality Design  
 CS2 Green Infrastructure  
 CS4a Presumption in Favour of Sustainable Development  
 CS5 Location of development  
 CS6 Infrastructure and Developer Contributions  
 CS8 Improving Accessibility  
 CS9 Managing the Environment and Heritage  
 CS15 Distribution of Housing  
 CS16 Housing Density  
 CS17 Housing Diversity  
 CS18 Affordable Housing  
 CS23 Community infrastructure and cultural activity  
 CS24 Green Infrastructure, Sport and Recreation Standards  
 CS32 Thornbury  
 CS33 Housing Opportunity  
 CS34 Rural areas

#### 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)  
 PSP9 (Health Impact Assessments)  
 PSP10 (Active Travel Routes)  
 PSP11 (Transport Impact Management)  
 PSP16 (Parking Standards)

PSP17 (Heritage Assets and the Historic Environment)  
PSP19 (Wider Biodiversity)  
PSP20 (Flood Risk, Surface Water and Watercourse Management)  
PSP21 (Environmental Pollution and Impacts)  
PSP37 (Internal Space and Accessibility Standards for Affordable Dwellings)  
PSP40 (Residential Development in the Countryside)  
PSP42 (Self Build & Custom House Building)  
PSP43 (Private Amenity Space Standards)  
PSP44 (Open Space, Sport and Recreation)

### 2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist SPD (adopted)  
The South Gloucestershire Waste SPD (adopted)  
The South Gloucestershire Residential Parking Standards SPD (adopted)  
The South Gloucestershire Affordable Housing and Extra Care SPD (adopted)  
The South Gloucestershire Revised Landscape Character Assessment SPD (adopted)  
The South Gloucestershire CIL Charging Schedule and the CIL and S106 SPD (adopted)  
The South Gloucestershire Biodiversity Action Plan (adopted)

## 3. RELEVANT PLANNING HISTORY

- 3.1 PT14/032/SCR, Residential development of up to 175 dwellings, highway access, public open space, landscaping and associated infrastructure works. Screening Opinion issued 13.08.2014.
- 3.2 PT15/2917/O, Residential development of up to 125 dwellings on 6.6 hectares with public open space and associated infrastructure. Outline application including access with all other matters reserved. Permission granted with conditions, 19.05.2016.
- 3.3 PT16/6773/FDI, Diversion of footpath OTH/67 and OTH/68. Footpath Diversion Order, Pending Consideration, Received 14.12.2016.
- 3.4 PT16/4055/RM, Demolition of existing buildings and Erection of 125no. dwellings with public open space and associated infrastructure. Discharge of conditions 1 (submission of RM), 2 (implementation of RMs), 6 (landscaping), 7 (northern edge treatments etc), 12 (access), 17 (LEMP), 19 (light spillage ecology), 20 (Hedgehog Mitigation) and 26 (public art). (Approval of Reserved Matters (appearance, layout, landscaping and scale) to be read in conjunction with outline application PT15/2917/O). Approved, 13.03.2017.
- 3.5 PT18/0463/RM, Approval of Reserved Matters to be read in conjunction with outline permission PT15/2917/O (access, landscaping and layout) for western area, including addition of foul water pumping station. Pending Consideration, Approved 08.10.2018.
- 3.6 PT18/0902/F, Erection of 29no. dwellings with access, public open space and associated infrastructure. Pending Consideration.



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

There has been re-consultation during the course of the application. The comments below are a summary of the key points raised throughout all rounds of consultation. Full copies of the letters received can be found on the Council's web site.

##### 4.1 Thornbury Town Council

The site is located outside the currently identified development boundary of the town and the Town Council restates its well documented comments regarding the lack of strategic planning, the pressure on local services and infrastructure and in particular the inappropriate distance that this development is from such services as the town can provide. The cumulative effect of the various planning applications that are in process and the impact on the sustainability of the town is of continued concern. This further application in this inappropriate location would be heavily reliant on the private car for access, adding to the transport problems both within and outside the town boundary. The travel plan demonstrates the inadequacy of the site location. It uses "as the crow flies" distances to the main town centre facilities on the outer limit of what is considered to be maximum desirable walking distances and these bear no relationship to the actual distances and the stated walking times are simply spurious. Bus services are not as stated in the plan. The 78 & 79 bus does not operate near the site and Severnside Transport ceased operating some months ago. The statement "Development of the proposed site will therefore provide future residents with a viable choice of travel modes which in turn will help to reduce the use of the private car" bears no relation to reality.

The negative impact on the rural edge of the town would seriously harm to the setting of the listed farmhouse. The development does not respect the character and landscape of the edge of the town. The Town Council would therefore support the comments of the SGC Conservation Officer. The Town Council continues to be concerned about the drainage problems being created by developments in this vicinity and expects SGC to note the shortcomings of the drainage proposals for this site. The design of the site itself has many shortcomings. The indicative masterplan is unimaginative and shows no sign of respecting the landscape or even relating to the adjacent site. There is a lack of a large enough usable public open space and a sensibly placed play area. The area designated for drainage should not be included in open space calculations. The detail of the application will be considered by the Town Council should this inadequate outline plan be approved.

##### Following revisions:

Thornbury Town Council commented to reiterate its previous comments to development of this site. The proposed development is outside the planned development boundary which was stipulated clearly in the recent adopted Core Strategy. The town is already accommodating 300 more homes than the Core Strategy deemed necessary and concerns have been expressed that the infrastructure required to support the 850 extra homes already approved is not sufficient. GP practices are currently under continuous pressure, there are parking problems in the town centre and the schools will have difficulty in providing places for the increasing population. The updated plan is even more detrimental to the town due to the additional housing units. The Town Council

is of the view that this development does not respect the setting of the edge of the town within the rural landscape. This plan reduces the green buffer that is supposed to protect the rural setting. It also reduces the public open space which is an essential amenity.

#### 4.2 Landscape Officer

Original comments:

The site is an attractive rural landscape, typical of the transitional landscape between the Severn Ridges and the Severn Levels character areas.

The development proposal would have the greatest effect on the character of the site itself with a significant and permanent change from agricultural land to urban development. The site has an important role in contributing to the character and setting of the local historic settlement of Lower Morton and whilst the visual impact of the development is largely on the site and its local environment around Lower Morton, development would see Lower Morton become subsumed by the urban sprawl of Thornbury's expansion with the loss of its separate and attractive character.

The site currently has a role in providing attractive recreational opportunities for the existing and expanding urban populations via the footpath network. Development would result in changes to the local footpaths which border and overlook the site with the loss of tranquillity and rural character, to be replaced with a suburban character and the disturbances of modern life to the detriment of their amenity. The scheme is contrary to CS1 for High quality design as the scheme does not respect the character, distinctiveness and amenity of the site and its context.

CS2 requires that Green Infrastructure is planned to conserve and enhance landscape character, historical, natural, built and cultural heritage features. The site will form part of the Green Infrastructure to Thornbury and Lower Morton.

PSP Policy 2 requires the conservation of the quality, amenity, distinctiveness and special character of the landscape, including tranquillity of a landscape, sense of place and setting. The application fails in these regards.

The scheme is contrary to policy CS9 as the proposals fail to conserve and enhance the character, quality, distinctiveness and amenity of the landscape of the site and its surroundings.

The concept site layout suggests conflicts between the site design and the proper protection of site trees contrary to policy CS9 and PSP 2.

Revised comments:

The principal issue to be considered is where is the best place to form the edge of the settlement of Thornbury. Previous development in Thornbury has had a well defined edge, most notably along Morton Way. This has been criticised as being too 'hard' and not blending well into the surrounding landscape. It did however have the benefit of being a clear boundary respected by various planning inspectors.

By jumping this boundary with the Morton Way development we have lost any clear definable extent for Thornbury's northern and western edges.

At present, with the Post Farm and West of Gloucester Road developments as currently consented there has been an objective of keeping a degree of separation between both Lower Morton and Upper Morton and the new development. This has been in recognition of their attractive and distinctive appearance.

Upper Morton contains a number of listed buildings together with paddocks, ponds and trees which have something of a parkland feel and represent a high-quality landscape. The character, setting and separate identity of the settlement has been eroded by the construction of the Morton Way development, which whilst having some physical separation is visually prominent in a number of views and softening vegetation along the north western boundary of the new housing has yet to mature.

With the development west of Gloucester Road the attempt has been made to maintain a gap to Upper Morton and Lower Morton and use tree planting and public open space to screen the northern edge of the development and create a new settlement boundary which has a 'softer' interface with the wider landscape.

The current edges of Post Farm and West of Gloucester Road were considered to have been positioned such that the separate character of Lower Morton was preserved using a mixture of distance and existing and proposed intervening vegetation.

Lower Morton has an attractive linear character which has been identified as a heritage asset. The mix of listed buildings and low-key vernacular buildings have a strong visual link with the lane and the wider landscape. The mix of small paddocks, gardens and old orchard areas form an important element of the character.

The character of Lower Morton is vulnerable to damage from increased traffic on the road. This would be both from physical damage to hedges and verges, pressure for widening for passing places or pavements and the loss of tranquillity from extra traffic. It has therefore been an objective to date to keep additional traffic from Morton Lane and prevent new development creating additional vehicle links. New development therefore has tended to form cul de sacs which lack to linkages and integration which are normally considered to be best for community building and integration.

The settlement character would also be damaged by infilling, reductions in gardens sizes and gaps between properties, loss of hedges and stone walls and other vernacular detailing.

**The questions in relation to the Post Farm extension are:**

Should the concept of maintaining a separate character to Lower Morton be continued?

- I would suggest that it should on the basis of protecting its attractiveness and local distinctiveness.

Are the small paddocks to the rear of Days Orchard and Four Winds sufficient in extent to maintain a separate identity?

- The development would not be particularly visible from the lane due to intervening vegetation, however it will be visible from the footpath and houses. I would suggest that these fields don't represent sufficient separation, given the following point.

Is there a way to preserve the openness of the remaining fields in the long term, lying as they do outside the green belt and where the new suburban edge would form the immediate context to the east?

- The argument has been made by the applicant that the presence of new housing to the east and south of the extension site (despite being separated by an open space of 20m and hedges and trees) is sufficient change in context to allow further housing expansion. The acceptance of this argument leaves us with no clear, defensible boundaries to Thornbury (or many other settlements) until the edge of the flood zone is reached.

Is the set back of the development edge from the northern boundary sufficient to maintain a separate character?

- Possibly- The scheme is entirely dependent on the row of trees on the northern boundary to secure any visual separation. This has now been better protected by the amended scheme but further planting would be needed to protect views across the fields and the height of buildings needs to be controlled to below the boundary vegetation.
- There would be benefit in securing further land to the north of the hedge for open space and tree planting to secure the setting of the footpath and making a more robust edge if this is to be the northern extent of the town.

Should development be approved I would recommend the following;

- Limit building heights to 9m to reduce prominence of the development in longer views from the west and north.
- Secure the revised open space areas with the use of a fixed parameter plan.
- Increase planting to the northern and western boundary as Ash die back could affect the current screen and the gappy nature of the hedge allows winter views November to May.
- Building style, materials and plot layout on the western and northern site sides should reference the vernacular style and proportions of Lower Morton, not central Thornbury.
- Secure improvements to the public right of way and boundary hedges.
- Provide a footpath access between the Post Farm extension and the West of Gloucester Road site to aid integration and permeability
- Identify a mechanism to secure land to the west from further development.

Based on the improvements made through the submission of revised plans a refusal reason has not been substantiated.

4.3 Tree Officer

No objection providing the points raised are addressed to enable the long-term retention of the specified trees. At the reserved matters stage I would like to see the RPAs of all trees fully protected with fencing as specified in fig 2 of BS5837:2012. Likewise, all drainage and other service plans to show the routings of services outside the RPAs. Where this is not possible, then subterranean directional drilling should be considered, however the validity of this method of service installation must be fully investigated prior to finalising the proposals given the known shallow depth to bedrock in this location.

4.4 Public Open Space

The Public Open Space Officers comments are discussed below. The application is policy compliant, with the inclusion of off site contributions to allotments and outdoor sports.

4.5 Public Art

In the light of this policy basis, if the application is approved, the Council should apply a planning condition for a public art programme that is relevant and specific to the development and its locality in line with conditions for similar developments in the area. The programme should be integrated into the site and its phasing plan. This application makes no reference to public art in its Design and Access statement nor has a specific document relating to public art. Therefore, the condition should require full details and designs to be agreed as part of reserve matters.

4.6 Public Rights of Way

No objection. The PROW Officer commented that the public footpath OTH67 runs along the boundary to the north westerly and then to south of the proposed development.

4.7 Environmental Protection: Contaminated Land

No objection, subject to suggested condition included below.

4.8 Urban Design

No objection.

4.9 Affordable Housing

No Objection subject to agreement to affordable housing heads of terms and amendments to the housing mix.

4.10 Drainage

No objection subject to the conditions outlined.

4.11 Arts and Development

In the light of this policy basis, if the application is approved, the Council should apply a planning condition for a public art programme that is relevant and specific to the development and its locality. The programme should be integrated into the site and its phasing plan. This application makes no

reference to public art in its Design and Access statement nor has a specific document relating to public art. Therefore, the condition should require full details and designs to be agreed as prior to commencement on site. The public art programme should be devised and managed by a public art professional to ensure a high-quality scheme.

4.12 Waste

No comment.

4.13 Ecology

There are no ecological constraints to granting planning permission. Conditions should be attached in relation to a LEMP, CEMP, birds, badgers and a lighting strategy.

4.14 Archaeology

The application is situated on what is likely to be the core of a Romano-British farmstead identified through previously evaluation work (AC Archaeology 2015) and excavation work to the south (Cotswold Archaeology 2017). Although geotechnical/GI test pits have been monitored on the current site, I am of the opinion that they are insufficient to make a decision about the significance of the site. On the basis of the previous archaeological work, the site requires open excavation to fully record the archaeological remains. As such, I recommend a condition for a programme of archaeological excavation (including outreach as needed) and subsequent post-excavation assessment, analysis and publication.

4.15 Listed Building and Conservation

This application follows PT15/2917/O & PT16/4055/RM which granted outline and then detailed consent for 125no. dwellings with associated works and the comments of the conservation officer for both of these applications is considered to be of relevance in the consideration of this application.

Of particular note it appears that the proposed application site previously formed part of the outline application for the original Post Farm scheme, but following consultation with officers who expressed concern about its landscape impact and impact on the setting of the adjacent heritage assets, it was omitted.

This concern is reflected in the consultation response for the outline application (dated 24th August 2015) from the conservation officer which stated the following:

“the development will also affect the setting of the Grade II listed Yew Tree Farm to the northwest of the site, although the omission of the field “C” from the current application reduces this impact significantly by removing direct views”

“Particularly affected is Yew Tree Farm on Morton Street, and whilst the development no longer abuts the farm buildings, it will be clearly visible within its setting and this will cause harm to its currently rural setting which is an essential element of its significance”.

Therefore, in the context of how the outline proposals were initially assessed, the proposals to now develop the field to the north of the existing/ approved site will therefore reintroduce the direct views and harm the setting of the designated heritage asset (Yew Tree Farmhouse) as previously identified.

This application is also supported by a heritage statement (hereafter 'HS') produced by Cotswold Archaeology.

Having reviewed the document I would agree with the assessment methodology (which is based on GPA3) and the conclusions in regard to the considered impact on the neighbouring designated heritage assets. As reflected within the conservation officer comments noted above, the greatest impact will be felt by Yew Tree Farmhouse and I would concur with the HS that here the proposals would result in "less than substantial" harm to the significance of Yew Tree Farmhouse.

Where my view and the conclusions of the HS diverge is that the HS considers that the development would result in a "very small level of harm to the overall significance of the listed farmhouse". As identified within the previous conservation officer's comments, in my view the wider rural and tranquil setting of the farmhouse makes an important and positive contribution to its setting. In light of the developments at Post Farm and the adjacent site, the need to retain what remains of the undeveloped setting becomes even more important and so any further urbanisation of the setting of the Grade II listed farmhouse should be resisted to avoid the further erosion and loss of existing setting.

Following the above comments, a revised masterplan has been submitted that will see the pumping station replace an indicated dwelling in the north-western corner of the site. The intention is presumably to move built form away or reduce its presence in views of the backdrop of Yew Tree Farmhouse. While the proposals can be considered an improvement on the initial scheme, the amendments would not in my view result in any meaningful mitigation of the considered impacts of the development. Moreover, in light of the outline nature of the application with all matters reserved bar access, I would query how this amendment could be secured as part of the outline stage.

The impact on the character of Lower Morton was also raised at outline stage and appears to have been overlooked within the HS.

Again, looking at the conservation officer's response to the outline application, in regard to Lower Morton, it is considered that the development will "substantially alter the approach to the small rural hamlet of Lower Morton from the south and east along Butt Lane, which will now be perceived as a continuation of the suburban development of Thornbury. This will diminish the significance of the currently rural designated and non-designated heritage assets within Lower Morton, especially those primarily agricultural buildings that gain particular significance from their rural landscape setting".

The dispersed rural hamlet of Lower Morton appears of the 1840s Tithe map and is shown surrounded by orchards. Along with Upper Morton to the east,

these small, informal and dispersed settlements can be considered to make a significant contribution to the character and identity of the locality. Their intrinsic significance is can be considered their historic visual and spatial isolation from the main town of Thornbury and so should be preserved on the grounds of local historic interest. This historic separation is however now at risk as the edges of Thornbury creep ever closer and if not checked, as proposed on land to the south of Gloucester Road, these unplanned urban extensions could subsumed these historic hamlets.

To my mind the previously made comment made by the conservation officer in regard to Lower Morton remains relevant and valid, as although the approval of the 125no. unit scheme reduced the separation distance between the development edges of Thornbury and Lower Morton, the proposed development seeks to further erode the gap. If the visual sense of isolation for Lower Morton is to be maintained in a convincing manner, then this needs to be more than just a couple of fields.

I would also however state that along with the heritage assets Lower Morton can be considered to possess, like Upper Morton, collectively Lower Morton should also be regarded as a non-designated heritage asset in light of its local historic interest. If required I can provide further comment on this matter, but the case is essentially the same one made for Upper Morton.

Overall, I would agree with the conclusions regarding the impact of the development on all other designated and non-designated assets set out within the HS. Therefore, the only areas of concern are with Yew Tree Farmhouse and Lower Morton.

## 5) Conclusion

As noted above, I would agree with the HS that the proposals will cause “less than substantial harm” to the significance of the Grade II listed Yew Tree Farmhouse due to the impact it will have on its setting through changes in landscape character which will impact on the setting and in turn significance of the designated heritage asset. The difference of opinion is where on the “spectrum of harm” the development would register, as in my view it is much higher than has been suggested i.e. greater than “very small”.

The proposals will also result in a significant level of harm to the existing character and appearance of Lower Morton, which is considered to represent a non-designated heritage asset.

Although there is some disagreement on the level of harm that the development would cause, when harm is identified in determining planning applications the local authority is required to pay particular attention to the Planning (Listed Buildings and Conservation Areas) Act 1990, section 66 (1) in which "the local authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest".



The Courts have also provided further clarification of the correct approach under section 66(1). Most noteworthy Court of Appeal cases is the judgement of Sullivan LJ, with whom Maurice Kay and Rafferty LJJ agreed, in *East Northamptonshire District Council v Secretary of State for Communities and Local Government* [2015] also known as the Barnwell Manor Case.

The assessment of harm is, and always has been, a matter of planning judgement. However, once the decision maker concludes there will be harm to a heritage asset, as East Northamptonshire confirmed, the effect of s.66 (1) is that the harm must be given “considerable weight” in the planning balance. In other words, a decision maker is not then free to give that harm such weight as they see fit when carrying out the balancing exercise. The Barnwell Manor Appeal judgement also helped establish the approach that the finding of harm to the setting of a listed building or its setting is a consideration to which the decision-maker must give “considerable importance and weight” but also once harm is identified, this creates a “strong presumption” against the granting of planning permission and this presumption is a statutory one.

It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it would give to harm which would be substantial. But it is to recognise, as the Court of Appeal emphasised in the Barnwell judgement, a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted.

This “statutory presumption” can be outweighed by material considerations powerful enough to do so. But an authority can only strike the balance between harm to a heritage asset on one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.

It is in this context that the guidance set out within the Framework needs to be considered. For, in accordance with paragraphs 133 and 134 of the Framework, it is for the decision maker, having identified harm to designated heritage asset, to consider the magnitude of that harm.

As noted above, in this case I would conclude that the proposal would lead to “less than substantial” harm in respect of setting of the Grade II listed Yew Tree Farmhouse. In such circumstances the Framework requires that any identified harm is weighed against any public benefits the scheme might secure but, as set out in the above paragraphs, the balancing exercise must not ignore the overarching statutory duty imposed by section 66(1), which properly understood requires considerable weight to be given to the desirability of preserving the setting of all listed buildings, including Grade II listed buildings”.

In regards to Lower Morton, the proposals would represent a further erosion of its setting which would harm the character and identity of this historic hamlet which can be considered to represent a non-designated heritage asset in itself.

If required, I can recommend a number of refusal reason.

In reviewing the submitted heritage statement addendum I would suggest it is seeking to make the following main points:

- The proposals would not cause any significant harm to the significance of any designated heritage asset;
- The proposals would cause only very small harm to the significance of Yew Tree Farmhouse and Spring Farmhouse;
- The Conservation Officer agrees that the impact on Yew Tree farmhouse will be less than substantial but has not quantified the harm;
- The Conservation Officer do not provide any additional information as to why this assessment (the very small harm considered) would not be correct; and
- Lower Morton can be considered to have some moderate heritage significance and could be considered to be a non-designated heritage asset.

In discussing each point in order, as per my original comments (noted above), there is agreement that no substantial harm would be caused to the significance of any designated heritage asset.

The disagreement, as set out within the HS addendum is the level of harm caused to the significance of Yew Tree Farm and the impact on Lower Morton.

The issue of quantifying the magnitude of harm is disputed, as the comments above clearly conclude that the harm would be “less than substantial”. This represents the assessment and identification of harm required by paragraph 190 of the NPPF. The identification of a “very small harm” by the applicant is not considered compliant with the NPPF, as although if harm is identified, as per the NPPF this is to be categorised as “less than” or “substantial” harm.

While it is accepted there can be considered a spectrum of harm within each identified category of harm, this is open to interpretation and the terminology that could result could become confusing and misleading. Subsequently, the suggestion that harm can be considered to be only “very small” risks underplaying the impact or at worst manipulating the process through a convenient choice of words. While stating that the considered harm would be at the lower end of the spectrum of less than substantial would be a reasonable case for the applicant to present, but as per the requirements of paragraph 189 of the NPPF this view would have to be based on a sound understanding the contribution the setting makes to the significance of the listed farmhouse and the impact the proposed development. Overall to suggest the harm would be “very small” in my view is underplaying or at worst purposely misrepresenting the impact the development would have.

In regards to why the impact would not be “very small”, the development’s potential impact on setting of the listed farmhouse is an obvious one, but I will expand on this to ensure there is no confusion.

From historic cartographic evidence the application site does not appear to form part of the land associated with Yew Tree Farm. This lack of illustrative value would diminish the historic interest of the application site, the

undeveloped rural character of the site still makes a significant contribution to the verdant rural quality of the landscape. In addition, it can be considered that the historic field boundaries depicted on the 1840s Tithe survive suggesting a pattern of enclosure that could have medieval origins. The contribution made by the surrounding historic landscape is therefore far more important than appreciated within the HS, as the age of the field boundaries adds to their significance and their contribution to the overall significance of any designated heritage asset in the locality.

Notwithstanding the significance of the field boundaries and patterns, the key issue when considering setting is, as per the definition of setting within the NPPF, is how the building is experienced. The contribution the open, verdant rural setting makes to the setting of the farmhouse is therefore how it allows the farmhouse and its relationship with its surroundings to be experienced. It is on this basis that the setting can be considered to contribute to the significance of the listed farmhouse.

This to my mind is a clear and undeniable fact, as changing the setting from an isolated rural context to an edge of urban area would have an impact on how the farmhouse is experienced. Although the development to the east is noted and so the setting has already been degraded to a degree, the construction of the proposed scheme would bring built form into the direct backdrop of Yew Tree Farmhouse and the extension of the development would further erode the sense of rural isolation that the farmhouse has enjoyed for generations.

While it is recognised that the setting of a designated heritage asset may evolve over time, any such evolution does not preclude the identification of harm or its permit allowance. Historic England's GPA3 (Second Edition) guides (under para.17) that "not all settings have the capacity to accommodate change without harm to the significance of the heritage asset..." The issue is therefore one of the setting's capacity to absorb change without causing harm and issues such as scale, siting, density and landscape can all be a determining factor on the potential harm considered.

However, it is recognised that when looking to extend existing settlements into the open countryside, situations like the one presented in this case are common but the key, as noted above, is ensuring appropriate mitigation is provided to ensure while there may be a degree of harm to the setting, the overall significance of a designated heritage asset is not fatally compromised. In this context it is not helpful in my view just to suggest in an under-stated way that the impact of a proposal scheme would be "very small harm" and through only selective areas of consideration fail to demonstrate what are actually very broad and obvious impacts to the setting.

To address the final point, I would maintain that Lower Morton can be regarded as a non-designated asset and the further encroachment of residential development out into the open countryside would, as noted previously identified above, erode the historic isolation of the settlement from the main conurbation of Thornbury.

## Conclusion

For the reasons noted above, the proposed scheme would cause a degree of harm to the setting of the Grade II listed Yew Tree Farmhouse. I note the revised masterplan and securing scale parameter of buildings heights and landscape buffers would be advised and supported, but this would only provide a limited amount of mitigation, as the main impact will be the extension of the urban area in to the direct setting of Yew Tree Farmhouse.

As harm has been identified I would refer to the above guidance on how the statutory requirements contained within section 66(1) of the Act are to be interpreted and the implications of the relevant case law and so I won't repeat it here. The key issues are though that the harm identified should be given considerable importance and weight and the presumption against granting consent for a scheme where harm has been identified is a statutory one. It is therefore for the decision maker to identify material considerations powerful enough to outweigh this presumption. This statutory duty is also echoed in the Council's own adopted planning policies, as the PSP (adopted November 2017) clearly indicates that development can cause harm, and where harm results applications should be refused unless appropriate mitigation can be achieved.

Finally, paragraph 193 of the NPPF also requires that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation....this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

In regards to identifying the magnitude of harm to assist with the consideration of the proposals in accordance with paragraphs 193 & 194 of the Framework, I would advise that the harm the proposed development would cause to the significance of Yew Tree Farmhouse would be "less than substantial" and so as part of the weighing up exercise, it is recognised that paragraph 198 of the Framework would be engaged.

In respect of the character and integrity of Lower Morton, the views expressed within the HS are noted but there isn't much to add to the comments set out above apart from the wider harm to the settlement will need to be considered in the context of paragraph 196 of the Framework in light of it being considered a non-designated heritage asset.

### 4.16 Transport

I recommend no objections and the addition of S106 obligations and conditions.

### 4.17 Community Meeting Spaces

This development together with the cumulative effect of a further increase in dwelling numbers at Post Farm Phase 1 proposed under PT18/0902/F would lead to an increase in the demands on a wide range of community facilities in the town, several of which are known to need further investment and enhancement. This development of 39 dwellings and an additional 7 dwellings at Post Farm Phase 1 would lead to an increase of 110.4 residents in total.

A CIL will be levied on this development if it is permitted, and part of that could technically be invested in improving community facilities in the town. Given the distance of the site from existing facilities, the developer should as a minimum be ensuring excellent walking, cycling and public transport is available to ensure good access to them for people.

In the future SGC or the Town Council may decide to allocate CIL funds towards community space improvements, although potential for such works cannot be known at this stage.

4.18 Self Build Officer

PSP42 requires the Council to encourage developers to provide serviced plots on residential sites over 10 dwellings, we request that the applicant considers serviced plot provision for this proposed scheme. We welcome discussion with the applicants.

4.19 Sustainable Energy

No objection, the proposal satisfies Policy PSP6. The application achieves 6% reduction in emissions compared with building regulations, and so complies with the PSP Policy 6, but does not demonstrate 'going over and beyond' building regulations in any significant way (even using the updated emissions figures).

4.20 Other Consultees

4.21 Oldbury on Severn Parish Council

The Parish Council of Oldbury-On-Severn (OPC) wish to OBJECT to this planning application for the following reasons:

A. Flood Risk

The flooding risk to Oldbury-On-Severn due to drainage issues, as the site forms part of the Oldbury Naite Rhine catchment. OPC are concerned that the increased development within and around Thornbury could detrimentally impact flood risk downstream. This development is an extension of the Phase I site consented under application PT15/2917/O for 125 homes. Thus any impacts would exacerbate concerns raised by OPC and others (including the Lead Local Flood Authority) during consideration of the previous application. OPC understand that the LLFA are still in discussions with the developer regarding surface drainage issues for the Phase I site.

The provided Flood Risk Assessment gives little detail about proposed control measures for exceedance flows. Point 5.19 states that "Infiltration basins/swales could be located in the northern part of site to intercept exceedance flow from extreme storm events and the event of failure/blockage of the infiltration devices." It is not good enough to leave such details to be argued out post consent. The drainage system in the Oldbury area is already at capacity during storm events, as evidenced by the flooding which took place in March 2016, and parishioners would seek assurance that the proposed development, in conjunction with others at Post Farm and across the wider Thornbury area, would not lead to any further drainage flows via Oldbury Naite Rhine.

## B. Traffic issues

The proposed development will significantly impact traffic flows at certain times of day causing congestion, certainly in the Gloucester Road/ Butt Lane/ Morton Way areas. With this in mind OPC are concerned that there will be increased traffic flow using the Kington Lane route to access

Thornbury. Kington Lane is a very narrow lane in parts with blind bends and an awkward access onto Castle Street, Thornbury.

The provided Travel Plan indicates an intention to reduce reliance on single occupancy car journeys for commuting, but since the pace of housing development in Thornbury has significantly outstripped any increase in employment opportunities in the area, it is difficult to see where the occupants of these houses are going to work which would not entail significant levels of commuting by private car.

## C. Infrastructure capacity

The lack of infrastructure within the Thornbury area has long been an issue. Doctors and dentists surgeries are working at full capacity, causing patients to wait longer for appointments. Schools are also under increasing pressure to maintain capacity for the growing community. Currently there is no provision in place to address increasing demands on these essential services.

### 4.22 Highways England

Highways England has no objection to the development.

### 4.23 Avon and Somerset Police

No objection. 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.

### 4.24 Historic England

No comments.

### 4.25 Wessex Water

No objection.

## Sewerage infrastructure

Foul Water and Surface Water discharges shall be drained separately from the site.

## Foul Drainage

The applicant proposes a connection to an adjoining foul network to be constructed as part of the Phase 1 Post Farm development and the Flood Risk assessment (PFA Feb 2018) states that the Phase 1 network was designed with additional capacity to cater for further development. This is acceptable in principle but the proposed point of connection will rely on the downstream development and the connection cannot be implemented ahead of the adjoining Phase 1 drainage works.

Until the downstream sewers have been completed and formally vested with Wessex Water they remain private and the applicant will require the permission of the phase 1 developer for a connection to the 'private' network and an

agreement with Wessex Water for an indirect connection to the public foul sewer in Oldbury Lane.

It is noted that the applicant's foul strategy also advises that a separate foul pumping station will be required to drain parts of this site. It is not preferable to have separate pumping stations on adjoining sites, but as there is no strategic allocation for these sites in the Local Development Plan, Wessex Water have been unable to co-ordinate an overall drainage strategy for this area and we are obliged to review the individual sites as they come forward.

#### Surface Water Drainage

Surface water to be disposed of in accordance with Building Regulations Hierarchy and NPPF Guidelines. The applicants' surface water strategy indicates the use of infiltration features to discharge surface water runoff which will require the approval of the Lead Local Flood Authority. We welcome the use of SuDs and infiltration features where possible, but note the Land Drainage Officer's comments regarding the viability of infiltration for areas of this site.

A robust surface water strategy is required and the applicant should demonstrate their alternative option should infiltration prove unviable. We request that we are re-consulted if these proposals are amended.

Surface Water connections to the public foul sewer network will not be permitted. Land drainage run-off shall not be permitted to discharge either directly or indirectly to the public sewerage system.

#### Water Infrastructure

Bristol Water are the statutory undertaker for water supply in this area.

#### 4.26 ONR Emergency Preparedness & Response

No comments.

#### 4.27 Sport England

No comments.

### **Other Representations**

#### 4.28 Local Residents

60 letters of objection were received from local residents to the proposed development. These are available on the Council's website to view. Issues raised are summarised below:

General:

- Lack of employment in Thornbury leading to increased commuting
- Overdevelopment at Thornbury
- Additional dwellings are inappropriate in this location
- Original application was reduced to minimise impacts of the development and now further dwellings are being added

- Opportunist speculative development
- Pressure on key services and infrastructure, including doctors, dentists, police and schools and road network
- Cumulative impact of the development in context of the committed developments around Thornbury
- Thornbury overloaded and becoming unsustainable as a location for further growth
- Thornbury has taken more than its share of additional housing
- Premature prior to the JSP, Local Plan and Thornbury Neighbourhood Plans are in place and predetermining of the decisions to be taken on location of new housing
- Uncoordinated development
- Unacceptable increase in density
- Extending the boundary of Thornbury further North

#### Transport:

- Increased pressure on the road network
- Walking distances from Thornbury Town Centre are too far and there is limited parking which would result in increased trips and new residents shopping in other centres
- Increased congestion and negative impacts along the A38
- Junction 14 of the A38 is over capacity
- No metrobus in place
- Increased pollution, congestion and accidents
- Inadequate travel planning and too much reliance on this to mitigate impacts and increase sustainable transport choices
- Unsustainable location
- Outside the recommended walking distances outlined in the PSP and Core Strategy
- Impact on parking in Thornbury Town Centre
- Impact on increasing traffic in the locality and car-bourne development
- Lack of employment will increase commuting and trip generation of new residents
- Unsustainable location in terms of walking distances and access to facilities and key services
- Lack of public transport infrastructure and ability to serve dwellings with a new bus service

#### Drainage and Flood Risk:

- Impact on water, drainage and sewerage issues in Duckhole, Upper Morton, Lower Morton and Oldbury on Severn
- Impact on flooding at Morton Street
- Surface water drainage issues and shortcomings of the SuDS scheme proposed by the developer's consultant. Further investment in a more robust drainage system will be required to protect properties from flooding during periods of heavy rainfall



- Serious surface water drainage issues which outline the inadequacies and shortcomings of the SuDS scheme proposed

#### Conservation and Landscape:

- There are 9 Grade II/II\* listed buildings within close proximity to this site and substantial weight should be given to their protection as Heritage Assets
- Effect on Lower Morton and reduction of gap from Thornbury
- Unacceptable reduction of landscape buffer and Public Open Space unacceptable
- Damage to rural setting of the site and Thornbury town from reduced green buffer
- Impact on the character of Upper Morton and Lower Morton and erosion of the separation between these hamlets and Thornbury

#### 4.29 Thornbury Neighbourhood Plan Steering Group

Thornbury Neighbourhood Plan Steering Group (TNPSG) provided comments summarised below: We are aware of the widely expressed concern about the cumulative impact of these developments on Thornbury and request that the Planning Committee considers this cumulative impact issue carefully when assessing these two applications (PT18/0902/F and PT18/0913/O).

The Thornbury Neighbourhood Plan is in its development phase and a comprehensive process of gathering views from the community is underway. However, the Steering Group has already completed some initial community engagement undertaken as part of the neighbourhood plan and has reviewed responses about Thornbury issues from previous JSP consultations. This indicates that there are a number of important issues that need careful consideration in relation to decisions about planning applications including the determination of the above two applications for Thornbury.

These include:

- Whether the size and rate of growth planned for Thornbury (including Buckover Garden Village) can be achieved sustainably
- How the proposal secures the delivery of sufficient infrastructure to support the planned growth of Thornbury and the potential Buckover Garden Village
- Whether the proposal adequately matches housing growth locations to employment growth locations
- Whether the proposal has properly considered all options for growth within the West of England area and whether the locations chosen for growth represent the most sustainable
- Whether the proposals support the needs of local people in terms of the mix and types of housing, providing for people just getting onto the housing ladder, as well as lower income families and down-sizers
- We would ask that the Planning Committee reviews the above matters carefully as part of their deliberations in relation to these two applications and also takes into account the cumulative impacts of previous and prospective planning decisions on Thornbury. This is particularly important as the proposed

development is not in accordance with the emerging JSP and Local Plan with which the Neighbourhood Plan will have to conform.

4.30 Thornbury Residents Against Poorly Planned Development (Trapp'd)

The following comments submitted by Trapp'd are summarised below:

1. The original proposal submitted in July 2014 was for 175 dwellings. This was reduced to 125 dwellings in a new application in July 2015 when SGC Planning Officers expressed concerns that development should not extend into the northern most field on the site. The new application for 39 dwellings (PT18/0913/O) is purely a speculative move intended to maximise the development opportunity negotiated away in 2015 and holds no merit.
2. The new application attempts to push back the settlement boundary and reduce the gap between Thornbury and the hamlet of Lower Morton.
3. There are serious surface water drainage issues, dealt with in detail in other objection comments, which outline the inadequacies and shortcomings of the SuDS scheme proposed by the developer's consultant. Further investment in a more robust drainage system will be required to protect properties in Morton Street, Duckhole and further downstream in Oldbury from flooding during periods of heavy rainfall.
4. There are 9 Grade II/II\* listed buildings within close proximity to this site and substantial weight should be given to their protection as Heritage Assets.
5. Too much weight is given to the assumption that a Travel Plan and residents increased use of public transport, cycling and walking routes will reduce the use of the private motor car, thus reducing peak time congestion and pollution.
6. The lack of new jobs in Thornbury will mean that new residents will have to travel beyond the town to work, largely by private motor car, thus further increasing congestion and pollution.
7. The site location is already at the limit of recommended walking distances from local facilities, schools etc.
8. Contrary to SGC's Planning Officer's assertion that Thornbury is a Tier 1 settlement that will continue to be a sustainable location, we see that cracks are already appearing in the local infrastructure in terms of schooling, NHS facilities and retail. As an example, more residents are now driving to more distant shopping locations, such as Cribbs Causeway, Bradley Stoke (Willow Brook Centre), as it becomes more difficult to find parking because of the increasing population.
9. We believe that Thornbury has already taken more than its share of dwellings required through the adopted Core Strategy and that, pending the Decision on the Cleve Park Appeal and the 'calling in' of the Ainscough Planning Application (PT16/4774/O) for a review of the Development Control (West) Committee 'Decision' of 24th August 2017, no further Planning Applications should be approved.
10. If all of the current outline Planning Applications are approved and the proposed SDLs in the JSP are taken up, the total number of dwellings in Thornbury will increase by 3,948 with a potential further 1,500 at Buckover Garden Village. This will result in serious unsustainability of this part of South Gloucestershire until suitable levels of infrastructure improvements are added.
11. The issue of Social Harm was raised at the recent Cleve Park Appeal. This is already becoming a reality in Thornbury with acts of ant-social behaviour taking place almost every weekend. This is clearly linked to the growing

number of homes occupied on the 'new builds' although this currently only numbers some 400 dwellings.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

This application seeks outline consent for residential development of up to 39 dwellings, in addition to the principle of the development, access is the only matter to be determined under this application; all other matters including appearance, landscaping, layout and scale are reserved.

5.2 In establishing the principle of development, the starting point in primary legislation is Section 38 (6) of the 2004 Act which requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) in paragraph 15 also states that the planning system is plan led. Therefore this application has to be first considered in the context of the adopted development plan.

.5.3 The Council's adopted Development Plan comprises the South Gloucestershire Local Plan Core Strategy (CS) which was adopted in December 2013. The Development Plan also includes policies from the Policies, Sites and Places Plan adopted in November 2017. Paragraph 59 of the NPPF highlights the key aim of the Framework 'to boost significantly the supply of housing'; "To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay".

5.4 The Annual Monitoring Report (AMR) published by South Gloucestershire Council in 2017 states that the housing supply is 4.66 years, which equates to a shortfall of 719 dwellings which need to be provided in the next five years. The Council's most recent published position relating to an assessment of five year housing land supply in South Gloucestershire is set out in the evidence on housing supply matters including the Housing Land Supply Table, Housing Land Supply Trajectory and 5 year housing land supply calculations (18th July 2018) in respect of appeal APP/P0119/W/17/3191477. The Council's land supply position is a deficit of 1,000 dwellings equating to a supply of 4.52 years.

5.5 The Supreme Court judgement (Richborough Estates Partnerships LLP v Cheshire East Borough Council and Hopkins Homes Ltd vs Suffolk Coastal District Council) provided clarity on the interpretation of paragraph 49 of the former NPPF, which has been superseded by the new NPPF Paragraph 59. The Supreme Court Judgement clarified that the primary purpose of para.49 is to simply trigger the operation of the tilted balance under para.14 (now superseded by para 11), and accepted a 'narrow' interpretation of "*policies for the supply of housing*", i.e. those policies which are specifically housing supply policies (Policy CS15 of the 2013 Core Strategy).

- 5.6 The purpose of paragraph 11 is to indicate a way in which the lack of a five year land supply of sites can be put right. In such cases the development plan policies for the supply of housing, however recent they may be, should not be considered as up to date. Hence if the policies for the supply of housing are not considered as up to date, the focus shifts to other policies and material considerations. When the operation of the 'tilted balance' under paragraph 11 has been triggered, as decision makers therefore we should next turn to the general provisions in the second part of Paragraph 11 of the NPPF, which takes as its starting point the presumption in favour of sustainable development, that being the 'golden thread' that runs through the Framework in the making of decisions on applications.
- 5.7 This presumption can only be displaced on two grounds. Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - b) specific policies in this Framework indicate development should be restricted.

These grounds therefore require an exercise in planning judgement.

- 5.8 The Supreme Court Judgement makes clear that paragraphs 14 and 49 (now superseded by 11 and 59) of the NPPF do not make policies affecting the supply of housing irrelevant in the determination of planning applications. It clarifies that the weight to be attributed to those policies is tilted in favour of other material considerations, which are a matter for planning judgement by the decision maker. As the setting of Listed Buildings would be harmed, this is a case where specific policies of the NPPF indicate development should be restricted. That is a matter to which considerable weight should be given and Section 66(1) of the Listed Buildings Act gives rise to a strong presumption against the grant of planning permission. Less than substantial harm to a heritage asset does not equate to a less than substantial objection to the grant of planning permission.
- 5.9 Accordingly, policy CS5, which relies on the Development Plan's identification of settlement boundaries as a mechanism to protect the open countryside, at present hold less weight than other material considerations (i.e. the need for housing). Restrictive policies in the development plan are relevant, but their weight will need to be judged against the needs for housing, subject to the 'tilted balance'. The emphasis therefore is on the exercise of planning judgement under paragraph 11. Maintaining a strict adherence to a settlement boundary policy approach is considered to be inappropriate in light of the NPPF guidance (and the Supreme Court decision). In accordance with the NPPF para.11, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole or where specific policies in the framework indicate development should be restricted

## 5.10 **Urban Design and Visual Amenity**

Paragraphs 60 and 61 of the NPPF look to secure high quality and inclusive design that takes into account local distinctiveness without stifling innovation. In addition, Policy CS1 High Quality Design outlined within the Core Strategy (2013) states that development will only be permitted where the highest possible standards of design and site planning are achieved.

The DAS and parameter plans provide scope for the requirements of Policy CS1 to be met at the detailed design stage. In addition, there is an opportunity for high quality development to be provided, without compromising the character and visual amenity of the site and the surrounding area.

### Residential Amenity

The site lies north of the approved Post Farm development site, which has outline and reserved matters consent. The site is adjacent to the Land West of Gloucester Road development site to the east. Existing properties are situated to the west of the site including Post Farm and properties of Lower Morton.

The impact on the residential amenity of existing neighbouring residents and future occupiers must also be considered. As it stands the site is surrounded on all sides by a hedge which shields most of the site, the landscape strategy plan outlines how this hedge will be further planted to improve this and provide a robust landscape buffer for the site. The proposal has been designed with regard to the neighbouring properties and consented developments and the principles outlined in the design and access statement provide a framework for the development to be carried out without adverse harm to residential amenity.

The residents of Lower Morton and surrounding properties in Thornbury may be impacted in terms of residential amenity; in terms of increased traffic and noise during the construction period. It is therefore considered appropriate to add a condition to control the hours of operation and require a construction and environmental management plan (CEMP) to minimise disruption to local residents.

Subject to this condition, officers consider that the indicative details and parameter plans indicate the development could be carried out without adverse harm to neighbours and in accordance with Policy PSP8.

### Design Principles

The application for consideration is outline therefore appearance, layout and scale are reserved for future consideration. The Design and Access Statement (DAS) is the primary document for consideration at outline stage. According to the National Planning Practice Guidance (NPPG) a Design and Access Statement should provide a framework for applicants to explain how the proposed development is a suitable response to the site and its setting, and demonstrate that it can be suitably accessed.

The DAS submitted demonstrates the evolution of the scheme following stakeholder and community engagement, contains an analysis of the local area, a description of the site and its key features, identification of the site constraints and opportunities, and provides a vision for how the site could be developed. In light of the above it is necessary to consider the principle of whether an adequately designed residential scheme could be delivered on the site without adversely harming the character and visual amenity of the area.

An illustrative Masterplan in the DAS provides a vision for how the site may be developed, as well as parameter plans which fix design principles such as maximum height of dwellings, the location of land uses have been submitted in support of the scheme.

The DAS outlines the design principles and concepts that have been applied to the proposed development and how issues relating to access to the development have been dealt with. The illustrative masterplan indicates how the development could respond to the identified opportunities and constraints presented by the site. The principles are detailed within the parameter plans, which alongside the DAS provide the framework for proposals, with details of appearance, landscaping and scale to be agreed at Reserved Matters.

#### Layout and Extent of the Site

The detailed layout will be considered under future reserved matters, broad layout principles that would be secured under this outline application provide an acceptable response to the constraints of the site. The layout is defined by a number of green buffers, which would achieve key green infrastructure objectives. The green buffer areas have been designed to ensure no conflict with public footpaths on their existing paths, ensure that walking and cycling routes remain direct, and provide a higher level of amenity for users. Accordingly, green infrastructure objectives would be met in respect of protecting distinctive local landscape character and with respect to the non-designated heritage asset of Lower Morton. The parameter plans submitted secure the size and location of the green buffers.

In response to officer comments, the extent of the site boundary to the North and East has been revised to reduce the impact and soften the edge of the development. The site is outside the settlement boundary and effectively extends the northern boundary of Thornbury. The principles outlined in the DAS require that the site provides lower density housing than the adjacent Post Farm site at 16 dwellings per hectare to ensure a softer edge to the development. Based on the revised DAS, the proposal is not considered to have a demonstrable negative impact from an urban design perspective.

#### Density, Scale and Character Areas

The density proposed for the development is 16 dwellings per hectare. Residential dwellings are proposed at 2 storeys, at a maximum of 9 metres.

Concerns were raised by the Landscape and Conservation Officers over limiting storey heights, in response to this, officers have negotiated the limit of ridge heights for 2 storey dwellings to 9 metres as a maximum, to respond to more effectively the settlement edge location. Building heights have been reduced to be more in keeping with the character of the surrounding area.

A character assessment was carried out within the Design and Access Statement, drawing on examples from Thornbury and the surrounding area, to inform the design process and masterplan. As the masterplan is illustrative at this stage, it was requested by officers that more detailed design principles for the density and landscape parameters were included in the DAS. This serves to ensure that development would provide more appropriate rural edge and response to the existing settlement and locality. Accordingly, the proposal is considered to be acceptable and provides the guidelines for density, scale and response to the character of the area; it is accepted that the development could respond to the identified opportunities and constraints presented by the site.

#### 5.11 **Landscaping, Trees and Public Open Space** **Layout and Planting**

The proposal is supported by a Landscape and Visual Impact Assessment which outlines the mitigation measures proposed. The full application generally accords with the green infrastructure plan approved at outline stage. The northern landscape buffer is retained as open space but reduced in width to accommodate the additional dwellings and associated roads.

The Landscape Officer has raised concerns relating to the scheme, some of which have been addressed through revisions. The importance of the maintenance of the separate character of Lower Morton has been suggested as a key issue from a landscape perspective, with a view to protecting its attractiveness and local distinctiveness. The landscape buffers the west and north have been improved in terms of size and planting in an attempt to address concerns.

The landscape officer has raised concerns that the paddocks to the rear of Days Orchard and Four Winds don't represent sufficient separation to maintain a separate identity. However, acknowledging that the development would not be particularly visible from the lane due to intervening vegetation. Due to visibility from the footpath and houses, the landscape officer is of the view that these fields do not represent sufficient separation and unless the openness of the remaining fields can be secured in the long term the new suburban edge is not clearly defined. The argument has been made by the applicant that the presence of new housing to the east and south of the extension site (despite being separated by an open space of 20m and hedges and trees) is sufficient change in context to allow further housing expansion. The landscape officer asserts that the acceptance of this argument leaves no clear, defensible boundary to Thornbury.

The Landscape Officer considers that with appropriate planting the set back of the development edge from the northern boundary could be sufficient to maintain a separate character and the impact could be mitigated. This however crucially relies on the row of trees on the northern boundary to secure visual separation. This has now been better protected by the amended scheme but further planting would be needed to protect views across the fields and the height of buildings needs to be controlled to below the boundary vegetation.

The proposals retain the existing hedgerows on site and provide areas of tree planting to soften the edges of the development, including to the sensitive Northern and Western boundaries. A more robust landscape strategy has been secured through the submission of revised plans to include the following:

- Improved buffer to include new native boundary trees
- Hedgerow retention and enhancement
- Planting around the pumping station to be limited to shrub planting to ensure no conflict with infrastructure work around the pumping station.
- Retention of existing western and northern boundary vegetation
- Reduced building heights, to 2 storeys limited to a ridge height of 9 metres.

The Landscape Officer asserts that there would be benefit in securing further land to the north of the hedge for open space and tree planting to secure the setting of the footpath and making a more robust edge if this is to be the northern extent of the town. This has been suggested to the applicant, however this is outside the remit of the current planning application.

Overall, it is considered that the changes negotiated have made the development proposals more compatible with the requirements of local planning policy CS1 and CS9 requirements, and those of emerging policy PSP2, to respect and enhance the character, distinctiveness and amenity of the site and its context. It is considered that there is some limited harm resulting from the loss of openness of the site and impact Lower Morton from a landscape perspective, which will be weighed in the planning balance.

### **Trees**

The site sits within an area Tree Preservation Order. A preliminary tree report has been submitted to support this application (Tyler Granger ref: 102928\_R04a\_JJ\_LP). The Arboricultural Officer is in broad agreement with the categorisation of the trees on site. 3 trees are identified for removal to which the tree officer has objections. These are 2 low quality apples and a 'U' category apple.

The remaining trees are to be retained and protected throughout the development. Given the good quality of the retained trees, full RPA protection was required. As part of the revisions to the scheme the RPAs have been incorporated.

The arboricultural assessment provides for the retention of mature trees and hedgerows on site. This is considered acceptable, subject to a condition to ensure protection of the existing trees and hedgerows prior to the commencement of development.

### **Loss of agricultural land**

The loss of agricultural land is a consideration for the proposed development, however the site is not classified as Best and Most Versatile Land (BMV). The proposal is in compliance with Policy CS9 of the Core Strategy, which states that new development will be expected to maximise



opportunities for local food cultivation by (a) avoiding the best and most versatile agricultural land and (b) safeguarding allotment sites. The scheme will provide a financial contribution for the allotment provisions, which will provide some mitigation for lost food production opportunities.

### **Public Open Space**

According to the DAS submitted to support the proposal the masterplan seeks to create *“a robust landscape framework and incorporates a series of linked open spaces, which form a green network. The basis of the landscape framework is the retention and enhancement of the existing vegetation, where possible, to ensure biodiversity within the site. Open spaces are created along all site boundaries along the retained and enhanced boundary vegetation which includes the protection of the Root Protection Zone’s for the trees and hedges. In the north western corner of the site an attenuation basin is proposed which will be located in the open space area. The site provides an area of 0.88 ha of open space which equates to about 36% of the total site area. It is proposed to provide informal footpath within the open spaces which will connect to the Post Farm footpath network where possible.”*

The Informal Recreational Open Space on site is provided at a level of 6,100 sq.m, over and above the policy requirement of 1,076.4 sq.m and Natural and Semi Natural Open Space is provided at a level of 1,700 sq.m over and above the 1,404 sq.m required. The Provision for Children and Young People is stated as policy compliant at 234 sq.m. A contribution towards off-site provision and/or enhancement and a maintenance contribution will be provided for Outdoor Sports Facilities and Allotments.

Following the submission of revised plans, changes have been made to the overall layout of the scheme to ensure that incursions into the Public Open Space are minimised in response to comments received. The revised plans address these issues. Officers have raised no objection to the revised layout from a Public Open Space Perspective, subject to policy compliant provision being demonstrated and secured via S106 Agreement.

## **5.12 Sustainable Transport**

The application is supported by a Transport Statement and Transport Addendum which includes vehicle trip rates for the proposed dwellings. A Stage 1 Road Safety Audit has been undertaken which satisfies officers that the proposed layout is acceptable in highway safety terms.

### **Access**

The main site access to the site onto Butt Lane gained permission with the extant outline application (PT15/2917/O), therefore the principle of the overall site access has been determined. As in the extant Outline Application and Reserved Matters Application approved, this application site will be accessed from Butt Lane and via the wider Linden site. A central refuge is proposed on Butt Lane between Parkland Way and Charles Close to assist pedestrians crossing Butt Lane to access the bus stops and Thornbury town. Street lighting on Butt Lane between Morton Street and Gloucester Road was also secured by

condition attached to the extant outline consent and shall be provided prior to occupation of any dwelling on the Phase 1 Post Farm development site.

### Safe Routes to School

The primary routes through the site have a segregated footway and provide for safe walking routes. The transport assessment and addendum approved with the extant outline permission for the adjacent Post Farm site dealt in detail with the proposed safe routes and these principles have been carried forward into the layout design for this application.

### Walking Accessibility

The TS Addendum compares the appropriate walking distances set out in South Gloucestershire Policy PSP11 to the actual distances measured along suitable routes. The results are set out in the table below.

**Table 1**

Facility	PSP Distance in m	Distance in m from nearest and furthest dwelling	SGC Comment
Retail (comparison) shops and services and/or Market towns and Town Centres (Defined in policy CS14 of Core Strategy)	1,200	2,000 – 2,200	+800 to 1000m
(Weekly) Superstore or supermarket	1,200	2,000– 2,100	+800 to 900m
(Day to day) Smaller food (convenience) shops	1,200	1,080 – 1,180  1,370 – 1,470	Morton Way Bloor Homes Phase 2 retail site. Outline consent granted. - 120 - - 20m  Existing One stop shop Primrose Drive. +170 to +270m
Local health services. Eastland Road Health Centre	800	1,550– 1,650	+750 to + 850m
Pharmacy Eastland Road	800	1,500 – 1,600	+700 to + 800m
Dedicated community centres (defined by South Gloucestershire Council) Castle Street	800	1,920 – 2,020	+1,120 to + 1.220

Post Offices. High Street	800	2,000 – 2,100	+1,200 to +1,300m
Public Houses. Anchor Inn	800	900 – 1,000	+100 to + 200m
Secondary School	3 Miles (4,830m)	1,220 – 1,320	-3,610 to – 3,510m
Primary School	2 Miles (3220m)	1,150 – 1,250	-2,070 to - 1,970m
Major employers Designated Town Centres and Safeguarded Employment Areas (Defined in Policy CS12 of Core Strategy)	2,000	2,100 – 2,200  2,550, 2,650	Town Centre +100 to + 200m  Midland Way employment area. + 550m to + 650m
Bus stops	400	350 - 450	New stops on Butt Lane to be provided as part of the Post Farm Development. - 50 to + 50m

As can be seen the schools and bus stops are within the appropriate distances set out in policy PSP11. All other key facilities are further away by the distances shown and as such not in compliance with this part of the policy which states that some facilities can be outside of the appropriate walking distance provided there is access to an appropriate bus service within 400m, which there is. In this case the majority of the key facilities are further away than the appropriate distances set out in the policy.

In terms of the resultant harm the following should also be taken into consideration.

- The walking routes are of good quality with appropriate crossing facilities and street lighting.
- The roads of north Thornbury leading to the key facilities are generally suitable for cyclists.
- The nearest bus stops on Butt Lane are on the service route to be provided as part of the Park Farm development. It is anticipated that a half hourly service will be introduced in 2019 with S106 supported by contributions received from the Park Farm Development.
- The site is adjacent to previously approved development at Post Farm and Land West of Gloucester Road which the Planning Committee has resolved to grant consent subject to completing S106 Agreement.
- The 39 dwellings proposed would have a minimal impact on the adjacent highway network.

### **Impact on local highway network**

Further junction capacity testing has now been submitted for the Butt Lane, Gloucester Road and Morton Way staggered cross roads using the trip rate derived from surveys of Badger Road which is the most recent comparable development in the area. This testing has demonstrated that the junction will operate within capacity when this development traffic is added to the base

traffic plus all committed development in the area. Other junctions are not materially affected by traffic generated by the proposed development.

### **Travel Plan**

The Travel Plan has been revised to include sustainable travel vouchers of £100 for one bed dwellings, £150 for two bed dwellings, £200 for three bed dwellings and £250 for four plus bedrooms. It also now includes a monitoring fee of £500 per year payable to South Gloucestershire Council. The revised Travel Plan is agreed and can be secured in the S106 Agreement.

### **Indicative Masterplan**

The outstanding comments regarding the indicative masterplan layout relate to waste collection and car parking and can be addressed at Reserved Matters Stage via conditions to ensure compliance with the Council's Waste SPD, Residential Car Parking SPD and Policy PSP16.

### **Public Rights of Way**

The footpaths that run adjacent to the site will be set within green corridors where practicable. The PROWs that border the site have been incorporated into the landscaping parameter plan which provides for an attractive green setting, safeguarding the amenity of the routes. The layout has been designed to ensure that the PROWs are central to the pedestrian access strategy for the site. The Public Rights of Way Officer has raised no objection to the proposed development, the treatment of the PROW are considered acceptable by officers.

## 5.12 **Affordable Housing**

Affordable Housing is sought in line with National Planning Policy Guidance: Planning Obligations and other requirements under Policy CS18 of the Core Strategy. This application generates an Affordable Housing requirement of 13 Affordable Homes in relation to the 39 homes to be provided on site at nil public subsidy.

The Council's Affordable Housing Officer reviewed the proposals and has no objection subject to agreement to Affordable Housing heads of terms which includes revisiting the affordable housing tenure split and mix. The affordable housing provision is considered acceptable by officers.

## 5.13 **Drainage**

The site is located within Flood Zone 1, as defined on the Environment Agency as land at the lowest probability of flooding. The proposed drainage strategy is considered acceptable and is consistent with the extant Outline Planning Permission, the 25 November 2015 FRA Addendum and Drainage Summary (January 2017) submitted with the approved Reserved Matters application for the adjoining Post Farm site. The principles of the drainage scheme have been negotiated with officers, the Lead Local Flood Authority and Wessex Water.

Wessex Water have commented on proposals and requested to be consulted on the detailed design. Officers have assessed the proposal and the Lead Local Flood Authority have no objection to the proposal, subject to the inclusion of suggested conditions.

#### 5.14 **Ecology**

In terms of ecology, the NPPF requires that decision makers plan positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure. If significant harm resulting from development cannot be avoided, adequately mitigated, or compensated for then permission should be refused. Permission should be refused for the loss or deterioration of irreplaceable habitats unless the need for, and the benefits clearly outweigh the loss. Policy CS9 of the Council's 2013 Core Strategy states that new development will be expected to conserve and enhance the natural environment, avoiding or minimising impacts on biodiversity or geodiversity.

The site is not covered by any statutory or non-statutory nature conservation designations. An Ecological Appraisal has been submitted with the application, which provides an assessment of the ecological interests on and around the site. The Council's Ecology Officer has assessed the site and information submitted and has determined that there are no ecological constraints to granting planning permission. Conditions to reflect further information required for consideration at the detailed design stage are attached.

Officers consider that the proposals would not result in any significant ecological harm and that the outline application is in line with the provisions of the NPPF, Policy CS9 of the Core Strategy and Policy PSP19 of the Policies, Sites and Places Development Plan Document (PSP DPD), subject to conditions.

#### 5.15 **Archaeology and Heritage**

The NPPF outlines that great weight should be given to the conservation of heritage assets. Planning permission should be refused where development would lead to substantial harm or loss of significance of a designated heritage asset. Where harm is identified and considered to be less than substantial this should be attributed significant weight and weighed against the public benefits of the proposal.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires planning authorities when determining applications affecting listed buildings to "... have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". Decision makers must, therefore, take into account the considerable importance and weight that is afforded to the desirability of preserving the setting of listed buildings. Where the setting of a Listed Building would be harmed, that is a matter to which considerable weight should be given and Section 66(1) gives rise to a strong presumption against the grant of planning permission. Less than substantial harm to a heritage asset does not equate to a less than substantial objection to the grant of planning permission.

However, that presumption is rebuttable and it is for the planning authority to decide how much weight should be given to the harm it identifies. This is reinforced in paragraph 195 of the National Planning Policy Framework, which advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. The glossary to the Framework states that the setting of a heritage asset comprises the surroundings in which it is experienced and that different elements of that setting may either make a positive, negative or neutral contribution to its significance.

Paragraph 196 is a restrictive policy, as outlined under paragraph 11 and footnote 6 of the NPPF. Paragraph 196 states: "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

Paragraph 197 of the NPPF states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In accordance with Paragraph 197 of the NPPF, "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 directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

Policy CS9 of the Core Strategy also requires that new development will be expected to ensure heritage assets are conserved, respected and enhanced in a manner appropriate to their significance.

Paragraphs 195 – 197 of the NPPF set out the different tests that the authority must apply when considering applications affecting designated and non-designated heritage assets. Paragraph 195 states that planning permission for a development which creates substantial harm to a designated heritage asset should be refused, whereas paragraph 196 says that, if the harm is less than substantial, it has to be balanced against the public benefits. The authority must still apply the considerable importance and weight afforded to the desirability of preserving the setting of listed buildings as part of this ordinary balancing exercise under paragraph 196. This harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Only if the benefits outweigh the harm, taking into account the considerable importance and weight afforded to their conservation, will the test in paragraph 196 be passed. The development will then fall to be assessed in accordance with the tilted balancing exercise set out in the first limb of the last bullet point of NPPF paragraph 11.

In terms of non-designated heritage assets, paragraph 197 states '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 any harm or loss and the significance of the heritage asset'. Policy CS9 of the Core Strategy also requires that new development will be expected to ensure heritage assets are conserved, respected and enhanced in a manner appropriate to their significance.

The Conservation Officer has assessed the application and has concluded that the proposal has the potential to affect the following heritage assets; Yew Tree Farmhouse and Lower Morton. These, amongst other assets in the vicinity, were investigated and assessed as part of the applicant's submitted Heritage Statement and Heritage Addendum. The significance of the Heritage Assets was thoroughly considered and assessed. Officers have considered the descriptions included in the applicant's supporting documents, submitted in line with paragraph 189 of the NPPF and concur with the following findings:

- It is agreed that the methodology used for the Heritage Statement is suitable
- It is agreed that the proposals would not lead to any instances of 'substantial harm' to any designated heritage assets. It is thus agreed that if any harm is judged to occur to heritage assets, then this should be weighed against the public benefits of the proposal
- It is agreed that there would be no 'substantial harm' to the Grade II listed Yew Tree Farmhouse. It is agreed that a degree of 'less than substantial harm' would occur.
- The Heritage Statement judged this to be 'very small'. The officer is of the opinion that it is higher than this, although he doesn't quantify the level.
- The officer considers that the settlement of Lower Morton comprises a 'non-designated heritage asset', which would mean that it has 'a degree of significance meriting consideration in planning decisions, because of its heritage interest'. As a non-designated heritage asset, if any harm were judged to occur, then a balanced judgment would be required having regard to the scale of any harm or loss and the significance of the heritage asset
- The officer considers that no heritage assets excepting Yew Tree Farmhouse and Lower Morton settlement would be adversely affected by the proposals

The Conservation Officer differed in opinion on the following matters outlined in the submission:

- the degree of 'less than substantial harm' to Yew Tree Farmhouse
- whether Lower Morton comprises a 'non-designated heritage asset', and, if so, the scale of any harm occasioned to it
- the less than substantial harm to Spring Farmhouse

In summary the proposed scheme would cause a degree of harm to the setting of the Grade II listed Yew Tree Farmhouse. In the conservation officers' view, the revised masterplan and scale parameter of buildings heights and landscape buffers would be advised and supported, but this would only provide a limited amount of mitigation, as the main impact will be the extension of the urban area in to the direct setting of Yew Tree Farmhouse. The harm identified has been categorised as 'very small', however it is considered by officers that the lower end of the spectrum of less than substantial would be a reasonable case for the applicant to present. The Heritage Assessment indicates less than substantial harm to Spring Farmhouse, this view is not shared by the Conservation Officer and was identified as 'very small harm' in the Assessment. Lower Morton is considered by the Conservation Officer to be a non-designated heritage asset, additionally that a minor level of harm to its setting would result from the proposal.

As harm has been identified, guidance on how the statutory requirements contained within section 66 (1) of the Act are to be interpreted and the implications of the relevant case law. The key issues are that the harm identified should be given considerable importance and weight and the presumption against granting consent for a scheme where harm has been identified is a statutory one. It is therefore for the decision maker to identify material considerations powerful enough to outweigh this presumption. This statutory duty is also echoed in the Council's adopted planning policies, as the PSP (adopted November 2017) clearly indicates that development can cause harm, and where harm results applications should be refused unless appropriate mitigation can be achieved.

Finally, paragraph 193 of the NPPF also requires that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation....this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

In regard to identifying the magnitude of harm to assist with the consideration of the proposals in accordance with paragraphs 193 & 194 of the Framework, it is advised by the Conservation Officer that the harm the proposed development would cause to the significance of Yew Tree Farmhouse would be "less than substantial" and so as part of the weighing up exercise, it is recognised that paragraph 195 of the Framework would be engaged. In addition, the less than substantial harm identified to Spring Farmhouse will be given weight under paragraph 195.

In respect of the character and integrity of Lower Morton, the wider harm to the settlement will need to be considered in the context of paragraph 196 of the Framework in light of it being considered a non-designated heritage asset. This is also categorised as 'less than substantial harm'.

It is therefore necessary to consider in the planning balance the benefits of the scheme against the less than substantial harm identified, taking into account the considerable importance and weight attached to the protection of heritage assets.



## Archaeology

With regard to archaeology, the Council's archaeologist has confirmed that the application is acceptable, subject to the conditions outlined below to secure a programme of archaeological excavation (including outreach as needed) and subsequent post-excavation assessment, analysis and publication. Subject to this condition, it is considered by officers that the impact on the archaeology of the site is acceptable and conforms to the NPPF and Policy CS9 of the Core Strategy.

### 5.16 **Arts and Development**

The proposals are considered acceptable, providing a planning condition for a public art programme that is relevant and specific to the development and locality and commensurate with its size and importance is attached to the permission. The programme should be integrated into the site and its phasing plan. There is no reference to public art in the Design and Access statement nor has a specific document relating to public art been supplied. Therefore, the condition should require full details and designs to be agreed.

### 5.17 **Waste**

Details regarding refuse collection vehicle tracking plus bin storage and collection points including any bin stores will need to be provided at Reserved Matters; at this outline stage there are no aspects of the design that cause concern.

### 5.18 **Environmental Impacts**

#### Air Quality

In terms of air quality, the full application does not raise any issues and is in accordance with Policy PSP 21.

#### Noise

The proposal raises no additional matters related to noise and is in accordance with Policy PSP 21.

A condition requiring the submission of a Construction Environmental Management Plan prior to commencement of development is suggested by officers.

#### Land Contamination

No significant potential sources of contamination have been identified. The conclusions and recommendations of the Phase 1 Ground Conditions Desk Study Report submitted in support of the application are accepted by officers.

### 5.19 **Sustainable Energy**

PSP6 of the PSP DPD deals with energy generation and requirements for larger developments on Greenfield sites. As the weight given to this PSP policy has increased following negotiation of the scheme, a condition requiring the submission of an Energy Statement prior to the submission of the reserved matters is suggested. An Energy Statement has been submitted and is in compliance with Policy PSP6. A condition has been included to ensure compliance with the Energy Statement.

## 5.20 **CIL and Developer Contributions**

The application is also CIL liable; which is the mechanism adopted by South Gloucestershire Council to determine the level of contributions for community infrastructure; including but not limited to off-site community space, health, policing and education services resulting from the development, the CIL charge levied for the application is outside the remit of members for consideration. All highway infrastructure, open space and affordable housing planning obligations have been carefully considered to ensure they meet the tests for S106 obligations.

The Section 106 agreement Heads of Terms negotiated to ensure appropriate mitigation can be secured, are outlined in Section 7 of this report and relate to transport, public open space provision and affordable housing.

## 5.21 **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 that 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.

## 5.22 **Planning Balance**

The Council does not have a five-year land supply. The Annual Monitoring Report (AMR) published by South Gloucestershire Council in 2017 states that the housing supply is 4.66 years, which equates to a shortfall of 719 dwellings which need to be provided in the next five years. The Council's most recent published position relating to an assessment of five-year housing land supply in South Gloucestershire is set out in the evidence on housing supply matters including the Housing Land Supply Table, Housing Land Supply Trajectory and five-year housing land supply calculations (18th July 2018) in respect of appeal APP/P0119/W/17/3191477. According to this the Council's land supply position is a deficit of 1,000 dwellings equating to a supply of 4.52 years.

As paragraph 11 of the NPPF is engaged it is necessary to acknowledge that certain policies in the adopted Core Strategy (2013), relating to the supply of housing carry less weight in the determination of this application. Of particular relevance to this application is Core Strategy policy CS5. Due to a lack of five-year supply, the weight of the policy criteria relating to settlement boundaries and development in the countryside needs to be reduced as part of the overall planning balance if the five year supply is to be achieved. However, a positive impact on housing supply is not the only consideration when assessing if the application represents a sustainable form of development. As a result, in the determination of this planning application under paragraph 11 of the NPPF, and

on the basis that reduced weight is given to policy CS5, consideration should still be given to the potential impact and harm arising from this application, on the future growth and sustainability of Thornbury, flood risk, the countryside, environment including biodiversity, landscape and green infrastructure, as well as to the acknowledged benefits of the proposed development. Relevant policies in the Core Strategy, including CS1, CS2, CS5 (6c), CS8, CS9, CS33 are not policies for the supply of housing, are consistent with the NPPF and still carry full weight in assessing the development.

Whilst the starting point for the decision maker is the adopted development plan, the Council is not able to demonstrate a five-year supply of deliverable housing sites, therefore (as per paragraph 11 of the NPPF), the relevant policies for the supply and location of housing are afforded less weight.

Paragraph 11 states that in circumstances such as this the presumption in favour of sustainable development means granting planning permission unless either the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

In the case of the proposed development, the specific policies in the Framework that indicate development should be restricted are explained under footnote 6, which includes policies relating to designated heritage assets. Paragraph 196 states: *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'* The statutory duty of (Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990) to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess must also be applied. The Conservation Officer has identified less than substantial harm to the setting of Yew Tree Farm, a designated heritage asset and the Heritage Statement and Heritage Addendum also identify less than substantial harm to the setting of designated heritage asset Spring Farmhouse.

When considering the planning balance, benefits of the scheme are the provision of 39 houses, 35% (13) of which will be affordable homes. The contribution to the overall housing supply is modest, however the addition of deliverable market and affordable units is weighed as significant. The proposal would enable the provision of superior outdoor sports facilities, through the off-site S106 contributions which would provide benefit to the local area. The management of existing boundary vegetation will be of ecological benefit and improvements in access to the network of PROW adjacent to the site, local walking and cycling links will provide further benefit. In terms of economic benefits, the development would positively contribute to the local and regional economy, construction of the proposed development will generate initial temporary direct benefits through employment and indirect benefits through supply chain spending. There will be further benefit from future residents supporting local shops and services. Additionally, local benefits will

be generated on occupation of the new homes, from the spending power of households to the generation of additional Council Tax revenues, which help to sustain local shops and services and support investment in the built and natural environment. The addition of further population may have some positive impact in helping to ensure long-term security of key services such as local schools. The generation of CIL receipts will assist in the delivery of strategic infrastructure projects. These benefits weigh significantly in favour of the scheme. In applying paragraph 196 officers consider the public benefits outweigh the less than substantial harm to the heritage assets identified. The matter therefore falls to be assessed in the context of the tilted balance in NPPF Paragraph 11.

Paragraph 197 of the NPPF also provides that where harm to a non-designated heritage asset is identified: *'In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'* With regard to the non-designated Lower Morton, officers have identified less than substantial harm. This assertion is disputed in the Heritage Addendum submitted in support of the application. This harm is afforded limited weight in weighing against the permission, however officers consider the harm would not outweigh the benefits of the proposal.

From a landscape perspective, it is considered that there is some limited harm resulting from the loss of openness of the site and impact Lower Morton from a landscape perspective, which is weighed in the planning balance. It is considered that the loss of 2.44 hectares of farmland in a sustainable location for housing development is outweighed by the benefits of the proposal. This represents a small loss in comparison to the already committed development sites at Post Farm, Park Farm and Morton Way North and the land is classified as poorer quality.

In weighing the planning balance, the issues raised by the local community and Town Council have been considered. The main concerns have been summarised above and have been considered in relation to the matters set out in this report. The scheme has been negotiated by officers with a view to ameliorating important aspects of the proposed development.

Is the development sustainable?

The NPPF defines sustainability as having three dimensions; an economic role, a social role, and an environmental role. The site lies outside the settlement boundary of Thornbury; but sits directly adjacent to two consented development sites which abut the settlement boundary. The development is located adjacent to the approved Post Farm development site which has been granted outline and reserved matters planning permission for 125 dwellings, with 7 further dwellings granted subject to a S106 Agreement being signed. Land West of Gloucester Road is located adjacent to the East has permission for 130 dwellings and is in a very similar position in terms of access to services, facilities and transport links to the neighbouring site. The site should be considered in this context and in light of the locations in close proximity that have been determined as sustainable through Core Strategy allocations (Park Farm), planning committee decisions (Post Farm and Land West of Gloucester

Road) and recent appeal decisions (Morton Way / Thornbury Fields) which are majority currently under construction. The site physically sits in line with the approved development along the northern edge of Thornbury. The site lies 1.75 km from Thornbury Town Centre and within the rural area just outside the Thornbury settlement boundary, as defined by the Core Strategy. In summary, the site is considered to be well related to Thornbury.

The Core Strategy (2013) identified Thornbury as a sustainable location for future housing development. Policy CS14 of the Core Strategy states that the role and function of Thornbury is a market town. Core Strategy Paragraph 9.23 states that: *'These centres, particularly the traditional ones, are highly valued by their local communities for their heritage and functions. In addition to retail, all the centres provide to a greater or lesser extent, a range of services and facilities including financial, community, leisure, employment and housing.'* The Core Strategy has therefore categorised Thornbury as a sustainable location with a wide range of shops, facilities, services and employment in accordance with its allocation as a market town. Thornbury offers a wide range of bus services connecting it to key locations across South Gloucestershire and the neighbouring authorities. The permitted developments in the vicinity have made S106 contributions towards improvements to the bus services. Existing bus services serve Butt Lane and further improvements have been secured for these services through the S106 for Post Farm and Land West of Gloucester Road. Policy CS4a of the Core Strategy emphasises the presumption in favour of sustainable development, reinforcing the importance given to sustainable development and echoing the key provisions of the NPPF outlined here.

The Core Strategy states that in order to complete the vision for a vibrant and sustainable Thornbury growth would include *'an appropriate amount of high-quality housing growth which will help to strengthen and develop the town centre, local schools and community facilities and activities. This growth will provide for the needs of young families and the elderly. The town centre will build on its rich historic character and setting and will promote itself as an attraction, a centre for the arts and an exciting place to shop.'* In terms of the contribution of the development site to strengthening and developing the town centre, South Gloucestershire Council is a Community Infrastructure Levy (CIL) charging authority and therefore development of the application site will provide CIL monies which can be used to fund infrastructure in Thornbury (CIL and S106 contributions are discussed in more detail below). The CIL can be considered as a benefit of the scheme if approved.

The Core Strategy (CS) clearly prioritises development at Thornbury over and above other less sustainable locations which is consistent with Policies CS5 and CS33 of the Plan. It is considered that the application accords with the intentions of Plan's overall spatial strategy with regard to the hierarchy of settlements and that Thornbury is identified as a location for growth. Overall, Thornbury is identified as a sustainable settlement in the Core Strategy suitable for an appropriate amount of high-quality housing growth. This included the sites at Park Farm and Morton Way. This site is additional housing development; over and above the growth identified in Policies CS32 and CS33 of the Core Strategy.

The Development Plan also includes policies from the Policies, Sites and Places Plan adopted in November 2017 which are afforded full weight. South Gloucestershire Council is working alongside the other authorities in the West of England to prepare the Joint Spatial Plan (JSP). This will cover all four UA areas and will provide a new strategic planning context for South Gloucestershire to 2036. The Joint Spatial Plan is at an advanced stage, but is not yet part of the development plan and has not yet been examined. Thornbury is identified as a strategic development location in the JSP to accommodate 500 dwellings on land around the north and eastern edge of Thornbury off Butt Lane and Morton Way. The Strategic Development Location Template for Thornbury which accompanies the JSP identifies land at Cleve Park and West of Gloucester Road to accommodate this level of development. The Cleve Park site has been granted permission on appeal for 350 houses and therefore the lion's share of the 500 dwellings identified in the JSP has been consented. It was the Council's view as part of the appeal proceedings that the approval of the Cleve Park scheme prejudiced and predetermined decisions about the scale and location of development in Thornbury in a way that is central to the JSP. However, irrespective of the Cleve Park position, the Post Farm Phase 2 site sits outside the Strategic Development Location at Thornbury and it is not considered that the application proposal for only 39 dwellings prejudices or predetermines the JSP in a similar way. It is not considered therefore that this application could be refused on grounds of prematurity.

The New Local Plan is timetabled to follow closely on from the JSP and will allocate sites. An initial prospectus was prepared and consulted (from 12<sup>th</sup> January to 23<sup>rd</sup> February 2017) A draft plan Consultation Document (Regulation 18) has also been published for consultation (5<sup>th</sup> February to 30<sup>th</sup> April 2018). It is at a less advanced stage than the JSP and can be afforded limited weight.

Sustainable development has three dimensions; economic, social and environmental. The proposal accords with the economic definition of sustainability in ensuring that sufficient land of the right type is available in the right places and at the right time to support growth; in this case to support housing needs. The social element of sustainability also rests upon the requirement to support strong, vibrant and healthy communities by providing a supply of housing required to meet the needs of present and future generations. In environmental terms, the protection and enhancement of the natural, built and historic environment is central to sustainable development. The proposed development does not present any significant environmental harm and officers have negotiated a landscaping scheme, lower density development and storey heights to limit the impact of the northern extent of the site, reduce impact on key views, limit impacts on Lower Morton and the nearby designated and non-designated heritage assets.

The Sustainable Access Profile for Thornbury, produced as part of the Local Plan evidence base, reviews the facilities and services available in Thornbury. According to the Sustainable Access Profile (2017) *"many areas of Thornbury have good walking and cycling access to all types of key service and facility."*

*However, due to the size of Thornbury and walking and cycling distances based on the towns centre point, there are likely to be some areas of the settlement beyond the recommended distances to certain key services and facilities". This is currently the case for the southern edge of Thornbury.*

The Transport Assessment submitted in support of the application provides an assessment of the walking and cycling distances to key facilities. The schools and bus stops are within the appropriate distances set out in policy PSP11. All other key facilities are further away and as such not in compliance with this part of the policy, however there is access to an appropriate bus service within 400m and provisions are given that some facilities can be outside of the appropriate walking distance provided. The Highways Officer has reviewed the proposals and has concluded that

- The walking routes are of good quality with appropriate crossing facilities and street lighting.
- The roads of north Thornbury leading to the key facilities are generally suitable for cyclists.
- The nearest bus stops on Butt Lane are on the service route to be provided as part of the Park Farm development. It is anticipated that a half hourly service will be introduced in 2019 with S106 supported by contributions received from the Park Farm Development.
- The site is adjacent to previously approved development at Post Farm and Land West of Gloucester Road which the Planning Committee has resolved to grant consent subject to completing S106 Agreement.
- The 39 dwellings proposed would have a minimal impact on the adjacent highway network.

Highways and Planning Officers consider the site is in a sustainable location on the edge of the settlement of Thornbury, with access to essential services and facilities.

The proposed development will have an impact on existing facilities and infrastructure in the vicinity of the site and in Thornbury. The impact of the proposal is considered to be minimal in light of the size of the development and associated increase in population of 94 residents. It is noted that a number of local residents have raised concerns that local facilities such as doctors and the primary school are at capacity. It is noted that questions have been raised regarding how infrastructure would be adequately funded to ensure that it is delivered where required. However, the Council has an adopted Community Infrastructure Levy (CIL), and this is now the required method to pool money generated by planning applications towards infrastructure such as education, health and community facilities.

In terms of cumulative impacts, the sites at Park Farm and Morton Way were assessed by the Core Strategy and were considered acceptable in terms of infrastructure capacity and access to facilities. 125 dwellings at Post Farm and 130 dwellings at Land West of Gloucester Road have since been granted permission at committee on the sites adjacent to the application site. Likewise, the impact of the neighbouring sites was not considered to present a significant impact on the infrastructure of the local area. The suitability and sustainability

of the surrounding sites have been established through the planning process, as outlined above.

The cumulative impact of the addition of a further 39 dwellings to the northern edge of Thornbury is considered to have a small impact on local infrastructure, however when weighed in the planning balance this is of minor significance due to the size of the proposal. The planned improvements secured through S106 contributions through the other consented applications and cumulative CIL levy contributions will also have a positive impact on the local infrastructure serving the site.

The scheme is considered in light of the cumulative impacts of the level of permitted growth. Concerns were also raised by residents regarding Thornbury becoming an unsustainable location as a result of the cumulative impact of new developments on the Northern and Eastern fringes of the town and implications following completion of the Core Strategy. This application which proposes 39 additional residential dwellings adjacent to committed development sites to the south and east is not considered to impact significantly on the sustainability of Thornbury as a settlement and established market town.

Overall, it is considered that the location of the proposed development, abutting the committed developments adjacent to the settlement boundary of Thornbury, relates well to Thornbury itself, which has a wide range of shops and facilities as well as a range of bus services, which will be expanded in the near future in the vicinity of the site. Furthermore, the Core Strategy prioritises Thornbury over and above less sustainable locations. As such, it is considered that the proposed development is in a sustainable location.

### **Conclusion**

Paragraph 11 of the NPPF is engaged and this is a case where footnote 6 is also engaged as the assessment is that there would be less than substantial harm to designated heritage assets, the balancing exercise in paragraph 196 must therefore be undertaken. If the harm outweighs the benefits, that indicates planning permission should be refused (subject to other material considerations). If the harm does not outweigh the benefits, the paragraph 196 test is passed. Officers consider that when weighing the less than substantial harm to the designated heritage assets against the benefits of the proposal, the harm does not outweigh the public benefits of the proposal. The paragraph 196 test is therefore passed, the decision-maker then assesses the scheme in the context of the tilted balance in paragraph 11, in light of the lack of 5 year housing land supply, without triggering footnote 6, to assess if the public benefits of the proposal outweigh the harms identified and the heritage harm (to be given considerable weight) is one aspect of adverse impact that falls to be considered, in the context of assessing all the harms and benefits of a proposal. In this case, officers consider that the adverse impacts of granting planning permission do not significantly and demonstrably outweigh the benefits, as discussed in detail above, when assessed against the policies of the NPPF taken as a whole.



Therefore, officers conclude that, subject to the imposition of appropriately worded conditions and S106 obligations, the adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits of the scheme, when assessed against the policies of the NPPF taken as a whole and therefore planning permission is recommended for approval.

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

## 7. RECOMMENDATION

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

- **Quantum**  
35% of 39 dwellings generates a requirement of 13 Affordable Homes without public subsidy. To be provided on-site and distributed throughout the development in clusters of no more than 6 units. **The application proposes 35% Affordable Housing (13 dwellings).**
- **Tenure and Type**  
The Wider Bristol SHMA identifies the following tenures to meet housing need 73% Social Rent, 5% Affordable Rent, 22% Shared Ownership. However, 5% Affordable Rent would not constitute a whole unit on this application and so the following tenure split is sought;
  - **73% social rent (10 homes)**
  - **27% intermediate (3 homes)**

With a range house types (Wider Bristol SHMA) sought.

### **Social Rent**

Percentage	Type	Min Size m <sup>2</sup>
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 m <sup>2</sup>
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

The application does set out the tenure split so we ask that the applicant commits to the split outlined above. The application suggests an indicative affordable mix of 9 x 2 bed houses and 4 x 3 bed houses. It is noted that the proposed scheme does not include any flats, however even on this basis the affordable housing should be revisited to more closely reflect the housing needs evidence, for example a 4 bed house for social rent should be provided.

### Design

Affordable Homes to be built to the same high quality design standards and visually indistinguishable from the market units and in addition, include Lifetime Homes Standard, Part 2 of Secured by Design, and compliance with the RP Design Brief;

- 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)

No more than 6 Affordable Homes should share an entrance and communal area. Registered Providers would generally expect flats within a single block to be of the same tenure.

## **Wheelchair Provision**

8% of Affordable Homes to meet South Gloucestershire's wheelchair accommodation. Based on 13 Affordable Homes 1 of the Affordable Homes should be provided as wheelchair standard accommodation for Social Rent.

## **Delivery and Phasing**

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 Homes to be built out with the market housing on site in line with agreed triggers within the S.106 Agreement.

## **Rent Levels and Affordability**

Social Rent homes to be let at Target Rent (Rent Standard Direction 2014).

Shared Ownership homes to be sold at no more than 40% of market value, and annual rent on the equity retained by the RP should be no more than 1.5%.

Affordable Rent homes to be let up to 80% local market rents including service charges, but not exceeding LHA.

Service charges will be capped at £650 per annum (April 2016 base and linked to RPI) to ensure that all housing costs are affordable to future occupants.

Capital receipts on intermediate housing to be recycled as capital expenditure on approved affordable housing schemes in South Gloucestershire, with subsidy levels to increase by any capital appreciation.

## **Transport**

### **Highway Works:**

Site access linking through Post farm development incorporating street lighting Pedestrian and cycle access to the adjacent Land West of Gloucester Road development. This will be provided prior to the occupation of the 39<sup>th</sup> dwelling

### **Contributions:**

Travel Plan: A financial sum towards a travel plan and sustainable transport measures will be made.

## **Public Open Space**

### **On-site provision:**

- Recreational space – 0.61ha;
- Natural and Semi-Natural Open Space – 0.17ha; and
- Provision for Children and Young People - 0.0234ha.

**Off-site provision:**

- Outdoor Sports Facilities – Contributions totalling £97,896.02 - comprising 2 amounts requested towards off-site provision and/or enhancement (£75,150.47) and maintenance (£22,745.55).
- Allotments - Contributions totalling £4,099.03 - comprising 2 amounts requested towards off-site provision and/or enhancement (£1,801.71) and maintenance (£2,297.32).

The owner shall transfer the management and maintenance of the Public Open Space to either (a) a company, trust or other body established by the owner/developer and approved in writing by the Council with the principle objective of managing and maintaining the open space in perpetuity or (b) an established company or body approved in writing by the Council, experienced in the management and maintenance of public open space, allotments and surface water infrastructure. Provisions to secure this will be set out in the S.106.

The payment of an Open Space inspection fee set at £52.00 per 100sq m plus a £500 core service fee to be established at the Reserved Matters stage.

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

- 7.2 That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.
- 7.3 That the Section 106 agreement shall be completed and the decision issued within 6 months from the date of this resolution.

**Contact Officer: Catherine Loveday**  
**Tel. No. 01454 868150**

**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. Plans and particulars of the reserved matters referred to in the condition above, relating to the layout, scale and appearance of any buildings to be erected, site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

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

3. 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).

4. 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).

5. Applications for the approval of the reserved matters shall be in accordance with the Parameter Plan and the design principles described in the Design and Access Statement (November 2018) and the Boundary Landscape Strategy 0928/P15C.

Reason: To ensure a satisfactory external appearance of individual buildings and the wider development in the interests of the visual amenity of the area and to accord with Policies CS1, CS2 and CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013 and Policy PSP1 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (adopted) November 2017.

6. The first reserved matters submitted pursuant to condition 1 shall include a phasing plan to indicate the scale and sequence of build out including the relationship of dwellings to the delivery of infrastructure. The development shall be carried out in accordance with the agreed details.

Reason: To ensure that the development is comprehensively planned, designed and phased to ensure that the provision of the different land uses within the site are delivered and protected in order to comply with the relevant policies in the Development Plan.

7. All Landscape Reserved Matters shall include: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines indicating lines, manhole); retained and scape features, including trees and hedgerows and proposals for restoration where relevant. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

Reason: To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

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

Reason: To protect 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 policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

9. All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the final dwellings on land to which the reserved matters relates or in accordance with the programme to be agreed in writing with the Local Planning Authority.

Reason: To protect 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 policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

10. Reserved Matters submitted pursuant to Condition 1 above shall include an arboricultural method statement including details of facilities for the RPAs of all trees fully protected with fencing as specified in fig 2 of BS5837:2012. Likewise, all drainage and other service plans to show the routings of services outside the RPAs. Where this is not possible, then subterranean directional drilling should be considered, however the validity of this method of service installation must be fully investigated prior to finalising the proposals given the known shallow depth to bedrock in this location. The approved arboricultural method statement shall be adhered to at all times.

Reason:

To protect trees and landscape features within the site to protect the character and appearance of the area in accordance with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (adopted Dec 2013). This pre commencement condition is required in order to ensure protection of the trees throughout the development process.

11. The detail submitted in accordance with condition 1 shall include the following:
- i) Details of the treatment of the northern edge of the site and consideration of the adjacent rural context
  - ii) Details of the treatments of the public rights of way that cross and run adjacent to the site, including the setting of these footpaths
  - iii) Details of the play area and its setting, including the treatment of proximity with the attenuation pond.
  - iv) Details of the pedestrian link between the site and the boundary with the consented development to the east at the Land West of Gloucester Road
- Development thereafter shall accord with the details so approved.

Reason: To ensure a high quality of development and to accord with policy CS9 of the Core Strategy adopted December 2013.

12. A. No demolition/development shall take place/commence until a programme of archaeological excavation including a Written Scheme of Investigation (WSI) has been submitted to and approved by the local planning authority in writing. The WSI shall include:
1. The programme and methodology of site investigation and recording
  2. The programme of outreach and public engagement
  3. The programme for post investigation assessment
  4. Provision to be made for analysis of the site investigation and recording (to include research questions)
  5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  6. Provision to be made for archive deposition of the analysis and records of the site investigation
  7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation
- B. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).
- C. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- D. The archaeological recording condition will normally only be discharged when all elements of the WSI including on site works, analysis, report, publication (where applicable) and archive work has been completed.

Reason: In the interest of archaeological investigation or recording and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013. This is a pre-commencement condition in order to protect any archaeological assets.

13. A site specific Construction Environmental Management Plan (CEMP), shall be agreed in writing with the Local Planning Authority prior to commencement of work. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The CEMP must also demonstrate how the developer will prevent harm to the retained or created ecological features during the construction phase of development. The plan should include, but not be limited to:
- Processes for keeping local residents informed of works being carried out and dealing with complaints.
  - All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.
  - Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.

- Measures to control the migration of mud from the site by vehicles during construction.
  - Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works. Piling will not be undertaken.
  - Procedures for emergency deviation of the agreed working hours.
  - Control measures for dust and other air-borne pollutants; to be incorporated into a dust management plan in order to minimise the impacts of construction dust.
  - Measures for controlling the use of site lighting whether required for safe working or for security purposes.
  - locations for the storage of all plant, machinery and materials including oils and chemicals to be used in connection with the construction of the development;
  - the control and removal of spoil and wastes;
  - Access arrangements for construction vehicles.
  - Measures to control the tracking of mud off-site from vehicles.
  - Measures to control dust from the demolition and construction works approved.
  - Adequate provision of fuel oil storage, landing, delivery and use, and how any spillage can be dealt with and contained.
  - Adequate provision for the delivery and storage of materials.
  - Adequate provision for contractor parking.
  - A lorry routing schedule.
  - Contact details of the main contractor.
  - Membership details for the Considerate Constructor Scheme or similar regime and site induction of the workforce highlighting pollution prevention and awareness.
- The CEMP as approved by the Council shall be fully complied with at all times. The development shall be implemented in accordance with the approved CEMP.

Reason 1: To ensure that a satisfactory means of surface and foul drainage is provided and to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage and to accord with policies CS9, CS19 and CS25 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013).

Reason 2: To ensure the protection of the future residents in terms of air quality, highway safety and environmental impacts and to accord with policies CS9 and CS26 of the adopted South Gloucestershire Core Strategy (December 2013).

Reason 3: In the interests of residential amenity and highway safety to accord with Policies PSP8 and PSP11 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (adopted) November 2017. The condition is required prior to commencement to ensure all works on site do not result in harm to residential amenity.

14. If unexpected contamination is found after the development has begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. An investigation and risk assessment should be undertaken and where necessary a 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.



A verification report shall be submitted to the Local Planning Authority and agreed in writing on completion of the works.

Reason: To ensure the protection of the future residents in terms of land contamination and environmental impacts and to accord with policies CS9 and CS26 of the adopted South Gloucestershire Core Strategy (December 2013).

15. Prior to the commencement of development a surface water drainage scheme for the site, including any off-site drainage, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details.

Reason 1: To ensure that a satisfactory means of surface and foul drainage is provided, and to accord with policies CS9 and CS26 of the adopted Core Strategy (December 2013).

Reason 2: To further ensure the effective drainage of the site and ensure that development does not cause or exacerbate any adverse conditions on the development site, adjoining properties, infrastructure and environment with respect to flood risk and to ensure compliance with the terms of Policy PSP20 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (adopted) November 2017.

16. Prior to the construction of the drainage system the details of the implementation; maintenance and management of the sustainable drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Those details shall include;

- o a timetable for its implementation, and
- o a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason 1: To prevent pollution of the water environment and to accord with Policy CS9 and CS26 of the South Gloucestershire Core Strategy adopted December 2013. To ensure that constructed drainage systems are effective and mitigate the risk of flooding.

Reason 2: To further ensure the effective drainage of the site and ensure that development does not cause or exacerbate any adverse conditions on the development site, adjoining properties, infrastructure and environment with respect to flood risk and to ensure compliance with the terms of Policy PSP20 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (adopted) November 2017.

17. Prior to commencement of development detailed groundwater monitoring shall be undertaken and reviewed to confirm that there is no risk from groundwater ingress. This must include investigation and assessment of the shallow gravel layer and the shallow water soakaways on site and where the water from the shallow soakaways will go. The gravel layer and drainage paths including outlets and springs should be mapped out. The results will need to be used to inform the detailed design. Such details to be submitted to the Local Planning Authority for written approval and the development to be implemented in accordance with such details.

Reason 1: To reduce the risk of groundwater flooding to the proposed development, future occupants and the surrounding area in accordance with policies CS9 and CS26 of the adopted Core Strategy (December 2013).

Reason 2: To further ensure the effective drainage of the site and ensure that development does not cause or exacerbate any adverse conditions on the development site, adjoining properties, infrastructure and environment with respect to flood risk and to ensure compliance with the terms of Policy PSP20 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (adopted) November 2017. This is a pre-commencement condition to reduce any risk of groundwater flooding.

18. An 'as built/volume check survey' of the SUDS drainage scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the last occupation of any buildings on site.

Reason 1: To ensure that the drainage scheme has been built in accordance with the approved FRA and Drainage Strategy and to accord with policies CS9 and CS26 of the adopted Core Strategy (December 2013).

Reason 2: To further ensure the effective drainage of the site and ensure that development does not cause or exacerbate any adverse conditions on the development site, adjoining properties, infrastructure and environment with respect to flood risk and to ensure compliance with the terms of Policy PSP20 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (adopted) November 2017.

19. Prior to occupation of the 39th dwelling (or as otherwise agreed in writing with the Local Planning Authority) a pedestrian and cycle link connecting to the boundary with the neighbouring Land West of Gloucester Road site is to be provided, as detailed on the Parameter Plan included in the Design and Access Statement (dated November 2018) in accordance with details to be submitted to and approved in writing by the Local Planning Authority (as specified in condition 11).

Reason: In the interests of highway safety and to accord with Policy CS8 of the adopted Core Strategy (December 2013).

20. Reserved Matters submitted pursuant to Condition 1 above shall include details of facilities for charging plug in or other ultra-low emission vehicles at each dwelling with an adjacent garage or parking space are to be submitted to and agreed in writing by the Local Planning Authority. The approved facilities are to be provided prior to occupation of each dwelling.

Reason: To promote sustainable transport choices and to accord with CS Policy CS8.

21. No dwelling shall be occupied until the highway linking that dwelling to the existing public highway has been provided with street lighting, completed to base course level for the carriageway and surface course level for the footway or shared surface, all in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety, to ensure all dwellings are provided with a safe and suitable access and to accord with PSP Policy PSP11.

22. No dwelling shall be occupied until car and cycle parking has been provided for that dwelling in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to commencement of the Development.

Reason: In the interest of highway safety and to accord with South Gloucestershire Council's Supplementary Planning Document residential car parking and PSP Policy PSP16.

23. The Reserved Matters submitted pursuant to Condition 1 shall include details of a public art plan for a unique site specific integrated scheme of Public Art (including timescales and triggers) to be implemented within the development site shall be submitted to the Local Planning Authority for approval in writing with detailed designs to be submitted and approved as part of the reserve matters. 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. Thereafter the artwork/s shall be installed in accordance with the details so agreed and retained as such.

Reason: To ensure public art is appropriately included within the scheme in the interests of the visual amenity of the development and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

24. The site shall be re-surveyed for badgers immediately ahead of development commencing and a report provided to the Council. The report should provide details of all works subject to the licensing provisions of the Protection of Badgers Act 1992 and all works are to be carried out in accordance with said report.

Reason: To ensure the development is carried out in an appropriate manner and to protect local nature conservation and geological interests and to accord with Policies PSP2 and PSP19 of the 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.

25. Prior to development commencing, a scheme of new bird nesting boxes/features be drawn up and agreed with the Council in writing. The scheme should include the type and location of all nest boxes and design features, to cover a variety of species including starling, house martin and house sparrow. All works are to be carried out in accordance with said scheme.

Reason: To ensure the development is carried out in an appropriate manner and to protect local nature conservation and geological interests and to accord with Policies PSP2 and PSP19 of the 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. This pre-commencement condition has been added to ensure the protection of wildlife which cannot be achieved retrospectively.

26. Prior to the submission of any Reserved Matters a Landscape and Ecological Management Plan be drawn up and agreed with the Council in writing. The Plan should accord with the provisions of the Ecological Assessment dated 16th February 2018 by Tyler Grange and include details of the existing habitat to be safeguarded (hedges); and any new habitat to be created (species-rich grassland, orchard, wetland and scrub). It should also include details of its management regime and a programme of monitoring of all works for a period of 5 years. All works are to be carried out in accordance with said plan.

Reason: To ensure the development is carried out in an appropriate manner and to protect local nature conservation and geological interests and to accord with Policies PSP2 and PSP19 of the 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.

27. Prior to the submission of any Reserved Matters details of a scheme of street lighting be drawn up and agreed with the Council in writing to prevent light spill over boundary hedges used as bat commuting/foraging habitat (European Protected Species). All works are to be carried out in accordance with said scheme.

Reason: To ensure the development is carried out in an appropriate manner and to protect local nature conservation and to accord with Policies PSP2, PSP19 of the 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.

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

Reason: To ensure an appropriate standard of internet connection is provided in the interests of the sustainability of the development and accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

29. The hours of working on site during the period of construction shall be restricted to 8am-6pm Mondays to Fridays; and 8am-1.00pm on Saturdays and no working shall take place on Sundays or Public Holidays. The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the site. Any working outside these hours shall have the prior written consent of the Local Planning Authority.

Reason: To protect the residential amenity of residential occupiers and to accord with policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

30. No areas designated as public open space shall at any time be used as a site compound unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt, "site compound" for the purposes of this condition shall mean any area used for siting offices, toilets, fuel tanks, cabins, storage containers, the storage of materials, and the construction of temporary roads and hardstandings.

Reason: In the interests of Best and Most Versatile (BMV) soils to safeguard the potential for local food cultivation and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

31. No above ground development shall take place until details of how the development will reduce total residual energy consumption by at least 20% have been submitted to and approved in writing by the local planning authority. No building shall be first occupied until the approved energy saving measures have been carried out and evidence provided to demonstrate the building performance set out in the Energy Statement (February 2018) has been achieved to the satisfaction of the LPA.

Reason: To ensure reduce total residual energy consumption and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and PSP Policy PSP 6.

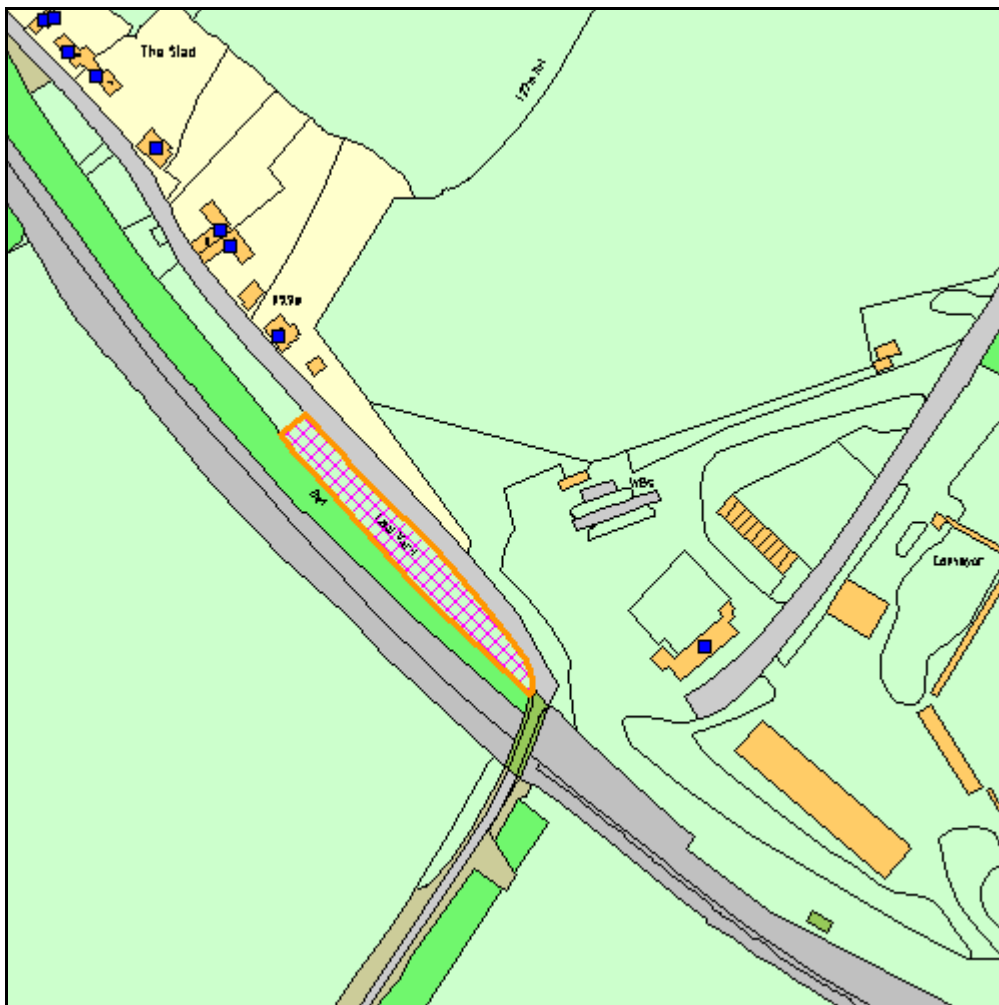
32. No dwelling shall be occupied until details relating to the storage provision for refuse bins and boxes shall be submitted to and agreed in writing by the Local Planning Authority and the storage areas have been provided in accordance with the agreed details.

Reason: To ensure adequate provision for the storage of bins, in accordance with the adopted South Gloucestershire Waste SPD.

**CIRCULATED SCHEDULE NO. 47/18 – 23 NOVEMBER 2018**

<b>App No.:</b>	PT18/2669/F	<b>Applicant:</b>	Mr Arathoon Bespoke Land (Southwales) Ltd
<b>Site:</b>	The Slad Itchington Road Thornbury Bristol South Gloucestershire BS35 3TW	<b>Date Reg:</b>	8th June 2018
<b>Proposal:</b>	Erection of 5no. dwellings with access, parking, landscaping and associated works	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	365506 188831	<b>Ward:</b>	Thornbury South And Alveston
<b>Application Category:</b>	Minor	<b>Target Date:</b>	30th July 2018

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**N.T.S.****PT18/2669/F**

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

### **REASON FOR APPEARING ON CIRCULATED SCHEDULE**

This application appears on the Council's Circulated Schedule procedure following a number of objections from local residents and the Parish Council.

## **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of 5 no. detached dwellings on land known as the Coal Yard, The Slad, Itchington Road, Grovesend.
- 1.2 The site is outside of any established settlement boundary and is considered to be within the open countryside, although it is not within the Bristol/Bath Green Belt. The site was last used as a coal storage yard by Network Rail until the land was sold to the applicant. The site has now been completely cleared and is bordered by a tall hedgerow.
- 1.3 A number of amendments have been negotiated including changes to the layout to allow for adequate visibility and a reduction in the number of proposed houses from 6 no. properties to 5 no. properties. The size of the dwellings were scaled down and design improvements made at the request of officers. A period of re-consultation was carried out.
- 1.4 The site benefits from extant planning permission for 3 no. dwellings under planning permission PT16/6725/F.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework July 2018  
National Planning Practice Guidance

### **2.2 Development Plans**

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

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

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

PSP1 Local Distinctiveness  
PSP2 Landscape  
PSP3 Trees and Woodland  
PSP8 Residential Amenity  
PSP16 Parking Standards  
PSP17 Wider Biodiversity  
PSP28 Rural Economy  
PSP40 Residential Development in the Countryside  
PSP43 Private Amenity Standards

2.3 Supplementary Planning Guidance

Design Checklist (Adopted) August 2007  
Residential Parking Standard (Adopted) December 2013  
Affordable Housing and Extra Care Housing (Adopted) May 2014  
Waste Collection Guidance for New Development (Adopted) January 2015  
CIL Charging Schedule and the CIL and S106 SPD (Adopted) March 2015

**3. RELEVANT PLANNING HISTORY**

3.1 *Relating to application site*

DOC18/0117 Condition discharged 15/05/2018  
Discharge of condition 3 (contaminated land) attached to planning permission  
PT16/6725/F. Erection of 3no detached dwellings and associated works.

3.2 *Relating to adjacent site*

PT17/5091/NMA No Objection 18/12/2017  
Non material amendment to PT16/6724/F to reduce the length of the building  
by 1 metre.

3.3 *Relating to application site*

DOC17/0320 Conditions partially discharged 04/12/2017  
Discharge of conditions 2 (Quarry May Affect the Development) and 3  
(Contaminated Land) attached to planning permission PT16/6725/F. Erection of  
3no detached dwellings and associated works

3.4 *Relating to adjacent site*

PT16/6724/F Approve with Conditions 17/07/2017  
Erection of 1 no. dwelling, access and associated works

3.5 *Relating to no 6 The Slad*

PT16/6723/F Approve with conditions 03/07/2017  
Erection of 1 no. detached dwelling with access and associated works.

3.6 *Relating to application site*

PT16/6725/F Approve with conditions 04/07/2017  
Erection of 3 no. dwellings and associated works



## 4. CONSULTATION RESPONSES

### 4.1 Thornbury Town Council

Objection. The site is outside the current development boundary and is not identified for development in emerging strategic plans. This is a brownfield site and therefore might be considered to be over-development with the design and density out of keeping with its rural settings and cottages that form the hamlet of The Slad. Such a row of 6, three storey uniform properties may be more in keeping with a suburban or urban environment. Concern is also expressed over the number of vehicle movements, manoeuvres and additional on road parking that would be generated by this development and is considered to be dangerous in such a narrow lane.

*Comment regarding revised plans (14/09/2018):*

Council objects to this proposal for the following reasons:-

1. The proposed development is out of keeping with the rural character of the hamlet.
2. Over-development of the area.
3. The size, shape and design of the dwellings is not comparable with the original plans for three dwellings which had been given planning permission. Council feels that the height of the dwellings should be no greater than the adjacent properties and there is insufficient amenity space.
4. Outside the development boundary.

*Comment regarding revised plans (01/11/2018)*

The revised plans are an improvement on previous plans but there is still concern that there is a lack of amenity space particularly in relation to plots 3 and 5 given that they are 3 bedroom dwellings. This therefore still constitutes over-development and is out of keeping with other properties in the vicinity. While the roof heights have been lowered slightly there is still no indication of their relationship to neighbouring properties and therefore whether plot 5 would have an overbearing effect on the neighbour.

### 4.2 Tytherington Parish Council

Tytherington Parish Council wish to object as a neighbouring Parish for the following reasons:

1. The proposed development is out of keeping with the rural character of the hamlet.
2. Over-development of the area.
3. The size, shape and design of the dwellings is not comparable with the original plans for three dwellings which had been given planning permission. Council feels that the height of the dwellings should be no greater than the adjacent properties and there is insufficient amenity space.

### 4.3 Other Consultees

Highway Structures

No comment.

### Lead Local Flood Authority

SUDS condition recommended.

### Sustainable Transport

Whilst there is no transportation objection in principle to the residential development in this location, as is backed up by the recently approved application for three dwellings on this site. The access arrangements are different to that previously approved, as such I would require a plan that indicates access and visibility in accordance to SGC's policies rather than the manual for Gloucestershire streets that is not relevant policy in this district. In addition to this I would like to see details of what is proposed for the cycle storage.

#### *Comment regarding revised plans (03/09/2018)*

I note that they whilst they have provided visibility splays on a plan, it is noted that the visibility splay extends over land not within the applicants control for plots 4 and 5. As such it is unclear how a safe visibility splay can be achieved for this access point that serves these plots. The applicant is therefore required to clarify this situation in order to avoid a potential refusal due to an unsafe access point. This wasn't an issue with the previous scheme in the access was shared with the adjacent plot/landowner, and as the issue didn't arrive.

#### *Comments regarding revised plans (08/10/2018)*

I've looked at your proposals and although they do not comply with the 30mph speed limit in force I have suggested a potential condition/requirement as indicated on the attached plan for you to consider. It will also need to be considered by the case officer to ensure that she is happy with what is proposed from a landscaping perspective.

### Ecology

This application cannot be determined at present due to insufficient information relating to Great Crested Newts. The possibility of GCN's using features on site should not be wholly subjective, therefore a Great Crested Newt Rapid Risk Assessment should be undertaken to determine if a mitigation licence is required. If the risk is considered to be low then works can proceed under the Construction Management Plan.

### Archaeology

The application site lies outside the core of the Medieval settlement and far enough from the scheduled monument that there is no archaeological objection. However, it is within a landscape of known archaeology and as such a HC11 condition should be applied to any consent granted. This will probably involve initial trial trenching followed by some form of mitigation.

### Network Rail

No objection in principle to revised plans subject to conditions.

### Environmental Protection

There is information to suggest historic use of the site as a coal yard may have caused contamination which could give rise to unacceptable risks to the proposed development. In order to ensure that the site is suitable for its

proposed use and in accordance with The National Planning Policy Framework, the following conditions are recommended for inclusion on any permission granted:

The remediation recommended in the above report (Demeter Environmental Ltd, Phase II Site Investigation Report for land at The Slad, Grovesend, Thornbury, Bristol, South Gloucestershire, BS35 3TW, Ref: 19-01-01, Dated: January 2018) should be implemented and validated.

## **Other Representations**

### 4.4 Local Residents

Sixteen letters of objection have been received from eleven local residents, raising the following points:

#### *Design*

- Despite second floor being removed in revised plans, roof is high enough to put dormers in again
- Much taller and plainer design than other properties along the Slad
- Community led self-build scheme originally approved, which considered the landscape and setting. This scheme does not.
- Developer has used a similar design in an urban setting
- 100% increase in housing on lane

#### *Amenity*

- Layout conflicts with development immediately to west, and instead of a garden adjacent to new property there will be plot 5, which will dominate and overshadow
- Facing and adjacent properties will lose natural light
- View from existing houses will be lost and will be staring into bedrooms and living rooms

#### *Transport*

- Additional traffic burden on A38 has not been addressed
- Narrow lane will be used for overflow parking
- Dangerous road, children likely to be run over by increased traffic
- Blind bend next to site – lorries often get stuck and this will be exacerbated
- Horse riders, walkers and cyclists use the road and will be put at risk

#### *Environment*

- Why are we building on carcinogenic soil, Council Tax will be used for compensation claims in future

#### *Other Issues*

- Only found out about application through word of mouth
- Number of residents will destroy ambiance of existing community
- Approach is only for profit
- Access issues during construction due to cramped nature of site – may also be maintenance issues in the future
- Not enough school places, dentists, shops, parking, community services
- Previous application was predominantly for first time buyers

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policies CS5 and CS34 of the South Gloucestershire Core Strategy state that new build housing should be limited to urban areas and established settlement boundaries. In that regard, this proposal is contrary to the adopted development plan as it proposes a new dwelling outside of any established settlement boundaries shown on the Proposals Map and is located within the open countryside.

5.2 Notwithstanding this, planning application PT16/6725/F approved three properties at the site due to the contribution that would be made to the housing land supply. This planning permission is still extant, and therefore the principle of development of the site for residential use has already been established. This proposal would have greater weight given the provision of an additional two units, as the Authority Monitoring Report in December 2017 confirmed that the Council still cannot demonstrate a five year housing land supply.

### 5.3 Design and Visual Amenity

The only dwellings that will be visually associated with the proposed development are those on the other side of the Slad and the dwellings applied for under PT16/6724/F and PT16/6723/F on the adjacent sites to the west. No. 8 and no. 7 are the closest, both dwellings are in a cottage style and are situated flush to the highway. No. 8 is a two storey property with a double gable roofline, and is predominantly finished in render with some natural stone detailing. The dwelling also benefits from a large double garage with a pitched roof, which is visible from the application site. No. 7, Primrose Cottage and Rose Cottage are the next closest buildings and together form a 'U' shape and 'L' shape, with all three dwellings exhibiting low eaves height with first floor accommodation facilitated by pitched dormer windows. Once again, render, natural stone and double roman tiles are the most common material palette, with a mix of gables extending in different directions and at different heights.

5.4 Following a reduction in the scale of the properties, as officers did not consider three storey town houses to be appropriate to the rural location, the development now proposes 3 no. detached properties and a pair of semi-detached properties. The properties are proposed to be taller than the adjacent house approved at no. 8 (PT16/6724/F) however officers do not consider the height to be excessive, and the gable roofline and cottage-style porches will enable to properties to blend sympathetically with the existing and recently approved street scene. Furthermore, the coal yard site is removed from the existing properties on the northern side of the Slad, being further east along the road. High quality materials are required given the rural location and will be conditioned in the event the application is approved.

5.5 A large hedgerow surrounds the site, and this enables the new development to easily blend in sympathetically with the existing street scene. It is proposed that the hedgerow will be significantly reduced in size in order to allow for better visibility egressing from the existing and proposed access, and to prevent it overbearing on the proposed dwellings.

## 5.6 Residential Amenity

Amenity must be considered both in the context of the surrounding occupiers and the amenities of the future users of the proposed dwellings. The elevations containing the majority of the principal windows will have the same orientation as the previously approved properties, which was across the highway and across the railway track. No 8 the Slad, on the opposite side of the highway, is an adequate distance away and it is not considered that there would be inter-visibility between facing windows. Some side windows are proposed, however these are either at ground floor level (the bi-fold doors of plot 5 will face towards the dwelling approved under PT16/6724/F) or serve bathrooms, and can reasonably be expected to be obscure glazed. Whilst plot 5 is closer to the boundary than previously approved, it is not considered that overshadowing will be significant to the adjacent approved property (PT16/6724/F) and would only affect the parking area and garage, with their private amenity space being located on the opposite side of the dwelling. Furthermore, the only window that this property has facing the coal yard site is a ground floor secondary window serving a WC and it is likely that this will have obscure glazing installed for the privacy of the residents. Objections regarding a loss of a view have been received, however limited weight has been given to this as the loss of a view is not a planning consideration.

5.7 Turning to the amenities of the future occupiers of the application site, the only side windows which will provide inter-visibility are the aforementioned first floor bathroom windows, and a condition on the decision notice will ensure these are obscure glazed. Concern has been raised regarding the small gardens proposed, particularly plot 5, which according to policy PSP43 would require 60 square metres of private amenity space. Officer calculations indicate that it has approximately 56 square metres, which does not include the narrow strip to the rear, adjacent to the railway line as this may feel rather enclosed, and not of the highest quality. A shortage of 4 square metres is considered acceptable, particularly when a number of other plots are in excess of the minimum standards. Overall, there is no objection from a residential amenity perspective.

## 5.8 Archaeology

The Archaeology officer has requested a condition, however this was not deemed necessary for the previously approved development (PT16/6725/F) which is still extant and could be implemented without any archaeological investigation. Therefore it would not be reasonable to apply an archaeological condition on this proposal.

## 5.9 Ecology

An Ecological Impact Assessment by Burrows Ecological (November, 2016) has been submitted in support of this application. The same report was submitted for the previously approved application, and was considered adequate subject to a Construction Management Plan being conditioned. This should include the recommendations for each ecological constraint identified in the Ecological Impact Assessment. Given the rural location, a lighting strategy to minimise the impact of light pollution and the provision of hedgehog friendly fencing will also be conditioned on the decision notice.

5.10 Environmental Issues

Tytherington Quarry, to the north-east of the site, is not currently blasting and has been taken over by a coating plant. Notwithstanding this fact, it does have extant permission to return to a quarry use in the future. A condition on the previous application required acoustic information to be submitted prior to commencement of development, however when the developer applied to discharge this condition it was found that it was not necessary given the distance from the quarry. It is therefore not necessary to reapply the condition to this application, should it be granted approval.

5.11 The previous use of the site as a coal storage yard may have given rise to contamination. In the event that planning permission is granted, it is recommended that a condition is attached to the decision notice to ensure that the necessary mitigation recommended as part of the previous approval, and the subsequent discharge of condition applications, takes place.

5.12 The application site is at a low risk of flooding and the Lead Local Flood Authority has no objection to the development, subject to a condition ensuring that a Sustainable Urban Drainage System is agreed prior to commencement.

5.13 Network Rail

A former railway line under the ownership of Network Rail runs along the southern boundary of the site. This railway line is currently not in use but may reopen in the future, however they have objected to any works within 2 metres of the boundary, as it may restrict access to carry out works in the future. This is a civil issue regarding ownership and furthermore, the applicant has submitted amended plans to show that all structures including the foundations of the dwellings will be at least 2 metres from the southern boundary of the site.

5.14 Highway Safety

The erection of 5 no. dwellings would not generate high levels of traffic and the impact on highway safety would not be severe, and so a refusal reason on this basis cannot be sustained in accordance with paragraph 109 of the NPPF. Alterations have been made to the layout to ensure that visibility splays can be achieved for all accesses within the applicant's ownership, with splays being maintained within the area shaded red on the Proposed Block Plan, including the reduction of the vegetation and relocation of bin and cycle stores to the side of the properties.

5.15 Each dwelling has been provided with 2 no. off-street parking spaces plus one shared visitors space and adequate turning space to access and egress the site in a forward gear. The development is acceptable in transportation terms.

5.16 Consideration of likely impact on Equalities

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

The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

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

## 6. **CONCLUSION**

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

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

## 7. **RECOMMENDATION**

7.1 That planning permission is **GRANTED** subject to conditions on the decision notice.

**Contact Officer: Trudy Gallagher**  
**Tel. No. 01454 864735**

## **CONDITIONS**

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

Reason

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

2. Prior to occupation, where works have been required to mitigate contaminants in the Phase II Site Investigation Report (January 2018, Rev 0, by Demeter Environmental Limited) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

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

Reason

To minimise the impact on the amenities of the occupiers of the dwelling house, and to accord with policies CS1 and CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013, policy PSP21 of the South Gloucestershire Policies Sites and Places Plan (adopted) November 2017 and the National Planning Policy Framework.

3. Prior to the relevant part of the development samples or colour photographs, together with product name of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

4. No development shall take place (including demolition, ground works, vegetation clearance) until a construction management plan has been submitted to and approved in writing by the local planning authority. This should include the recommendations for each ecological constraint identified in the Ecological Impact Assessment (Burrows Ecological, November 2016). 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 ensure the works are carried out in an appropriate manner and in the interests of the ecology of the area, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, policy PSP19 of the Policies Sites and Places (Adopted) November 2017 and the National Planning Policy Framework. This is a pre-commencement condition because failure to carry out the mitigation would be likely to result in harm to ecology.

5. Prior to commencement of development, the details of any hedgerow to be planted must be submitted to the Local Planning Authority for approval in writing. The replacement hedgerow must be equal in species diversity, number and length to whatever is planned for removal. This shall be maintained as such thereafter.

Reason

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

This is a pre-commencement condition because failure to carry out the mitigation would be likely to result in harm to ecology.



6. Prior to occupation, a lighting design strategy should be submitted and approved by the local planning authority. It should show the locations and specifications of external lighting and demonstrate that artificial light spill onto the vegetation along the disused railway has been avoided/minimised. All external lighting should then be installed and maintained in strict accordance with the strategy.

Reason

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

7. Prior to the erection of fencing at the site details of boundary fencing allowing access for hedgehogs (type and location) shall be submitted to and agreed in writing by the Local Planning Authority. The fencing shall then be installed as such and maintained thereafter

Reason

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

8. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

9. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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.

This is a pre-commencement condition because such details may need to be agreed at an early stage to prevent later on site mitigation.

10. The area shown in red on plan reference 1175-P-101 Rev H (Block Plan) received on 12th October 2018 must be free from obstructions over 0.9 metres in height above the adjacent highway level at all times following the first occupation of the development hereby approved.

Reason

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

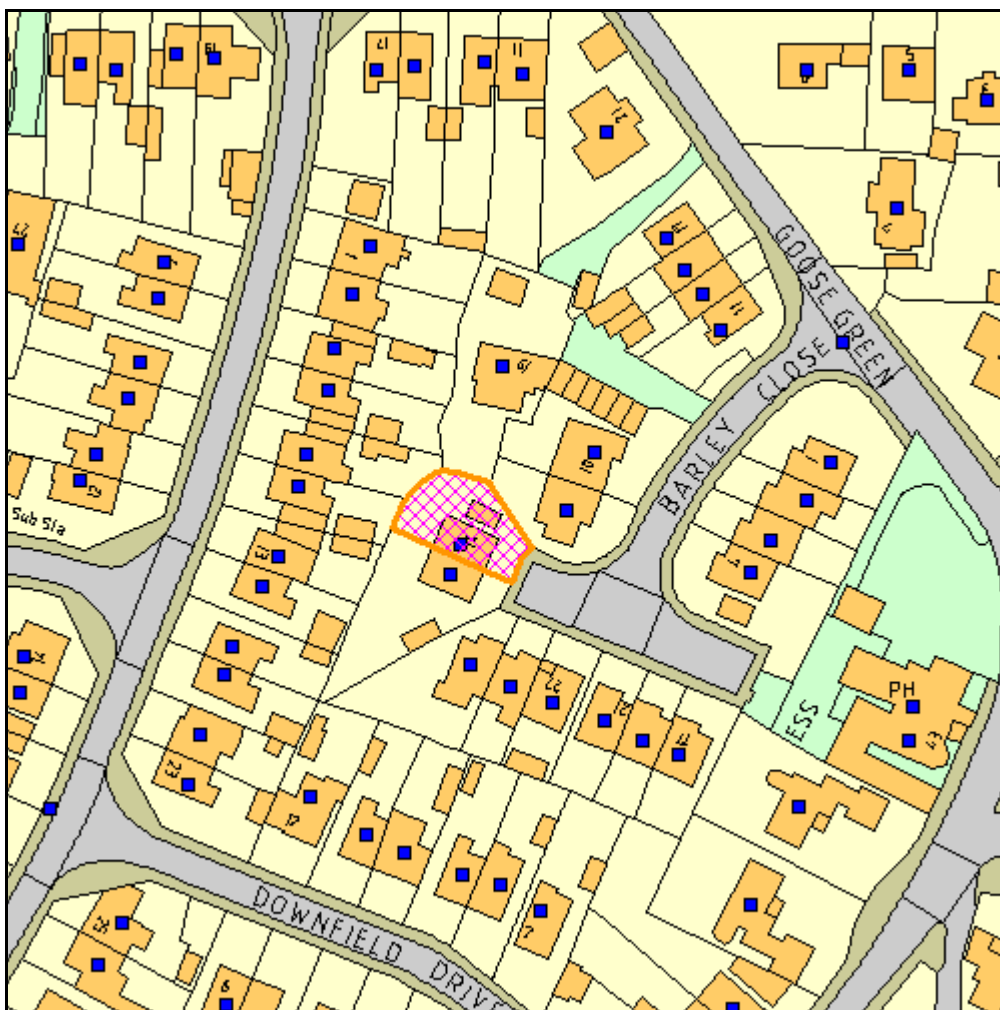
11. The glazing on the first floor window of the west elevation of plot 5 shall at all times be of obscured glass to a level 3 standard or above and be permanently fixed in a closed position up to 1.7 metres above floor level.

Reason

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

**CIRCULATED SCHEDULE NO. 47/18 – 23 NOVEMBER 2018**

<b>App No.:</b>	PT18/4359/F	<b>Applicant:</b>	Mr And Mrs Chamberlain
<b>Site:</b>	14 Barley Close Frampton Cotterell Bristol South Gloucestershire BS36 2ED	<b>Date Reg:</b>	27th September 2018
<b>Proposal:</b>	Demolition of existing garage. Erection of single storey side extension to provide additional living accommodation.	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	366976 181593	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Householder	<b>Target Date:</b>	20th November 2018



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

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

This application has been submitted to the Council's Circulated Schedule procedure as comments received from the Parish Council have been contrary to the Officer's recommendation.

## **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a single storey side extension to provide additional living accommodation at 14 Barley Close, Frampton Cotterell.
- 1.2 The application site relates to a semi-detached property which is located within a residential area of Frampton Cotterell.

## **2. POLICY CONTEXT**

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design

CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development

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

PSP1 Local Distinctiveness

PSP8 Residential Amenity

PSP11 Transport

PSP16 Parking Standards

PSP38 Development within Existing Residential Curtilages

PSP43 Private Amenity Standards

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007  
Residential Parking Standards SPD (Adopted) 2013

## **3. RELEVANT PLANNING HISTORY**

- 3.1 No planning history

## 4. CONSULTATION RESPONSES

### 4.1 Frampton Cotterell Parish Council

The Parish council objects on the grounds that:

1: The building is beyond the current line of the house.

2: This may cause parking issues.

3: The extension has a door at the side; this looks like it may not be an extension, but a separate dwelling.

#### Tree Officer

No Comment

#### Sustainable Transport

Planning permission is sought to demolish an existing detached garage to facilitate the erection of a single storey side extension. No increase is proposed to the first floor of the building and the number of bedrooms within the dwelling will remain unchanged.

The block plan submitted shows that the whole frontage of the site will be provided for vehicular parking which will allow parking for two vehicles. As this level of parking complies with the Council's residential parking standards, there is no transportation objection raised, subject to a condition that the parking area has a permeable bound surface.

### Other Representations

#### 4.2 Local Residents

No comments received

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy PSP38 of the PSP Plan (November 2017) allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. The proposal accords with the principle of development subject to the consideration below.

### 5.2 Design and Visual Amenity

The application seeks full planning permission for the erection of a single storey side extension to form additional living accommodation.

5.3 The proposed single storey side extension will have a maximum height of 3.6metres, extend approximately 3.5metres from the existing side elevation and have a depth of approximately 9metres. The proposal will feature a lean-to roof and will use materials that match the existing dwellinghouse. The existing detached garage will be demolished to facilitate the proposal.

- 5.4 The case officer considers the proposal to be in keeping with the domestic character of the building and believes it will be a modest addition to the dwellinghouse.
- 5.5 Residential Amenity  
Policy PSP38 of the PSP Plan (November 2017) sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.
- 5.6 An objection was raised regarding the proposal being erected beyond the building line of the existing dwellinghouse. The submitted plans show that the proposed side extension will not extend past the rear or principal elevations. As such, it is not considered that the proposal will extend past the existing building line.
- 5.7 A further objection was received from the Parish Council that the proposal would result in a separate dwelling. The proposal consists of a modest single storey lean-to extension that is attached to and accessed via the existing dwelling, the case officer does not consider that a proposed single storey structure of this scale would result in a separate dwelling.
- 5.8 The impact of the proposal on the residential amenity currently enjoyed by the occupiers of neighbouring properties has been considered. Due to the location of the extension, it is not considered that its erection would materially harm the residential amenity at any of the adjoining properties. Due to levels of separation, it is not deemed that the proposed extension would impact upon the residential amenity enjoyed at properties nearby.
- 5.9 The proposal will occupy additional floor space, however sufficient private amenity space will remain following development and there is no objection with regard to this.
- 5.10 The subject property is located within a built up residential area and given the scale and location of the proposed development, the proposal will not result in an unacceptable impact on the residential amenity of its neighbouring occupiers. Therefore, the development is not considered to be detrimental to residential amenity and is deemed to comply with Policy PSP38 of the PSP Plan (November 2017).
- 5.11 Sustainable Transport and Parking Provision  
No new bedrooms are proposed within the development. It is noted that as part of the works the existing detached garage will be demolished. However, the existing garage measures 2.5m x 5.3m. This means that the current garage does not accord to the South Gloucestershire Parking Standards SPD and would not count towards the dwelling's off street parking provision.

Submitted plans show that two parking spaces are to be provided to the front of the property. On this basis, it is considered that the minimum parking provision for a 3-bed property can be provided on-site. However in order to secure this

provision, a condition will be attached to any decision requiring a minimum of 2 parking spaces to be provided on-site and thereafter retained for that purpose.

#### 5.12 Equalities

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

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

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

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

**Contact Officer: Westley Little**  
**Tel. No. 01454 862217**

### CONDITIONS

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

Reason

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

2. The off-street parking facilities (for all vehicles) shown on plan number 80376 hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.



**CIRCULATED SCHEDULE NO. 47/18 – 23 NOVEMBER 2018**

<b>App No.:</b>	PT18/4405/F	<b>Applicant:</b>	Mr And Mrs Lis & Neil Carter
<b>Site:</b>	51 Beaufort Crescent Stoke Gifford Bristol South Gloucestershire BS34 8QY	<b>Date Reg:</b>	2nd October 2018
<b>Proposal:</b>	Erection of two storey side extension and single storey rear extension to provide additional living accommodation.	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	362301 179872	<b>Ward:</b>	Stoke Gifford
<b>Application Category:</b>	Householder	<b>Target Date:</b>	23rd November 2018



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

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

This application has been submitted to the Council's circulated schedule procedure as comments received from the local Parish Council have been contrary to the Officer's recommendation.

## **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for erection of a two storey side and single storey rear extension to form additional living accommodation at 51 Beaufort Crescent, Stoke Gifford.
- 1.2 The application site relates to a two storey, link-detached property which is located within a residential area of Stoke Gifford.
- 1.3 During the course of the application revised plans were requested and received to address design concerns.

## **2. POLICY CONTEXT**

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design

CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development

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

PSP1 Local Distinctiveness

PSP8 Residential Amenity

PSP11 Transport

PSP16 Parking Standards

PSP38 Development within Existing Residential Curtilages

PSP43 Private Amenity Standards

- 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

Residential Parking Standards SPD (Adopted) 2013

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

- 3.1 N1214/6 – Approved - 23.10.1980  
Substitution of house types and re-siting of garages on Plots 8 - 16, 19 - 21, 43 - 47 and 50 - 52.
- 3.2 N1214/4AP – Approved - 24.04.1980  
Erection of 36 detached houses, 9 pairs of semi-detached houses and 3 bungalows, with garages and associated estate road and footpaths (details following Outline) (in accordance with revised plans received by the Council on the 14th April 1980). To be read in conjunction with planning permission Ref. No. N.1214/4.
- 3.3 N1214/4 – Approved - 24.01.1980  
Residential development on approximately 5.25 acres of land. Construction of new vehicle and pedestrian access (as amended by letter and plan received by the Council on 10th October, 1979). (Outline).

### **4. CONSULTATION RESPONSES**

- 4.1 Stoke Gifford Parish Council  
Objection - The proposed development is out of keeping with the street scene and represents overdevelopment resulting in an adverse impact on adjacent properties.

Archaeology

No comment

Sustainable Transport

The applicant seeks to erect a two storey side extension, single storey front and rear extensions to provide additional living accommodation. The proposals would remove the existing garage and create an additional bedroom making 4 in total. 2 off street parking spaces are required for a 4 bed dwelling and these spaces are to be provided to the front of the dwelling. There are no transportation objections.

#### **Other Representations**

4.2 Local Residents

This application received a total of 3 objection comments, these are summarised below.

- The proposal will restrict access to my guttering (no.50) due to its scale
- The removal of the link-detached garage will expose my wall (no.50) there is no mention of making this wall good following construction
- Proposed front extension will extend beyond front of house restricting light and is out of keeping.
- Proposed single storey rear element will block sun light to our dwelling and rear garden area.
- There is no access to clean proposed side windows
- The proposal will devalue our property (no.50)

- The proposed side extension will have a negative outlook from our property (no.11)
- Additional traffic at peak times will cause parking issues.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy PSP38 of the PSP Plan (November 2017) allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. The proposal accords with the principle of development subject to the consideration below.

### 5.2 Design and Visual Amenity

The application seeks full planning permission erection of a two storey side and single storey rear extension to form additional living accommodation.

#### *Two storey side*

- 5.3 The two storey side extension will have a maximum height of 5.8metres, a total width of 2.1metres and a depth of approximately 8.1metres. A gable roof is proposed with a slight reduction in ridge height, this is seen to increase the levels of subservience between the proposed extension and the host dwelling. The proposed materials are set to match that of the existing dwelling, as such it is considered that the proposed extension would appear as an appropriate addition within the immediate street scene. The existing attached garage will be demolished to facilitate the proposal.

#### *Single storey rear*

- 5.4 The proposed single storey rear extension will extend approximately 2.2metres from the existing rear wall, have a width of 7metres and a maximum height of 3.5metres. The rear element will feature a lean-to roof with 3no roof lights.
- 5.5 Overall, it is considered that the design, scale and finish of the proposed extension results in an addition that sufficiently respects the character and distinctiveness of the host dwelling and its immediate context.

### 5.6 Residential Amenity

Policy PSP38 of the PSP Plan (November 2017) sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.

- 5.7 A neighbour has also raised concerns about the maintained integrity of property and boundaries. The applicant will be reminded that they need the consent of the land owner to carry out works on land outside of their ownership by means of an informative on the decision notice, however this is a civil issue and has been given limited weight in the determination of the application.

- 5.8 An objection comment has raised concerns about the proposed front extension resulting in loss of light and appearing out of character. The applicant has submitted an amended design that has removed the proposed front extension.
- 5.9 A neighbouring occupier commented on the loss of sunlight which would occur as a result of the proposed single storey rear extension. Having looked at the path of the sun, it is not considered that a single storey extension of this scale would have a material impact on the amount of sunlight offered to the neighbouring property.
- 5.10 An objection comment has raised concerns that the proposed development will devalue their property. This concern is not considered a planning matter.
- 5.11 Comments have been received from a neighbour concerned with the impact of the two storey side element. The concern is that the structure would obstruct outlook to the front living accommodation of this neighbour (no.11). The proposed structure will be situated approximately 20metres south of no.11. Technical guidance provides a number of tests for acceptable impacts on residential amenity. One of these is the 45 degree test. This suggests that where an unobstructed outlook of 45 degrees from the centre of a primary window is achieved, there is likely to be an acceptable impact on the neighbour. Given the distance between these properties the angle would fall well below 45 degrees and therefore the impact on this property is viewed as acceptable.
- 5.12 It is recognised that the construction of the proposed works could cause a degree of disturbance to neighbours during the construction period. That said, a degree of disturbance is to be expected as part of any development, and would not substantiate a reason for refusing the application. However in order to protect the residential amenity of neighbours, a condition will be attached to any decision, restricting working hours during the construction period.
- 5.13 A further objection raised concerns about overdevelopment of the site, it should be noted that the majority of dwellings in the area have been altered over the years with similar extensions to the one proposed and that ample amount of outdoor space will remain. Plans show that the proposal will be built inside the applicant's residential curtilage and use materials that match the existing dwelling.
- 5.14 The impact of the proposal on the residential amenity currently enjoyed by the occupiers of neighbouring properties has been considered. Due to the location of the extensions, it is not considered that its erection would materially harm the residential amenity at any of the adjoining properties. Due to levels of separation, it is not deemed that the proposed extensions would impact upon the residential amenity enjoyed at properties
- 5.15 The proposal will occupy additional floor space, however sufficient private amenity space will remain following development and there is no objection with regard to this.

5.16 The subject property is located within a built up residential area and given the scale and location of the proposed development, the proposal will not result in an unacceptable impact on the residential amenity of its neighbouring occupiers. Therefore, the development is not considered to be detrimental to residential amenity and is deemed to comply with Policy PSP38 of the PSP Plan (November 2017).

5.17 Sustainable Transport and Parking Provision

As a result of the proposed development, the number of bedrooms within the property would increase from a total of 3 to 4. South Gloucestershire Residential Parking Standards SPD outlines that properties with 4 bedrooms must make provision for the parking of a minimum of 2 vehicles, with each parking space measuring a minimum of 2.4m x 4.8m.

Submitted plans show that two parking spaces are to be provided to the front of the property. On this basis, it is considered that the minimum parking provision for a 4-bed property can be provided on-site.

5.18 Equalities

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

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

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

**Contact Officer: Westley Little**  
**Tel. No. 01454 862217**

## **CONDITIONS**

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

Reason

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

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

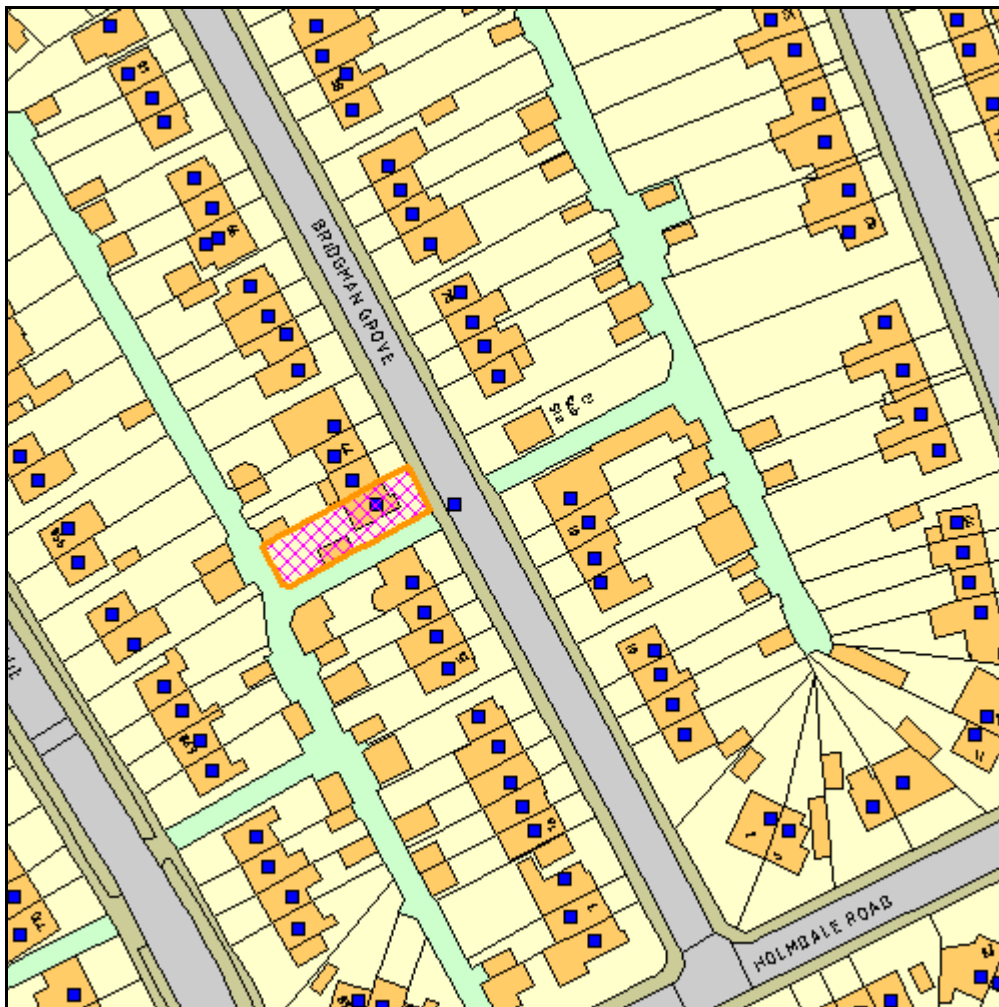
Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies PSP8 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

**CIRCULATED SCHEDULE NO. 47/18 – 23 NOVEMBER 2018**

<b>App No.:</b>	PT18/4605/F	<b>Applicant:</b>	Ms Dubelaar
<b>Site:</b>	23 Bridgman Grove Filton Bristol South Gloucestershire BS34 7HP	<b>Date Reg:</b>	12th October 2018
<b>Proposal:</b>	Erection of a two storey side and a single storey rear extension to form additional living accommodation.	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	360962 179351	<b>Ward:</b>	Filton
<b>Application Category:</b>	Householder	<b>Target Date:</b>	6th December 2018

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100023410, 2008. **N.T.S.** **PT18/4605/F**



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

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

This application has been submitted to the Council's circulated schedule procedure as comments received from the local Parish Council have been contrary to the Officer's recommendation.

## **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a two storey side and a single storey rear extension to form addition living accommodation at 23 Bridgman Grove Filton. Works associated with this proposal have already started.
- 1.2 The application site relates to a two storey, semi-detached property which is located in a residential area of Filton.

## **2. POLICY CONTEXT**

### 2.1 National Guidance

National Planning Policy Framework July 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

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

PSP1	Local Distinctiveness
PSP8	Residential Development
PSP11	Transport
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages
PSP34	Private Amenity Standards

### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)  
Residential Parking Standards SPS (Adopted) 2013

## **3. RELEVANT PLANNING HISTORY**

- 3.1 There is no planning history for this property.

## 4. CONSULTATION RESPONSES

### 4.1 Filton Town Council

Filton Town Council have raised concerns regarding parking at the property. They would also like the comments of the local residents to be carefully considered.

### 4.2 Transport

Comments were received from the Transport Officer. The main concerns are summarised below:

- i) The proposal will remove vehicular parking from the existing garage and to the side of the existing building to facilitate the erection of the two storey extension. No detail has been submitted on existing or proposed parking for the dwelling. Before a final comment can be submitted a revised block plan needs to be submitted which shows detail of vehicular parking, access and the proposed boundary to frontage.

Revised plans showing parking were subsequently submitted and the Transport Officer comments were as follows:

- i) The plan seems to imply that the dropped kerb will remain but it shows metal gates? If it is off the public highway I do not think this is possible due to the orientation of the space. If the applicant wishes to have vehicular parking to the frontage of the site then this would need to be clarified and either the space re-orientated (if space permits) or this parking removed and the kerb reinstated.
- ii) The lane that runs along the side and rear of the site is quite narrow and I do not think that three cars could access the proposed parking space all at one time. However, if the whole area were provided as vehicular parking then I think at least two cars could park in the available space. The plans indicate that the surfacing will be gravel. To avoid this being dragged onto the lane I would suggest that a permeable bound surface is laid.

Further revised parking plans were submitted and the Transport Officer comments were as follows:

- i) We do not generally support vehicular parking which is parallel to the public highway as it causes increased conflict with other road users. If the applicant wishes to have parking to the frontage then it needs to be in the same location as existing using the existing dropped kerb. This may mean slight alterations to the frontage of the side extension to enable a 5.3m space to be made available. If this is not possible then I would request that the parking to the frontage is removed as there is adequate space to the rear to provide parking which complies with our parking standards.

### 4.3 Planning Enforcement

No comments received.

- 4.4 Archaeology Officer  
No comment.

### **Other Representations**

- 4.5 Local Residents  
One comment, raising an objection to the proposal, was submitted by a local resident. The main concerns raised are outlined below:
- i) The oblique angle of the corner which forms part of the access to the rear lane needs to be maintained otherwise, access will be restricted
  - ii) The provision of off-street parking; parking has become increasingly difficult in the area, to the extent of blocking driveways.

## **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
Policy PSP38 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017 is relevant to this application. The policy indicates that residential extensions are acceptable in principle subject to considerations of visual amenity, residential amenity and highway safety.
- 5.2 Design and Visual Amenity  
Policy CS1 of the Core Strategy and policy PSP38 of the Policies, Sites and Places Plan seek to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.
- 5.3 *Two Storey Side Extension*  
The two storey side extension will have a maximum height of approximately 7.6 metres, an eave height of 5.535 metres, a total width of 2.85 metres and a depth of 7 metres. A hipped roof is proposed which will form a continuation of the existing roofline. The proposed side extension would become part of the principal elevation of the property and the existing porch is to be maintained. The proposed materials are set to match that of the existing dwelling and as such, it is considered that the proposed side extension would appear as an appropriate addition to the immediate streetscene.
- 5.4 *Single Storey Rear Extension*  
The proposed single storey rear extension will extend approximately 3.5 metres from the existing rear wall, have a width of approximately 8 metres and a maximum height of approximately 3.7 metres. The rear element will feature a hipped roof with 1no skylight window. The proposed materials will match the host dwelling.
- 5.5 Overall, it is considered that the design, scale and finish of the proposed extension results in an addition that sufficiently respects the character and distinctiveness of the host dwelling and immediate context.

5.6 Residential Amenity

- Policy PSP38 of the PSP Plan (Adopted November 2017) sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers
- 5.7 The impact of the proposal on the residential amenity currently enjoyed by the occupiers of neighbouring properties has been considered. Due to the location of the two storey side extension, it is not considered that its erection would materially harm the residential amenity at any of the adjoining properties. There are to be no new windows inserted into the side elevation. A new window is proposed in the rear elevation of the second storey of the side extension. However, the degree of separation between the window and the neighbour, as well as its siting on the rear elevation of the property mean that there is very limited risk of overlooking. Furthermore, due to levels of separation, it is not deemed that the proposed extension would impact upon the residential amenity enjoyed at properties nearby.
- 5.8 The single storey rear extension is located to the rear of the property and is south-west facing. It may therefore have a small impact in terms of loss of light at the neighbouring property. However, this impact is considered to be minimal due to the modest height of the proposed development and the design of the hipped roof, which will slope downwards toward the adjoining neighbour. As such, any shadowing will be limited and there is therefore no objection with regard to this.
- 5.9 The proposal will occupy additional floor space and the new proposed parking spaces at the rear of the garden will also remove space from the existing garden. South Gloucestershire Council Private Amenity Space Standards suggest that the minimum area of private amenity space for a 4+ bedroom property should be 80m<sup>2</sup>. The proposal will leave approximately 47m<sup>2</sup> of private amenity space to the rear of the property. However, the house is situated in a dense urban location and other houses in the area have benefited from extensions which have reduced the private amenity space associated with the respective properties. Furthermore, the proposed rear extension will benefit from a skylight and bi-folding doors and as such, demonstrates good design standards in terms of daylight and access to fresh air. The remaining private amenity space would be able to accommodate a table and chairs suitable for the size of the dwelling and there is space for refuse and recycling bins at the front of the property. Taking the above into account, the case officer considers that in this instance suitable design standards have been met to allow for a reduction in private amenity space standards at the property. There is therefore no objection in terms of this.
- 5.10 The subject property is located within a built up residential area and given the scale and location of the proposed development, the proposal will not result in unacceptable impact on the residential amenity of its neighbouring occupiers. Therefore, the development is not considered to be detrimental to residential amenity and is deemed to comply with Policy PSP38 of the Policies, Sites and Places Plan (Adopted November 2017).

5.11 Sustainable Transport and Parking Provision

- As a result of the proposed development, the number of bedrooms within the property would increase from a total of 3 to 4. South Gloucestershire Residential Parking Standards SPD outlines that properties with 4 bedrooms must make provision for the parking of a minimum of 2 vehicles, with each parking space measuring 2.4 metres x 4.8 metres.
- 5.12 A revised plan (008) was submitted indicating that 4 parking spaces will be made available at the property; 1 at the front of the property and 3 at the rear, accessed by the existing lane which runs between Nos. 23 and 21. A neighbour has raised concerns over the need to retain the oblique angle at the rear boundary of No. 23, so that the accessibility to the rear garages of Bridgman Grove can be maintained. The revised plans show that this angle is to be kept and as such, these concerns are addressed.
- 5.13 Concerns were raised by the Transport Officer regarding revised plan 008. The access for the proposed parking space indicated at the front of the dwelling was not deemed acceptable and there were concerns over the orientation of the space and the amount of space available for manoeuvrability. In order to address this, the applicant submitted a revised plan (008 revision A) which shows that the existing boundary wall would be removed and the drop kerb extended to the edge of the lane.
- 5.14 The Transport Officer had further objections to revised plans (008 revision A) stating that parking which is orientated parallel to the public highway is not generally supported as it increases conflict with other road users. The NPPF (July 2018) states that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe". In this case, the case officer does not deem the proposal to have an unacceptable impact on highway safety, nor a severe residual cumulative impact on the road network. Many of the driveways within this street allow for parking at a parallel angle to the highway. The case officer believes the proposed extension of the drop kerb and the removal of the boundary wall will allow for enough space to manoeuvre in a manner which will not have an unacceptable impact on highway safety.
- 5.15 The Transport Officer has also indicated that it may not be possible to have three cars parked on the rear drive at one time due to the narrow nature of the access lane. However, it is considered that two cars would be able to use this area. It has been suggested that the spaces are laid as a permeable bound surface to avoid gravel being pulled into the lane. However, due to the lane not being a main highway and that concrete slabs will be laid as a boundary, the pulling of gravel onto the lane will be limited. The case officer does therefore not consider this to be necessary and is satisfied that stone chippings are an acceptable material to use.
- 5.16 A neighbour and Filton Town Council have expressed concerns over parking. The revised plan (008 revision A) addresses these concerns and demonstrates that at least 3 parking spaces can be provided for at the property.

5.17 Overall, it has been demonstrated that at least three parking spaces can be made available at the property, allowing for access which does not have an unacceptable impact on highway safety. A condition will be added to the decision notice that ensures that the parking provision indicated on the plans will be provided no later than one month after the extensions are substantially complete. The proposal satisfies the minimum parking standards outlined in the South Gloucestershire Parking Standards Supplementary Planning Document and as such, the case officer has no objections to the proposed parking provision.

5.18 Equalities

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

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

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

**Contact Officer: Isabel Daone**  
**Tel. No. 01454 863787**

## CONDITIONS

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

Reason

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

2. The off-street parking facilities (for all vehicles, including cycles) shown on the plan(s) hereby approved shall be provided within one month of the extension(s) hereby approved being substantially complete, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.