

# 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. 49/19

**Date to Members: 06/12/2019**

**Member's Deadline: 12/12/2019 (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.

When emailing your circulated referral request, please ensure you attach the written confirmation from the Supporting Member(s) and Supporting Chair or Spokes

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) Details of Supporting Member(s) (cannot be same ward as Referring Member)

c) Details of Supporting Chair or Spokes Member of the Development Management Committee

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

**Date:**

To be emailed to [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk)

Schedule Number	Officers Deadline reports to support	Date to Members	Members deadline	Decisions issued from
50/19	Wednesday 11 <sup>th</sup> December 3pm	Friday 13 <sup>th</sup> December 9am	Thursday 19 <sup>th</sup> December 5pm	Friday 20 <sup>th</sup> December
51/19	Wednesday 18 <sup>th</sup> December 3pm	Friday 20 <sup>th</sup> December 9am	Thursday 2 <sup>nd</sup> January 5pm	Friday 3 <sup>rd</sup> January
No Circulated on Friday 27 <sup>th</sup> December				

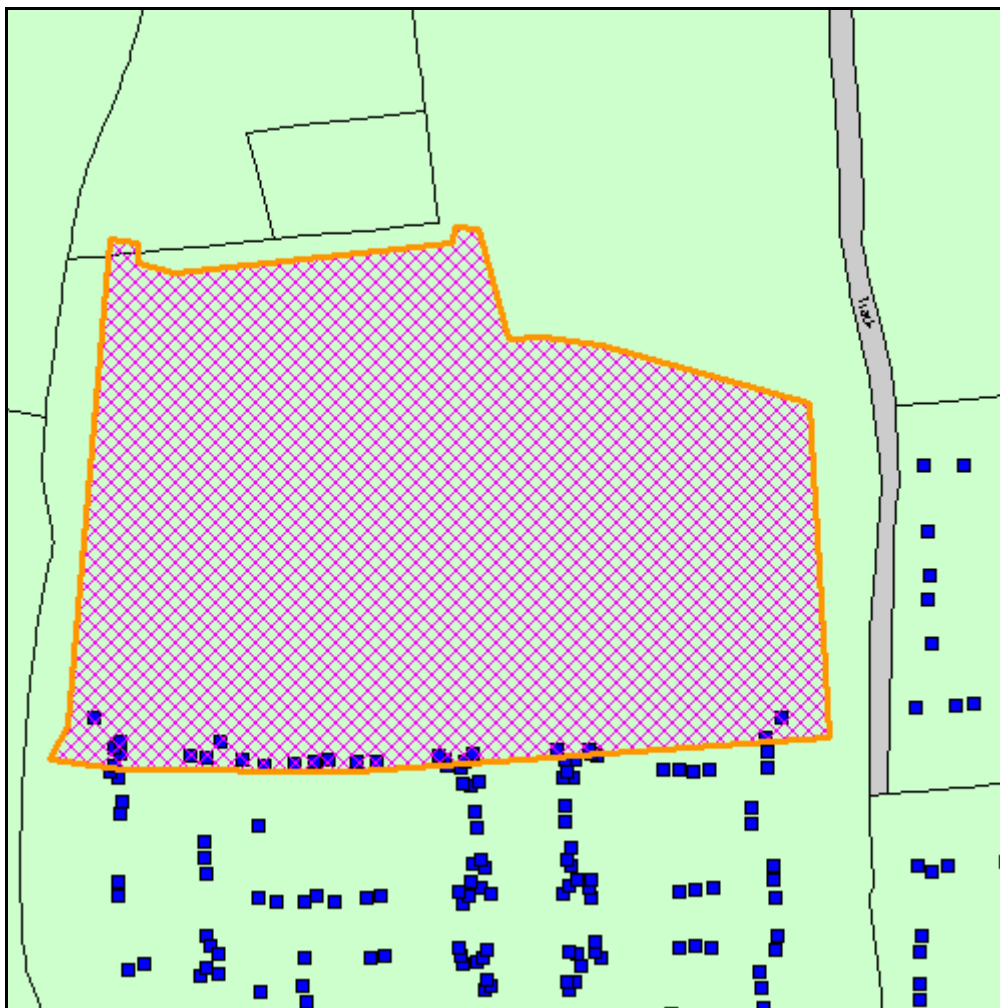
Dates and officer deadlines for Circulated Schedule Christmas Holidays 2019

# CIRCULATED SCHEDULE - 06 December 2019

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	<b>P19/12246/RM</b>	Approve with Conditions	PL12A And PL13 A North Yate New Neighbourhood South Gloucestershire BS37 7PZ	Yate North	Yate Town Council
2	<b>P19/14813/F</b>	Approve with Conditions	35 Kestrel Drive Pucklechurch South Gloucestershire BS16 9SX	Boyd Valley	Pucklechurch Parish Council
3	<b>P19/4155/F</b>	Approve with Conditions	Sloeswell Paddock Westerleigh Road Pucklechurch South Gloucestershire BS16 9PY	Boyd Valley	Pucklechurch Parish Council
4	<b>P19/4304/F</b>	Approve	20A Cossham Street Mangotsfield South Gloucestershire BS16 9EN	Staple Hill And Mangotsfield	None
5	<b>P19/5232/F</b>	Approve with Conditions	Land Adjacent To The Manor Church Lane Marshfield Chippenham South Gloucestershire SN14 8NT	Boyd Valley	Marshfield Parish Council
6	<b>P19/5459/F</b>	Approve with Conditions	32 Jubilee Road Kingswood South Gloucestershire BS15 4XF	New Cheltenham	None
7	<b>P19/6295/F</b>	Refusal	Land Between 14 And 32 Quarry Barton Hambrook South Gloucestershire BS16 1SG	Winterbourne	Winterbourne Parish Council
8	<b>P19/6439/F</b>	Approve with Conditions	Land Adjacent To Ringtail Cottage Butt Lane Thornbury South Gloucestershire BS35 1RA	Thornbury	Thornbury Town Council
9	<b>PK18/4456/F</b>	Approve with Conditions	Redfield Lodge Works New Pit Lane Bitton South Gloucestershire BS30 6NT	Bitton And Oldland	Bitton Parish Council
10	<b>PT18/6493/RM</b>	Approve with Conditions	Land North Of Wotton Road, Charfield	Charfield	Charfield Parish Council

## CIRCULATED SCHEDULE NO. 49/19 – 06 DECEMBER 2019

<b>App No.:</b>	P19/12246/RM	<b>Applicant:</b>	Mr Chris Dolling BDW TRADING LTD (BARRATT BRISTOL DIVISION)
<b>Site:</b>	PL12A And PL13 A North Yate New Neighbourhood South Gloucestershire BS37 7PZ	<b>Date Reg:</b>	10th September 2019
<b>Proposal:</b>	Erection of 155 no. dwellings, with roads, parking and associated works with appearance, landscaping, layout, scale and access to be determined. (Approval of Reserved Matters to be read in conjunction with outline permission PK12/1913/O as amended by PK17/4826/RVC)	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	370054 185108	<b>Ward:</b>	Yate North
<b>Application Category:</b>	Major	<b>Target Date:</b>	9th December 2019



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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 appears on the circulated schedule because an objection has been received from Yate Town Council, which is contrary to the Officer recommendation.

## **1. THE PROPOSAL**

- 1.1 This application seeks reserved matters consent for the erection of 155 no. dwellings, with roads, parking and associated works. The reserved matters, which comprise appearance, landscaping, layout, scale 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-DRL-0013), as well as a number of framework plans approved at outline stage.
- 1.2 The application site comprises parcels PL12A and PL13A in the North Yate New Neighbourhood. These parcels are immediately north of, and are a continuation of parcels PL12B and PL13B which have already been approved under PK18/1723/RM and are currently under construction. The application site covers an area of some 3.14 hectares and slopes down from east to west with a level difference of approximately 3.5 metres. A strategic cycle route is required to be provided on the eastern edge of the parcel, which forms part of a strategic link connecting Brinsham Park to Tanhouse Lane. Beyond the site to the north, east and west are various green infrastructure corridors containing trees, hedgerow, open space and a play area.
- 1.3 The 155 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 155 dwellings, 45 would be affordable housing. A statement of compliance has been submitted in support of this application.
- 1.4 Council officers have held numerous discussions at meetings with the developer prior and post submission of the application. As a result of the discussions, the following improvements to the scheme have been achieved:
  - Significantly improved the design of units 426-447 and 469-448 to provide more continuous frontages, to provide better enclosure to the streetscene and to hide, and secure the rear courtyard parking areas, which would be accessed by drive through accesses;
  - Improvements to the streetscene to units 391-396 to provide a more consistent building line and continuous frontage, and parking has been relocated to the frontage of the terrace to be better overlooked and more accessible to the adjacent dwellings. A through road has also be



provided to avoid the need for a turning head and to improve permeability and access to the play area to the north;

- Increased back to back distance to a number of properties to improve the level of privacy for occupiers;
- Improvements to the parking area of 350-358 to screen the parking area to improve the character of the streetscene, and improvements to the location of the bin and bicycle store to ensure they are more easily accessible for residents;
- Improvements to the layout around units 366 and 367 to provide a more secure layout and to improve the appearance of the streetscene;
- The materials have been amended on the western edge to provide a subtle transition to the next character area;
- Areas of block paving have been provided to break up the expanse of tarmac;
- The shared surface road on the northern edge has been amended to ensure that the route protection area of the oak tree is not affected by any level changes associated with the construction of the road. More trees have also been provided to the northern edge;
- Private amenity space has been provided to the FOG units.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework Feb 2019  
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.
- 3.6 PK18/1723/RM, 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. Approved on 17<sup>th</sup> January 2019.

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

4.1 Yate Town Council

Objection

Inadequate garden spaces on many plots and no informal open space within the phase;

Many of the roads do not have any pavements, which is unsafe and unacceptable;

Lack of any streetlighting;

Concerns about vehicle parking having to reverse out on to the main roads;

The bin store arrangements for the courtyard area in the SE quadrant will not work;

4.2 Highway Structures Officer

Standard advice provided

4.3 POS Officer

We have no comment to make

4.4 Affordable Housing Officer

No Objection subject to the applicant providing an amended planning layout (0642-5-102) confirming the swap of tenure for the 9 x 1 bed flat from social rent to shared ownership units (presumed to be plots 350-358.)

4.5 Archaeological Officer

No comments

4.6 Drainage Officer

No objection

4.7 Public Rights of Way Officer

Public footpath LYA/53/10 runs through this site, however the application requesting a diversion order is being processed and the route requested is shown on the detailed plans. For this reason PROW have no objection to this application.

4.8 Climate Change Officer

I recommend that the Energy Statement, and detailed design of the development, is revised to take into account the above comments and significantly reduce the carbon emissions of the development. The development should then be built in accordance with the approved revised Energy Statement.

4.10 Landscape Officer

Landscape issues previously raised have been addressed through the revised plans submitted.

4.11 Transportation Officer

The revised plans are considered acceptable in respect of visitor's parking as well as vehicular tracking issues. In view of this therefore, we Transportation Development Control have no objection to this application.

4.12 Lighting Engineer

We have no objections regarding this application. Please note that we have designed the road lighting for PL12A & PL13A parcels on the NYNN development, therefore the lighting schemes are considered to be acceptable from the Council's Street Lighting Team's perspective.

4.13 Public Art Officer

North Yate New Neighbourhood has a site wide public art programme which is being implemented by Barratts. It has three phases/projects. The first one has been initiated and needs to be implemented in spring 2020; the second one should also be progressed next year.

4.14 Crime Prevention Officer

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.

4.15 Refuse Officer

I have concerns regarding the width of the road and the turning space available for the waste collection vehicles at the cross roads. The vehicle tracking information appears to show very little manoeuvrability or space for the vehicles to negotiate the turns.

4.16 Urban Design

Previous urban design issues addressed through revised plans.

**Other Representations**

4.17 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 PL12a and PL13a are required to provide entirely residential development, with a density between 35-50 dwellings per hectare, with a maximum height of 2-3 storeys. The proposal is entirely residential and has a density of 50dph 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 parcels 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 and on the western edge of parcel 12A. The proposed plans provide on street tree planting in these locations and are therefore, considered to be in accordance with this parameter plan.
- 5.6 **Access and Movement**  
The application parcels are subdivided by a central secondary street, which extends north/south and from which east/west tertiary streets extend in accordance with the parameter plan. Footway or shared surface routes are required to be provided to the north edge 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 surface streets. 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. Mid terrace properties benefit from bin storage areas to the front of the properties, which will be screened by 1.2 metre high walls. Apartment blocks are served by bin storage areas, which are sufficient in size for the storage of refuse and recycling bins, and are easily accessible from the public highway. The Council's Refuse Officer has raised concerns regarding the width of the road and room for manoeuvring of bin wagons at the crossroads. However, the road width in this location of 5m metres is in accordance with the North Yate

New Neighbourhood Design Code, which has been approved by the Local Planning Authority. The layout has been tracked for a refuse vehicle, and the Local Highway Authority consider these tracking plans to be acceptable. There are therefore, no objections on this basis.

5.8 Layout and Appearance

The proposal follows the layout of the parcel to the south in terms of its linear layout and perimeter block arrangement. The layout has been amended to provide a high degree of continuous frontage to the central secondary street running north/south. This is due to the use of three storey apartment blocks changing to dwellings only towards the northern edge of the parcel. The apartment blocks will provide a strong frontage onto the secondary road and indicate the higher status of the road compared to the east-west tertiary routes in the interests of legibility. The layout of the apartment blocks turning the corner at the junction between secondary and tertiary streets encloses the street and also screens views of the courtyard parking areas. This will improve the appearance of the street and will provide a secure design of development. The change from apartments to semi-detached and then terrace dwellings along the secondary street will provide an appropriate transition from high to lower density in accordance with the vision of the design code and masterplan. The materials along this central street will be render and buff brick and slate grey roof tiles, which is consistent with the parcel to the south. The materials proposed will provide a unified streetscene and consistency along the secondary street, which is acceptable.

5.9 The western edge of the parcel comprises mainly semi-detached dwellings with a terrace and apartment block. These units are generally 2.5 storeys high. The height of the dwellings and the consistent building line will provide a strong frontage onto the primary street. The materials along the western edge have been reconsidered to be distinctive from the rest of the parcel. This is because these dwellings will be viewed in conjunction with dwellings that form part of the Woodlands character area on the opposite side of the primary street. The proposal consisting of render and red brick and slate grey roof tiles will provide a gradual transition to the next character area and is sufficiently distinctive from dwellings within the Gallops character area.

5.10 Dwellings on the northern and eastern edges comprise reconstituted stone and blue engineering brick with brown roof tiles. These dwellings are generally two storey detached and semi-detached units. The scale and choice of materials reflects the fact that these dwellings front onto a green corridors and provide a sympathetic response. The plans have been amended to ensure that side and rear elevations of dwellings will be reconstituted stone to match the principal elevations rather than brick where they will likely be visible from the public realm. This will provide a higher quality and more finished appearance to the scheme overall.

5.11 A number of improvements have been made to the design of dwellings along the east/west tertiary streets. The layout of the terrace consisting of plots 424-429 has been reconfigured so that the parking is along the front of the units to match the opposite side of the street. This will improve the appearance of the streetscene by providing a more active frontage to this side of the street, and

will provide more secure and convenient car parking for residents. The road from which these terraces are accessed has also been continued north to form a through road. This will improve the permeability of the parcel. The use of block paving on the road between the terraces will help to break up the expanse of tarmac and provide a more interesting hard surface to the street. Other improvements have been made to the layout of the parking area serving apartment block 350-358. As a result, the character of the streetscene has been significantly improved through reducing the prominence of a bin store and reducing the prominence of associated parking behind a 900mm screen wall. The bicycle store has also been moved closer to the apartments so that it is more easily accessible by residents and in a more secure location.

- 5.12 Another improvement which will make a significant difference to the quality of the overall scheme is that grey window frames and fascia boards will be used for all of the elevations not just the principal elevations. This is welcomed by officers and will significantly enhance the character and visual amenity of the development.

- 5.13 **Public Rights of Way**  
Footpath no. LYA/53/10 extends through the application site. A footpath diversion application has already been submitted to divert this footpath onto the adopted highway under application P19/4293/FDI. Accordingly, there are no objections to the proposal.

- 5.14 **Shared Street Design**  
The objection received from Yate Town Council regarding a lack of pavements is noted; however, the use of shared surface streets is accepted and encouraged within the design code for North Yate. The central secondary street and primary street to the west edge of the parcel comprise a defined carriageway with separate footpaths, as required by the design code. The remainder of streets within the parcels are shared surface in nature. The Council's Transportation Officer has raised no objection to the use or design of shared surface streets on the basis of highway safety. Buildouts which pinch the width of the highway, on street parking and changes of surface material will help to slow vehicles such that a democratic environment for the use of the highway between pedestrians and vehicles would be provided. The design of the shared surface streets is also similar to other parcels in the North Yate New Neighbourhood which have already been approved.

- 5.15 **Security**  
The most secure layout is considered to be where rear gardens of properties adjoin each other either back to back or back to side. Following the receipt of revised plans, most of the properties within the parcels have this type of arrangement, which would provide a sufficiently secure design. The rear parking areas associated with apartment blocks 373-394 and 483-504 have been made more secure by enclosing them within built form. In a parking area that lacks of natural surveillance (P400-P402), it is secured by 1.8 metre high gates. Accordingly, the proposal is considered to be a sufficiently secure design and there are no objections on this basis.

#### 5.16 Landscaping

There are no existing trees or vegetation within the application parcels that will be affected by the development. There are trees and hedgerow to the north, east and west of the parcels, which are outside the red line application boundary and are to be retained and incorporated into the development. A tree protection plan has been submitted demonstrating the location of fencing in relation to root protection zones to ensure that these trees and vegetation will be protected through the course of the development. Concerns were raised regarding the proximity of the shared surface road on the northern edge to the adjacent hedgeline and hedge trees. The proximity was such that ground works to accommodate the difference in level between the road and the tree would likely have encroached into the root protection zone of the trees. This issue has been addressed by narrowing the width of the road in this location through the creation of grass buildouts so that there is sufficient space for the difference in levels to be addressed outside the root protection zone of the tree. These grass buildouts, as well as providing traffic calming, have also provided additional space for tree planting.

- 5.17 There have been improvements to hard and soft landscaping. Block paving has been added in certain locations to break up the expanse of tarmac, and this will have a positive effect on the character of the area. The developer was requested to provide more block paving, especially to the green edges to reduce the dominance of tarmac in these locations. The developer has not acceded to this request but has made improvements to the planting design throughout the parcels. More planting has been provided to the shared surface streets to give them a softer and more attractive appearance; hornbeam hedges have been provided to the western edges to provide more distinctive landscape planting to reflect the woodlands character area on the opposite side of the street; more hedge and shrub planting, as well as climbers have been added to the units. The proposal is considered to be acceptable in terms of landscaping.

#### 5.18 Sustainability

The comments made by the Council's Climate Change Officer are noted; however, the aspirations and requirements of the development in relation to sustainability have already been agreed by virtue of the approval of the outline permission (granted on 17<sup>th</sup> July 2015), and reserved matters are required to be determined in the context of the conditions attached to the outline permission. Condition 40 on the outline permission requires an energy statement to set out how passive solar gains and cooling of buildings and natural ventilation will be maximised, and insulation measures to reduce energy demand, as well as a calculation of energy demand. The wording and requirements of condition 40 reflects the policy requirements of policy CS1 of the South Gloucestershire Core Strategy (2013), and focuses on passive solar gains and insulation measures to reduce energy demand; there is no requirement for any additional renewable/low carbon technology. The condition pre-dates PSP6 in the Policies Sites and Places Plan Adopted November 2017, which imposes a more stringent energy saving requirement of 20% via renewable/low carbon energy generation sources on major greenfield residential development.



The energy statement submitted focuses on a fabric first approach which prioritises improvements to the fabric of dwellings to avoid unnecessary energy demand and consequent CO2 reduction. For example, the proposal adopts an airtightness standard of 5m<sup>3</sup>/h.m<sup>2</sup> @50Pa, which is better than the building regulation standard of 10m<sup>3</sup>/h.m<sup>2</sup> @50Pa. The energy statement submitted demonstrates that through the fabric first approach there will be a reduction in CO2 emissions and energy compared to statutory building regulations requirements with a typical fabric energy efficiency of circa 8-17% better than Part L standards. A condition is attached requiring the dwellings to accord with the fabric first measures set out in the energy statement.

#### 5.19 Urban Design Conclusion

A significant number of improvements have been secured to the design of the parcel through negotiation with the developer. The proposal is now considered to achieve a good standard of design in line with policy CS1 of the Council's Core Strategy. Accordingly, there is no urban design objection.

#### 5.20 Residential Amenity

Revised plans submitted have increased the back to back distance between the rear elevations of properties to around 20-21 metres, which will ensure that occupiers have an acceptable level of privacy. Whilst the garages of units are set back beyond the rear elevation of dwellings, the roof orientation of the garages is such that the slope runs parallel to rear gardens, which will significantly reduce their overbearing impact. Notwithstanding this, concerns were raised regarding the impact of garages G406 and G363 due to them being set at a higher ground level than the adjacent dwellings. The roofs of these garages have therefore been hipped to further reduce the overbearing impact to an acceptable level. The gardens proposed are considered to be sufficient in terms of their size and the level of privacy they would afford such that they would provide an adequate level of amenity for future occupiers. The FOGs proposed previously did not have any private or communal space and this has been addressed through the provision of good size balconies on the front elevation to provide private amenity space. The developer has not acceded to officer's request for balconies to be provided to all of the apartment blocks. However, where no balconies have been provided for apartment blocks, communal space has been provided. The communal space comprises a Roslin steel framed timber bench situated within a tree and hedge planted area, which would provide a pleasant environment for users of the communal space. Whilst balconies to provide private amenity space would be preferable in addition to communal amenity space, it is considered that the proposal would provide an acceptable standard of amenity for future occupiers and there is no objection on this basis. No informal public open space is required to be provided within the parcels according to the masterplan and parameter plans that have already been approved. Accordingly, there is no objection on this basis. Informal open space is however provided outside of but adjacent to the application parcels to the north and east.

#### 5.21 Transportation

The level of proposed parking is considered to be acceptable and reflects guidance contained in the Council's Residential Parking Standards SPD. Apartments have at least one space allocated for car parking and the parking

courts have visitor parking spaces. Visitor parking spaces have also been provided on streets throughout the parcel, and these have been spread out as evenly as possible. The number of visitor parking spaces provided is 47, which is significantly over the 31 spaces which is required in order to meet the Council's minimum standards.

- 5.22 The majority of the open market dwellings comprise garages, and these have internal dimensions which meet the Council's minimum standards to ensure that they will be adequately accessible by vehicles. The primary and secondary roads have been designed in accordance with the approved design code and masterplan. Therefore, whilst concerns have been raised by the Council's Refuse Officer regarding the width of the central secondary road, the dimensions have already been approved in principle. Tracking plans submitted indicate that although the layout is tight, refuse vehicles could manoeuvre safely within the parcel, and the Council's Transportation Officer has raised no objections on this basis. The design of the roads agreed in the masterplan and design code is intended to provide in a narrow carriageway width, as this will encourage vehicles to travel at a lower speed than if the roads were very generous in width, and will result in a safer highway design. Yate Town Council's objection regarding vehicles having to reverse from properties onto the main road is noted; however, the design code and masterplan envisage cars reversing onto the main roads, and, given the low speeds of the roads (20mph) it is not considered that this would bring about any significant highway safety issues. An informative note is attached to encourage the developer to make future residents aware of the 20mph speed limit and for this speed restriction to be implemented as soon as practically possible.
- 5.23 Apart from the central secondary street and the western primary street, all other streets within the parcel are shared surface in nature, such that there is no defined carriageway or footpath. This is in accordance with the design code and masterplan, and the Council's Transportation Officer has raised no objection on this basis. 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. Accordingly, they are considered to be acceptable in terms of design and there is no objection in terms of transportation.
- 5.24 Listed Building Impacts  
The closest heritage asset is the grade II listed Leechpool Farmhouse which is approximately 329 metres to the north 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.
- 5.25 Affordable Housing  
Out of the 155 dwellings proposed, 45 dwellings will be for affordable housing. The tenure split has been amended to 29 for social rent and 16 for shared ownership in order to reflect the approved 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 shared access, and all flats sharing a

communal entrance should be of a single tenure. The proposal complies with this clustering requirement. The plans propose a single 2bed wheelchair unit, which accords with the affordable housing masterplan. The proposal is therefore, considered to be acceptable in terms of affordable housing.

5.26 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.

5.27 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.

5.28 Further Matters

All of the streets within the parcels will be adopted and therefore, will be required to have street lighting. The provision and design of street lighting falls under the S38 highway adoption process. A condition in respect of street lighting is however attached to avoid conflict between street lighting columns and street trees.

5.28 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 it is considered to have a neutral impact on equality.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant 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. The development shall be carried out in accordance with the external facing materials agreed by the Local Planning Authority under DOC19/00312 on 24th October 2019.

#### **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. The development shall be carried out in accordance with the sample panel of stonework agreed by the Local Planning Authority under DOC19/00312 on 24th October 2019.

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. Notwithstanding units 406-415 and 350-363, the development shall be carried out in accordance with the sample panel of brickwork agreed by the Local Planning Authority under DOC19/00312 on 24th October 2019.

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. The development shall be carried out in accordance with the detailed design plans agreed by the Local Planning Authority under DOC19/00312 on 11th November 2019.

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. Notwithstanding the details submitted, prior to the construction of development above Damp Proof Course (DPC) level of units 406-415 and 350-363, a sample panel of the corresponding 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. Notwithstanding the details submitted, prior to the construction of development above Damp Proof Course (DPC) level of units 406-415 and 350-363, a sample panel of the corresponding 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.

10. Notwithstanding units 406-415 and 350-363, the development shall be carried out in accordance with the sample panels of render agreed by the Local Planning Authority under DOC19/00312 on 24th October 2019.

Reason

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

11. 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.

12. 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.

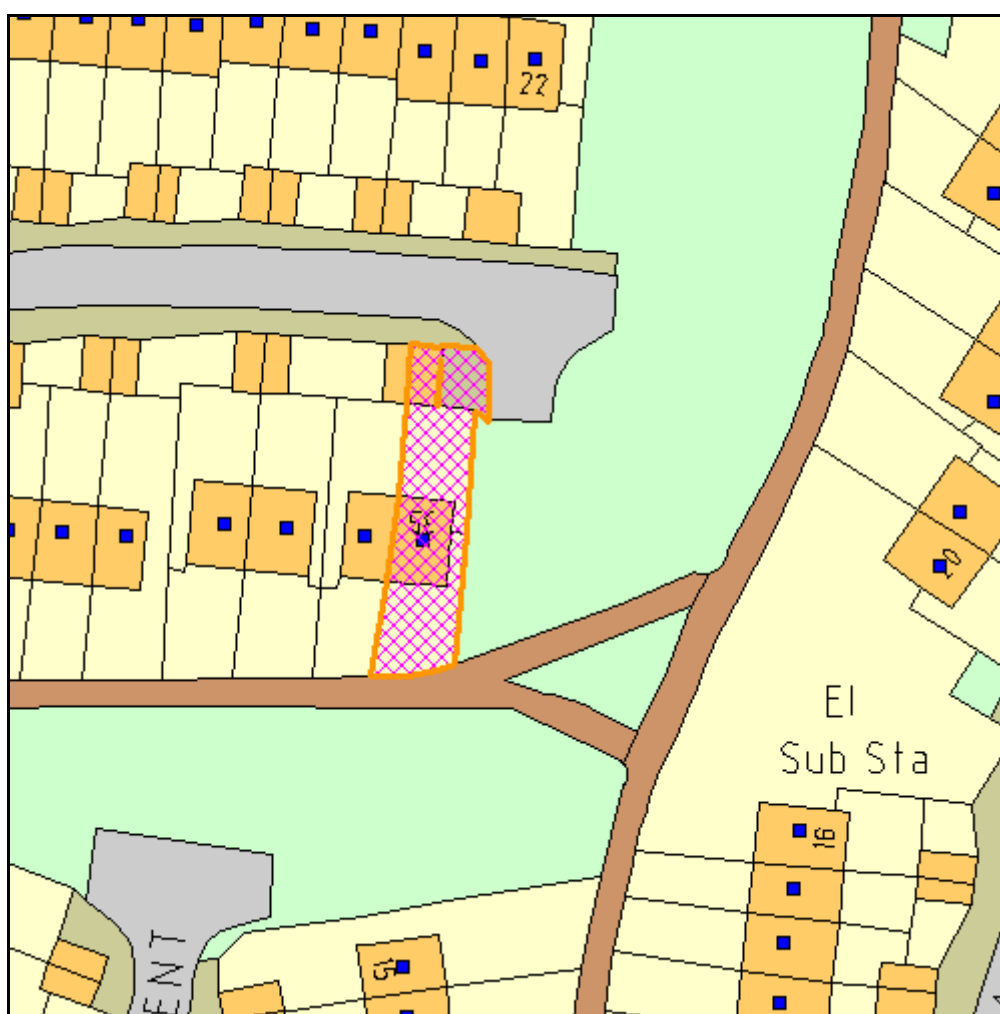
13. The residential units hereby approved shall be built to the fabric first/energy efficiency measures as set out in the Energy Statement hereby approved, including units achieving a minimum airtightness of 5m<sup>3</sup>/h.m<sup>3</sup> @50 Pa.

Reason

In the interests of sustainability and reducing the energy demand of dwellings beyond statutory minimum building regulations and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

## CIRCULATED SCHEDULE NO. 49/19 – 06 DECEMBER 2019

<b>App No.:</b>	P19/14813/F	<b>Applicant:</b>	Mr Tom Murphy
<b>Site:</b>	35 Kestrel Drive Pucklechurch Bristol South Gloucestershire BS16 9SX	<b>Date Reg:</b>	16th October 2019
<b>Proposal:</b>	Erection of single storey side extension and first floor front extension over existing porch to provide additional living accommodation.	<b>Parish:</b>	Pucklechurch Parish Council
<b>Map Ref:</b>	370108 175953	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Householder	<b>Target Date:</b>	10th December 2019



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P19/14813/F

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

## **INTRODUCTION**

This application is referred to the Circulated Schedule as an objection has been received from the Parish Council.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a single storey side extension and first floor front extension over the porch.
- 1.2 The extensions are as shown on the submitted plans (on the public website). The scheme has been the subject to negotiations to secure an amendment to the design. This is set out in the report below. Materials are described as those existing.
- 1.3 The application site comprises a semi-detached property situated on the northern side of The Crescent. The property is surrounded on all sides by residential properties. The site itself is situated on a larger plot than most with a parking area and drive to the side.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework February 2019  
National Planning Policy Guidance
- 2.2 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
PSP43	Private Amenity Standards
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted 2007)  
Residential Parking Standards SPS (Adopted) 2013

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



There is no relevant planning history at the application site however the following similar applications have been approved within the vicinity of the site (viewed at officer site visit):

13 Kestrel Drive PK03/3251/F Erection of two storey side extension and first floor front extension over existing porch and extension to porch to form additional living accommodation.

12 Kestrel Drive PK04/0635/F Erection of first floor front extension to form extended bedroom

5 Kestrel Drive PK06/1627/F Erection of first floor front extension to form additional living accommodation.

1 Goldfinch Way PK12/0498/F Erection of first floor front extension to form additional living accommodation.

1 Partridge Road PK11/1069/F Erection of first floor front extension to form additional living accommodation.

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

##### **3.1 Town/Parish Council**

PPC has no objection in principle to the volume or positioning of the extensions that are proposed but it has concerns about the overall visual appearance of the front elevation of this property that would result from these additions and how it reads within the street scene. This is largely because it would introduce a large expanse of flat plain brick wall to the front of the property that is not in keeping with the local distinctiveness of the area and therefore contrary to Policy PSP1. PPC believes that one solution to resolve this issue would be to re-position the door to the front wall of the property, i.e. perpendicular to that which is currently proposed.

##### **3.2 Sustainable Transport**

The applicant seeks to erect a single storey side extension along with first floor front extension over existing porch to provide additional living accommodation. The proposals will include the formation of a 4th bedroom located on the ground floor. No increase in the provision of off street parking is required given that SGC minimum parking standards are the same for both 3 and 4 bed dwellings. There are no transportation objections.

##### **3.3 Other responses**

No other responses have been received

#### **4. ANALYSIS OF PROPOSAL**

#### 4.1 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 of design. This means that developments should be informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

Concern has been raised by the Parish Council that the combination of the first floor front extension along with the single storey extension being both of brick will lead to a large expanse of brick on the front elevation.

At first sight the Case Officer had concerns regarding the first floor front extension. At the site visit (and having researched the history of locality), it is noted that there have been a large number of similar proposals approved within the vicinity of the site. It is not considered that this element would appear out of character with the wider area. The single storey element is also considered modest in scale.

The concern raised by the Parish is noted however and negotiations have secured the setting back of the extension by 0.5m. This has the effect of breaking up the extent of the brick on the frontage. Furthermore the front elevation of the single storey element is further broken up by introducing a hipped roof on the front elevation thus replacing brick with tiles. The brick will match that on the original property

With these alterations/improvements the proposal is considered acceptable in design/visual terms.

#### 4.2 Residential Amenity

Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space.

As indicated above, Policy PSP8 outlines the types of issues that could result in an unacceptable impact. The proposal has been carefully assessed and has found to be in compliance with these policies. The extensions are modest in scale and given their scale, orientation and proximity to neighbouring properties on this property located at the end of Kestrel Drive, it is not considered that any loss of amenity to neighbouring occupiers will result from the proposals.

In terms of future occupiers of the dwelling, the proposed development does not result in an unacceptable loss of amenity space with sufficient space remaining for their needs.

#### 4.3 Transport

Policy PSP38 of the Policies, Sites and Places Plan sets out the Councils parking standards. The proposal has been carefully assessed and has found to be in compliance with this policy.

#### 4.4 Consideration of likely impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. This planning application it is considered to have a neutral impact on equality.

## **5. CONCLUSION**

- 5.1 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. 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.

## **6. RECOMMENDATION - APPROVED (subject to conditions)**

**Contact Officer: David Stockdale**  
**Tel. No. 01454 866622**

### **CONDITIONS**

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

Reason

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

**CIRCULATED SCHEDULE NO. 49/19 – 06 DECEMBER 2019**

<b>App No.:</b>	P19/4155/F	<b>Applicant:</b>	Mr Bryan Stokes-Hazell
<b>Site:</b>	Sloeswell Paddock Westerleigh Road Pucklechurch South Gloucestershire BS16 9PY	<b>Date Reg:</b>	21st May 2019
<b>Proposal:</b>	Siting of 1no. mobile home with associated parking areas.	<b>Parish:</b>	Pucklechurch Parish Council
<b>Map Ref:</b>	370239 177562	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	12th July 2019

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 100023410, 2008. **N.T.S.** **P19/4155/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 Referring to the Circulated Schedule**

This application has been referred to the Circulated Schedule following the receipt of an objection from Pucklechurch Parish Council.

### **Procedural Matters**

On 20 December 2012, His Honour Judge Anthony Thornton QC, sitting as a judge of the High Court (AZ v SoS for Communities and Local Government and South Gloucestershire District Council [2012] EWHC 3660 (Admin)) (AZ v SoS) made the following direction:

- (1) The applicant is to be named and known as “AZ” for all purposes in connection with this judgement and these proceedings.*
- (2) No newspaper report of the proceedings shall reveal the name, address or school, or include any particulars calculated to lead to the identification, of the child concerned in this application or in the planning appeal from which this application is brought, either as being one of the persons by or in respect of whom the planning appeal was brought or this application is made or as being a witness or providing evidence to the planning appeal or that is referred to in this application.*
- (3) No picture shall be published in any newspaper as being or including a picture of any child or young person so concerned in the proceedings as aforesaid; except in so far (if at all) as may be permitted by the direction of the court.*
- (4) This order extends to any subsequent hearing or inquiry held in connection with the planning appeal which this order relates to and which results from the quashing of the decision previously made that has been ordered as a result of the judgement in this application.*

Officers consider that given the very unusual circumstances of this case the applicant's identity shall continue to be confidential and for the purposes of this report the applicant will continue to be referred to as 'AZ'. It should however be noted that AZ's son is now 19 years old and no longer a child.

It should also be noted that despite the applicant and his wife claiming to have gypsy origins, the previous consent was **not** for a gypsy site, it having been previously established that 'AZ' does not meet the current criteria for gypsy status. Furthermore the current application is **not** for a gypsy site.

The Inspector for the previous appeal (see PK09/5583/F) identified the following as the main issues to consider:

- the effect of the development on the Green Belt with particular regard to the effect on openness and the purposes of including land within it;
- the effect of the development on the character and the appearance of the area; and

- whether the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Officers consider the main issues identified above are still relevant to the determination of this current application.

## 1. THE PROPOSAL

- 1.1 Planning permission PK09/5583/F was granted on appeal 1<sup>st</sup> July 2014 for “the use of land for the stationing of a mobile home for residential purposes together with the formation of hard-standing and utility building ancillary to that use” at Sloeswell Paddock, Westerleigh Road, Pucklechurch. A copy of the Appeal Decision Letter is appended to this report and Members are **strongly** advised to read it (the Decision Letter) prior to considering this current application.
- 1.2 The applicant has stated that, although the approved scheme has not been built out, footings have been dug and as such the permission has been implemented. The approved scheme is therefore a potential fall-back position should the current application be refused.
- 1.3 Sloeswell Paddock is owned by the applicant and comprises a field of about 1ha in area, located in the open countryside and Bristol & Bath Green Belt, between Pucklechurch and the M4 motorway. The previous approval related to a small 0.1ha area of the field located at the far south-eastern end of the site, adjacent to the Feltham Brook.
- 1.4 The applicant has lived on the western part of the site since at least 2006, albeit in an unauthorised mobile home and associated structures, which are all located within a fenced compound. This part of the site is also the location a large shed; car parking; a boat; and a touring caravan. A gated entrance is located in the north-west corner of the field, fronting a slip road off Westerleigh Road. To the side of the entrance is the start of a public footpath that runs due south to the rear of a small terrace of houses i.e. nos. 160-166 Westerleigh Road. Under the terms of the previous approval, all of the unauthorised structures would be removed.
- 1.5 The applicant ‘AZ’ has stated that the location of the approved mobile home and day room is no longer suitable, in part because the cost of putting in services to the far south-east corner of the site is prohibitive and also, due to ‘AZ’s’ deteriorating health, his mobility is now very limited, so much so that he is likely to become wheelchair bound in the future.
- 1.6 ‘AZ’ has stated that the unauthorised structures are no longer fit for habitation or for his special needs and the needs of his wife and son, who now live permanently with him. The proposal is therefore, to remove the unauthorised structures and replace them with a new two-stage mobile home, which would in effect, incorporate the facilities previously included within the approved day room.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework Feb. 2019

National Planning Practice Guidance 2014

### **2.2 Development Plans**

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS4 Presumption in favour of sustainable development

CS5 Location of development

CS8 Improving accessibility

CS15 Distribution of housing

CS34 Rural Areas

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

PSP2 Landscape

PSP3 Trees and Woodland

PSP7 Development in the Green Belt

PSP8 Residential Amenity

PSP11 Transport Impact Management

PSP16 Parking Standards

PSP19 Wider Biodiversity

PSP20 Flood Risk, Surface Water and Watercourse Management

PSP40 Residential Development in the Countryside

PSP43 Private Amenity Space Standards

### **2.3 Supplementary Planning Guidance**

Development in the Green Belt SPD (Adopted) June 2007

## **3. RELEVANT PLANNING HISTORY**

- 3.1 The following planning history relates to the site currently occupied by the applicant providing a record of Enforcement Notices and Stop Notices which have been served (and where noted, appealed against).

3.1.1 A Temporary Stop Notice, served on the 11 July 2006 requiring 'all activities specified in the Notice to cease'. This Notice took effect immediately and expired on 8 August 2006.

3.1.2 A Stop Notice, served 9 August 2006 requiring 'all activities specified in the Notice to cease'. This Notice took effect on the 12 August 2006.

- 3.2 Enforcement Notice (A) CAE/06/0425/1, issued on 9 August 2006 requiring 'the removal of all unauthorised operational development including the hardstanding area and all resultant materials; all imported materials; and all fencing and gates'. This Notice was issued on 9 August 2006 appealed on 21 August 2006.

The appeal was dismissed and enforcement notice upheld dated 11 July 2007 subject to the notice being corrected to delete reference to removal of topsoil and other materials from the land and extend the period for compliance from 28 days to 6 months.

- 3.3 Enforcement Notice (B) CAE/06/0425/1, issued on 9 August 2006 'stationing of caravans for purposes other than for agricultural uses and installation of associated facilities'. The appeal was dismissed and enforcement notice upheld dated 11 July 2007 subject to the notice being varied to extend the period for compliance from 28 days to 6 months.
- 3.4 Enforcement Notice (C) CAE/06/0425/2, issued on 4 September 2006 requiring:  
i) cease use of land for stationing of mobile homes for purposes other than for agricultural use; ii) the removal of all caravans from the land; iii) restoring land to its former condition. This Notice was appealed on 21 August 2006. The appeal was dismissed and enforcement notice upheld dated 11 July 2007 subject to the notice being varied to extend the period for compliance from 28 days to 6 months.
- 3.5 Enforcement Notice (D) CAE/06/0425/2, issued on 4 September 2006 requiring i) cease all operational development on the land; ii) demolish and remove the buildings from the land; iii) removal of all other works including the installation of water, drainage and electrical services; iv) removal of resultant materials; v) restore land. The appeal was dismissed and enforcement notice upheld dated 11 July 2007 subject to the notice being varied to extend the period for compliance from 28 days to 6 months.
- 3.6 A Temporary Stop Notice was served on 11 August 2006 requiring 'all activities specified in the Notice to cease'. This Notice expired on the 8 September 2006.
- 3.7 A Stop Notice was served on 4 September 2006 requiring 'all activities specified in the Notice to cease'. This Notice took effect on the 7 September 2006 and remains in effect.

### **Planning history**

- 3.8 PK06/2218/F - Change of use of agricultural land for the stationing of 2 no. touring caravans for residential purposes with access. (Retrospective application).  
Refused 26.09.2006.  
  
Appeal dismissed 11.07.2007.
- 3.9 PK09/5583/F - The use of land for the stationing of a mobile home for residential purposes together with the formation of hard-standing and utility building ancillary to that use.  
Refused 18 June 2010 on the grounds of:
- Inappropriate development within the Green Belt with no very special circumstances demonstrated.



- Harm to the openness of the Green Belt and adverse impact on the visual amenity of the Green Belt and character and appearance of the area.
- Residential development in the open countryside with no justification provided.

*An Appeal was dismissed 19 Nov 2010 but this decision was subsequently quashed by order of the High Court.*

A subsequent appeal APP/P0119/A/10/2130078 was allowed 1<sup>st</sup> July 2014.

- 3.10 PK10/2218/F - The use of land for the stationing of a mobile home for residential purposes together with the formation of hard standing and utility building ancillary to that use.  
Refused 12<sup>th</sup> August 2010

*This was a duplicate of PK09/5583/F and was merely submitted whilst PK09/5583/F was being considered by appeal.*

- 3.11 P19/3862/NMA - Non material amendment to PK09/5583/F to change the position of the mobile home.  
Not determined

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

- 4.1 Pucklechurch Parish Council  
Object on the following grounds:

“This site sits within the Bristol & Bath Green Belt: it is not a safeguarded Gypsy & Traveller site. Habitation of the site was allowed by Appeal with reference to application PK09/5583/F - The use of land for stationing of a mobile home for residential purposes together with the formation of hard standing and utility building ancillary to that use.

PPC notes there appears to have been two separate application forms submitted for this proposal, the first, an application for non-material amendment dated 05/04/2019 PP-07764670 is attached to the original application online. This form states that the reason for the application is that - Because now disabled and struggles to get to permitted location. Services too expensive too. (sic)

The permitted location has not changed, it is the nature of the development upon it that is proposed to change. The second application to which this is a response is P19/4155/F, the detail of which proposes a much larger building to replace that which currently exists. This is at odds with what is expressed on the application form in which the applicant describes the proposal as - Just change of position.

The plans which accompany the application shows no substantial change in location. The floor and elevation plans which are labelled in the legend as ‘new building’ show a building that does not conform to the legal definition of a caravan/static mobile by way of excessive dimensions as articulated in the

Caravan Sites Act 1968 Section 13 definition of twin unit caravans as amended by the Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment) (England) Order 2006.

This says: For the purposes of Part 1 of the Caravan Sites and Control of Development Act 1960, the expression caravan shall not include a structure designed or adapted for human habitation which falls within paragraphs (a) and (b) of the foregoing subsection if its dimensions when assembled exceed any of the following limits, namely

- (a) length (exclusive of any drawbar): 65.616 feet (20 metres);
- (b) width: 22.309 feet 6.8 metres);
- (c) overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): 10.006 feet (3.05 metres).

In this respect what is proposed is not a caravan/mobile home and would constitute inappropriate development within the Green Belt. The method of construction, whether modular or not, is not referenced nor is a suitable landscaping scheme. The plans provided do not demonstrate continuing provision for the on-site car parking of 4 vehicles as noted on the application form. The paddock itself sits adjacent to Feltham Brook and no information is supplied with respect to the potential effect on the wider biodiversity of this area.

*The NMA application was not determined as the development proposed would not constitute a non-material amendment. A revised plan has since been submitted that shows the 4 car parking spaces. A landscaping scheme could be secured by condition.*

#### 4.2 Other Consultees

##### Highway Structures

No comment

##### Lead Local Flood Authority

No objection in principle.

##### Transportation D.M.

No objection subject to conditions as per previous approval.

##### Landscape Officer

No response

##### PROW

PROW have no objections as this is unlikely to affect the right of way (footpath LPU 17) to the south-west of the application site.

#### Ecology Officer

There is a robust bat commuting route behind the development, a precautionary approach to lighting to be undertaken. There is no ecological objection.

### **Other Representations**

#### 4.3 Local Residents

No responses

## **5. ANALYSIS OF PROPOSAL**

### **Principle of Development**

- 5.1 The acceptance in principle of the use of part of Sloeswell Paddock for the stationing of a mobile home for residential purposes, together with the formation of hard standing and utility building ancillary to that use, has previously been established, albeit subject to a number of conditions as listed on the Appeal Decision Letter (see PK09/5583/F) and also given the very special circumstances as demonstrated at that time. Officers must consider if anything has changed in the interim that would materially alter matters.

### **Green Belt Issues**

- 5.2 In the first instance the proposal must be considered in light of the latest policies relating to development within the Green Belt. The relevant Green Belt policy is now PSP7 which generally reflects that found at NPPF paras. 143 to 147.
- 5.3 Inappropriate development is by definition harmful to the openness of the Green Belt and requires 'very special circumstances' to justify permission. Para. 144 of the NPPF states that; when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. The purposes of including land within the Green Belt are set out at para. 134 of the NPPF and include:
- To check the unrestricted sprawl of large built up areas.
  - To prevent neighbouring towns merging into one another.
  - To assist in safeguarding the countryside from encroachment.
  - To preserve the setting and special character of historic towns.
  - To assist in urban regeneration by encouraging the recycling of derelict and other urban land.
- 5.4 At the time of the 2013 appeal the parties accepted that the proposals constituted inappropriate development in the Green Belt; there is no reason to depart from this view in the current proposal. The revised proposal would, by extending built form into the countryside, still conflict with one of the purposes of including land within the Green Belt i.e. bullet point 3 above.

5.5 As was the case at the time of the previous appeal, save for the unauthorised structures, existing access gate and fencing, there is no built development on the application site. In addition to the mobile home proposed, there would be associated domestic paraphernalia, for example, kennels for 'AZ's' dogs and shelter for his goats. This would result in some loss of openness to the Green Belt. Whilst the 'mobile home' now proposed is different from that previously allowed on appeal, its overall volume and impact would be similar to the cumulative impact of the scheme previously approved under PK09/5583/F.

5.6 The Inspector for the appeal relating to PK09/5583/F at para. 18 of his Decision Letter, concluded that the proposal would result in a significant amount of harm to the openness of the Green Belt and this carried substantial weight against the development. Officers consider that the same conclusion must be drawn with regards the current proposal.

**Effect on the Character and appearance of the area.**

5.7 In his Decision Letter the Inspector noted that; notwithstanding the presence of scattered dwellings along Westerleigh Road, the overall character of the location is agricultural and that the proposal would appear as an isolated home in the countryside. He also concluded that due to the lack of similar isolated dwellings in the immediate area, the proposal would be out of keeping with the established character of the area. Officers consider that nothing has changed in the interim that would persuade them to depart from this view regarding the current proposal.

5.8 The South Gloucestershire Local Plan : Policies, Sites and Places Plan was adopted in Nov. 2017. Policy PSP40 is now the relevant policy relating to residential development in the countryside. Policy PSP40 only permits developments for residential development in the open countryside, outside the settlement boundaries in certain circumstances, none of which apply to the current proposal.

5.9 At the time of the appeal, NPPF para.55 stated that new isolated homes in the countryside should be avoided unless there are special circumstances. In the latest version of the NPPF para. 79 is now relevant and states that; 'planning policies and decisions should avoid the development of isolated homes in the countryside unless falling within one or more of six criteria listed; none of which apply in this case.

5.10 At para. 22 of his Decision Letter, the Inspector previously concluded that, "...due to its physical separation from any settlement; the fact that it would be surrounded by agricultural land; and its siting so far from the road, it would appear as a new isolated home in the countryside. This would conflict with the Framework." Officers consider that, notwithstanding the revised location of the now proposed development, nearer the road, the proposal would still appear as a new isolated home in the countryside.

5.11 At para. 23 of his Decision Letter the Inspector noted that, "In terms of its appearance, the current development is visible from a short section of

Westerleigh Road, but only when travelling north. It is also visible from a short section of the public footpath that crosses the site, although the mobile home and some of the ancillary paraphernalia is largely screened from views from the northernmost part of the footpath due to close boarded fencing.” The Inspector concluded at para. 24 that, “Overall, and provided all the existing unauthorised development is removed, there would be **only very limited harm to the appearance of the area.**” This comment was made having regard to an indicative landscaping scheme that was submitted at the time of the application/appeal.

- 5.12 Officers consider that, since the time of the appeal, the boundary vegetation to Sloeswell Paddock, may well have thickened. As was the case at the time of the appeal, the public footpath remains overgrown and apparently unused. By re-siting the development to where the existing unauthorised structures are located, this would if anything, make it less visible within the countryside. There is scope for further screen planting and this can be secured via a condition attached to any consent granted. The revised location for the development is therefore considered to be a preferable one in landscape terms to that previously approved.
- 5.13 The Parish Council have queried whether the scheme meets the definition of a caravan for the purposes of Part 1 of the Caravan Sites and Control of Development Act 1960. Officers consider that given the size of the proposal, it cannot be considered to be a caravan. The applicant has described the proposal as; ‘..a twin unit mobile home, similar to those found in residential caravan parks’.
- 5.14 Officers are mindful that, despite their gypsy roots, the applicant’s do not lead a nomadic lifestyle and appear to have no desire to do so, especially given AZ’s extraordinary needs as a result of his mental and physical health. The proposal is only mobile in as much as it can be brought onto the site as two separate units and joined together. This would also facilitate ease of removal should AZ and his family ever leave the site. Officers consider that this is preferable to a permanent bricks and mortar type construction, as was the case with the previously approved day room. Whichever way one wishes to define the proposal, it still represents an isolated home in the countryside and will be assessed as such for the purposes of this application.

### **Other Material Considerations**

#### **Personal Circumstances**

- 5.15 The personal circumstances of AZ were at the time of the appeal considered by the Inspector (para.27), to be of **great weight** in the determination of the appeal. A great deal of professional psychiatric, psychological and medical evidence was presented at the time of the appeal. It was noted that in AZ v SoS his Honour Judge Anthony Thornton QC in criticising the decision of the previous Inspector stated that:

“...there is no reference to the fact that the applicant suffers from a serious personality disorder which affects his cognitive ability, affectivity, interpersonal functioning and impulse control. It takes no account of the appellant’s illiteracy

and relatively low IQ; his potentially enduring brain damage originally suffered when he was a child; his propensity to both depressive bouts and suicidal ideation; his recurrent pain from the permanent white finger and other hand damage suffered when working with pneumatic tools in his late teens and his marked inability, without the daily care and assistance of his wife, to cope with the exigencies of daily living and to care for his son. The applicant's chronic and apparently untreatable PTSD-type symptoms, his phobia of being situated in an enclosed space and his need for an open-air lifestyle need to be considered in conjunction with all his other psychiatric, psychological and medical complaints since they are obviously affected and enhanced by the other complaints which are not referred to in the decision and from which he also suffers."

- 5.16 AZ's doctor i.e. Dr Reeves, concluded at that time, that if AZ were to lose his home, there was a probability that he would take his own life. Given AZ's chronic anxiety that he suffers from, he requires a safe place of sanctuary which must involve a large area of open space where he can resort to quickly in the event of an anxiety attack. The space needs to be private, away from other people. Without such a safe place, Dr Reeves considered that AZ's condition would be unbearable.
- 5.17 A Doctor's letter dated 3<sup>rd</sup> Sept. 2019 has been submitted in support of the current application. In the letter Dr John Seddon confirms that AZ's condition over the last few years has in fact worsened rather than improved. Dr Seddon confirmed that AZ has PTSD from childhood and suffers from Claustrophobia and has panic attacks in more enclosed spaces. He has bilateral knee osteoarthritis and now has a partial total knee replacement. He has spondylosis of his spine and vibration white finger of both hands from time in heavy engineering and the mining industry. He also has multiple osteoarthritis of his other joints including his shoulders.
- 5.18 Functionally AZ is now very restricted with his physical mobility. He now finds walking difficult and is now unable to manage steps. He also finds self-care difficult. His walking distance is approximately 10 yards and he finds walking across uneven surfaces very difficult. He is under the care of a number of specialists at present.
- 5.19 AZ's wife has confirmed that AZ is currently awaiting a second knee replacement and is likely to become wheelchair bound in the near future.
- 5.20 At the time of the previous appeal, the circumstances of AZ's son and wife were also taken into consideration (see Decision Letter paras 31-32). AZ's son is now 19 and no longer a child. Whilst he has a part-time job, his stepmother states that the uncertainty of the ongoing situation regarding the home has had a detrimental effect on him.
- 5.21 The circumstances of AZ's wife have changed somewhat since the appeal. AZ's wife used to permanently care for her sister who suffered with MS but at the time of the appeal she had moved into a nursing home 6 miles away; the sister has since passed away in 2015.

- 5.22 At the time of the appeal, AZ's wife provided care for her parents where she often stayed but given AZ's needs was staying at the appeal site more regularly. AZ's wife has stated that her parents, who live 3 miles away, are now very aged and in declining health and require her care, she being the only member of the family in a position to provide care for them. Given AZ's declining health, his wife now lives at the application site with AZ and his son.
- 5.23 At the time of the appeal, the Inspector considered that the personal circumstances of AZ and his family carried **very significant weight** in favour of the appellant. Given the changes in circumstances since the appeal, officers take the view that even greater weight can now be afforded the personal circumstances in favour of this current application.

#### Alternative Sites

- 5.24 The needs of AZ and his family are very specific and extraordinary. The fall-back situation, should this current application be refused, would be to implement the extant permission, but that would be beyond AZ's limited financial means and in any event, would not now be suitable for his needs, especially given AZ's declining levels of mobility. The Council has no alternative accommodation that would suite AZ's exceptional needs. Even if it were accepted that the applicant and his family were gypsies, there is a long standing shortage of authorised gypsy sites within the County. AZ owns the application site and has lived there happily for many years. If the Council were to enforce the four extant Enforcement Notices and AZ had to leave the site, the Council could not provide him with accommodation that is both suitable and available. This weighs in favour of the application.

#### Housing Land Supply

- 5.25 It has recently been accepted at appeal that the Council has a 5-year land supply. Only one unit of accommodation would be provided and if as before, this is granted as a personal permission only, the proposal would not provide an additional permanent dwelling. This in officer opinion only carries neutral weight.

#### Human Rights

- 5.26 In the appeal relating to PK09/5583/F the Inspector at paras.36-45 gave lengthy consideration to the human rights of AZ, his wife and son; Members are referred to these paragraphs. Officers consider that, notwithstanding the fact that AZ's son is now 19 years of age and no longer a child; much of the content of the Inspector's consideration, is still relevant to this current application.
- 5.27 Given AZ's lack of funds and his increasing mobility problems, it seems most unlikely that the extant permission will now be implemented. The refusal of this current application would quite likely result in AZ and his family having to leave the site - the enforcement notices could still be enforced. The existing accommodation is unauthorised but has served as AZ's home since at least 2006, the accommodation is temporary in nature and no longer fit for purpose, especially given AZ's deteriorating health and the fact that his wife now lives there permanently along with his son.

- 5.28 The Inspector for the appeal, in assessing the Article 8 Human Rights considered that the principal considerations for AZ was the loss of his home and the adverse impact this could have on his mental health. This must surely still apply. Furthermore, any harm to the health of AZ is also likely to be harmful to the wellbeing of his wife and child.
- 5.29 AZ's wife now lives on the site permanently and is the main carer for her parents, who live locally. If AZ were forced to leave the site and move far away, the wife's ability to care for her parents would be compromised; the Article 8 rights of the wife's parents would therefore also be engaged. At the time of the appeal, AZ's son stated that he associates living on the site with all the good things in his life and that his greatest fear was the effect that leaving the site would have on his father.
- 5.30 Officers consider that it is in the best interests of AZ and his wife and son, to remain living on the site.

#### **Ecological Issues**

- 5.31 The development approved under PK09/5583/F was located adjacent to the Feltham Brook, where protected Water Voles are known to live. The application was supported by a Water Vole Survey by Just Ecology (April 2010). The current application shows the proposed development located on the western side of the paddock, well away from the Feltham Brook.
- 5.32 The Council's Ecologist has assessed the proposal on the basis of what has been submitted and concluded that there are no designated sites that would be affected by the proposal. The Ecologist did however note that there is a robust bat commuting route behind the development and therefore a precautionary approach to lighting should be undertaken. Subject therefore to a condition to secure a lighting design strategy for biodiversity, prior to the occupation of the development, there are no objections on ecology grounds.

#### **Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations**

- 5.33 The proposal is inappropriate development in the Green Belt which by definition is harmful to the openness of the Green Belt; substantial weight should be given to any harm to the Green Belt. Such development should not be approved except in very special circumstances. The NPPF says that very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm are clearly outweighed by other considerations.
- 5.34 There is an in-principle presumption against inappropriate development in the Green Belt. There would be harm to the openness of the Green Belt and the scheme would be contrary to one of the purposes of including land in the Green Belt. These carry substantial weight against the development. There would be some adverse impact upon the character and appearance of the area but given the revised location of the development, this would be very limited and can be further reduced by additional screen planting. There would be conflict with the Framework and Policy PSP 40 as the proposal represents an isolated dwelling in the open countryside.



- 5.35 Weighing in favour of the proposal is the acceptance in principle of a similar development in the paddock that was allowed on appeal as recently as July 2014; a development that has in part been implemented and in theory could still be built out. This is a material consideration of substantial weight.
- 5.36 Other material considerations arise from the personal circumstances of the applicant and his family, the best interests of which are to remain living on the site. The Inspector at para. 48 of the previous appeal decision, stated that, "*The health needs of AZ are very significant and potentially life threatening; it is difficult to contemplate how they could be more serious. They carry substantial weight in favour of the development.*" Given that AZ's health has worsened in the interim, at very least, the same conclusion must be reached for the current scheme.
- 5.37 The Human Rights of AZ, his wife and to a lesser extent his son and those of his parents-in-law still carry significant weight. The lack of any suitable alternative accommodation also carries significant weight in favour of the development.
- 5.38 Notwithstanding the revised location of the development and its changed nature, the harm arising from the development, whilst being substantial in weight, remains limited in scale and highly localised. On balance therefore, officers consider that the harm that the proposed development would cause would be clearly outweighed by the other material considerations. Furthermore, the harm to the Green Belt by reason of inappropriateness and any other harm are clearly outweighed by other considerations.

**Do very special circumstances exist?**

- 5.39 AZ in particular has particular accommodation needs which cannot be met on any known suitable alternative sites in the district. AZ's health needs and personal circumstances are truly exceptional and these have worsened since the time of the previous appeal. For the reasons given above, the approved scheme no longer meets AZ's unique needs and as such is now unlikely to be built out. Given that the extant Enforcement Notices could potentially still be served, the family could become homeless if this application is refused. It would also interfere with the Article 8 rights of the wider family. Officers consider that these circumstances, taken as a whole, can be regarded as very special.

5.40 **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, if approved would have a positive impact on equality.

5.41 Other Matters

In the event that this current application is approved, officers consider that the approval should be subject to a S106 agreement to ensure that any further implementation of the extant consent is prevented and that the land relating to that site be restored to its original state. This would ensure that only one of the permissions could be built out.

**6. CONCLUSION**

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

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

**Conditions**

6.3 Given the weight attached to the personal circumstances of AZ, his wife and son, it is again proposed that the permission be personal to AZ, his wife and resident dependants. The development would be restricted to that shown on the submitted plans only. Further conditions would be imposed in respect of landscaping, external lighting, fencing, commercial uses, commercial vehicles, external colour of the 'mobile home', drainage, and retention of car parking.

**7. RECOMMENDATION**

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

- (i) The cessation of further works to implement the previous planning permission PK09/5583/F (granted on appeal APP/P0119/A/10/2130078 dated 1<sup>st</sup> July 2014) and the restoration of the land appertaining thereto, to its original condition no later than 6 months from the date of the S106 Agreement.

The reasons for this Agreement are:

- (i) To ensure the implementation of only one development upon the land in the interests of the character and appearance of the open

countryside; to comply with Policy PSP2 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (adopted November 2017).

7.2 It is recommended that the Head of Legal and Democratic Services be authorised to check and agree the wording of the Agreement.

7.3 It is recommended that should the Agreement not be completed within 6 months of the date of any consent being granted; that delegated authority be given to the Director of Environment and Community services to refuse the application.

**Contact Officer: Roger Hemming**  
**Tel. No. 01454 863537**

### **CONDITIONS**

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

Reason

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans :

Existing Site Location and Block Plan Drawing No. 1035\_000 received 17th May 2019  
Proposed Site Location and Block Plan Drawing No. 1035\_100 received 17th May 2019

Proposed Floor Plan Drawing No 1035\_101 received 17th May 2019  
Proposed Elevations Drawing No. 1035\_110 received 17th May 2019

Proposed Site Location Plan & Block Plan (with parking provision) Drawing No. 1035\_100 Rev B received 18th Nov 2019

Reason

For the avoidance of doubt.

3. The occupation of the development hereby permitted shall be carried on only by the following and their resident dependants : AZ (the applicant) and his wife.

Reason

Given the very special circumstances of the applicant having regard to Green Belt Policy embodied within Policies CS5 and CS34 of The South Gloucestershire Local Plan : Core Strategy (Adopted) Dec. 2013 and Policy PSP7 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) Nov. 2017 and the provisions of the NPPF.

4. When the land ceases to be occupied by those named in condition 3 above the use hereby permitted shall cease and all caravans, structures, materials and equipment

brought on to or erected on the land, or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place.

**Reason**

To preserve the openness of the Green Belt and In the interests of the character and appearance of the open countryside; to comply with Policies CS5 & CS34 of The South Gloucestershire Local Plan : Core Strategy (Adopted) Dec. 2013 and Policies PSP2 & PSP7 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (adopted November 2017) and the provisions of the NPPF.

5. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

**Reason**

In the interests of the character and appearance of the open countryside and Green Belt; to comply with Policies CS5 & CS34 of The South Gloucestershire Local Plan : Core Strategy (Adopted) Dec. 2013 and Policies PSP2 & PSP7 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (adopted November 2017) and the provisions of the NPPF. This is a pre-commencement condition to ensure the protection of existing hedgerows/trees during the development phase.

6. No development shall take place until details of the external colour of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and the external colour of the development shall not be changed without the prior written approval of the local planning authority.

**Reason**

In the interests of the character and appearance of the open countryside and Green Belt; to comply with Policies CS5 & CS34 of The South Gloucestershire Local Plan : Core Strategy (Adopted) Dec. 2013 and Policies PSP2 & PSP7 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (adopted November 2017) and the provisions of the NPPF. This is a pre-commencement condition to ensure that the development is appropriately coloured from the outset.

7. No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

**Reason**

In the interests of the character and appearance of the open countryside and Green Belt; to comply with Policies CS5 & CS34 of The South Gloucestershire Local Plan : Core Strategy (Adopted) Dec. 2013 and Policies PSP2 & PSP7 of The South

Gloucestershire Local Plan : Policies, Sites and Places Plan (adopted November 2017) and the provisions of the NPPF.

8. No commercial activities shall take place on the land, including the storage of materials.

Reason

In the interests of the character and appearance of the open countryside and Green Belt; to comply with Policies CS5 & CS34 of The South Gloucestershire Local Plan : Core Strategy (Adopted) Dec. 2013 and Policies PSP2 & PSP7 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (adopted November 2017) and the provisions of the NPPF.

9. Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the use hereby permitted begins. No further external lighting shall be provided on the site without the prior written approval of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason

In the interests of protected species (bats) to accord with Policy CS9 of The South Gloucestershire Local Plan : Core Strategy (Adopted) Dec. 2013 and Policy PSP19 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) Nov 2017 and the provisions of the NPPF.

10. Details of any proposed boundary fencing or internal fencing within the appeal site shall be submitted to and approved in writing prior to the first occupation of the development hereby permitted. Development shall be carried out in accordance with the approved plans. Thereafter, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the site without the prior written approval of the local planning authority.

Reason

In the interests of the character and appearance of the open countryside and Green Belt; to comply with Policies CS5 & CS34 of The South Gloucestershire Local Plan : Core Strategy (Adopted) Dec. 2013 and Policies PSP2 & PSP7 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (adopted November 2017) and the provisions of the NPPF.

11. The development shall not commence until surface water drainage details including SuDS (Sustainable Drainage Systems eg soakaways if ground conditions are satisfactory) for flood prevention, pollution control and environmental protection have been submitted to and approved in writing by the local planning authority. The scheme shall include a timetable for its implementation. The scheme shall be implemented in accordance with the approved details.

Reason

To comply with the Policy PSP20 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 ; and National Planning Policy Framework 2018. This is a pre-commencement condition to ensure that the site can be adequately drained.

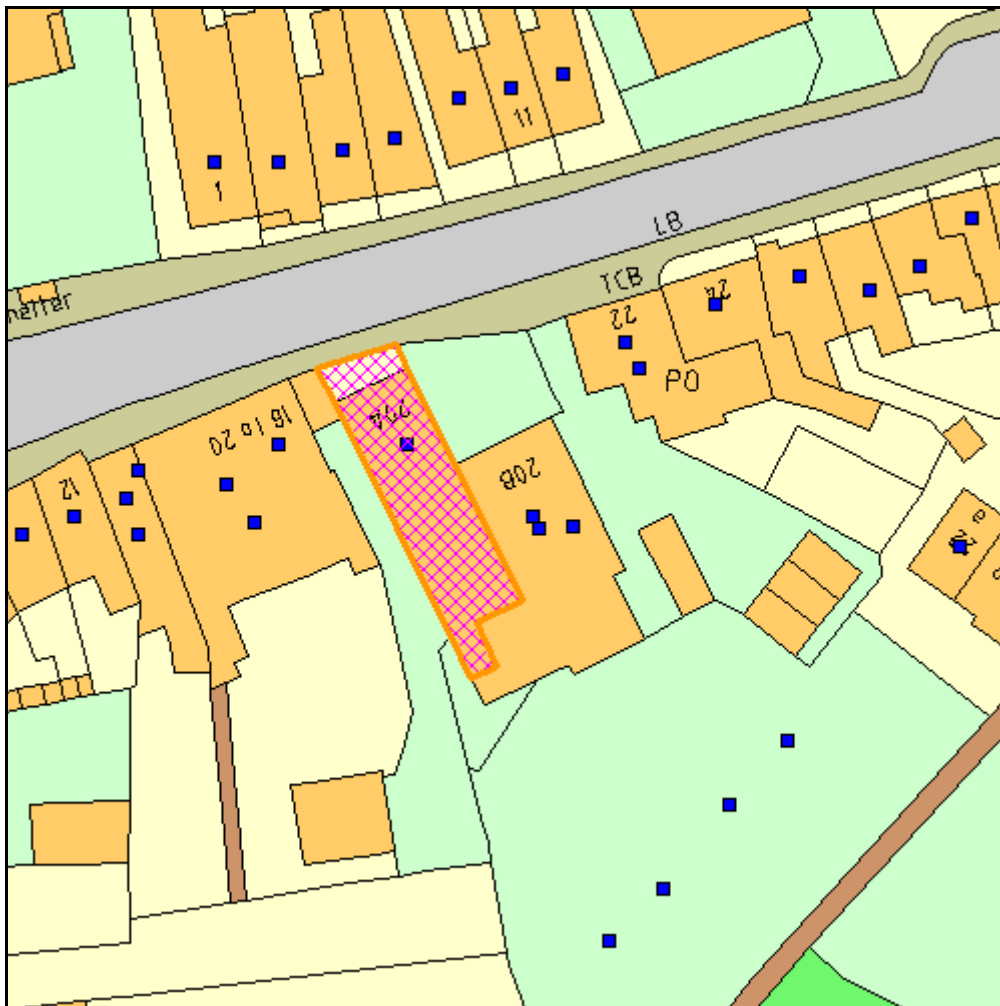
12. The development shall not be brought into use until the car parking areas have been completed in accordance with the approved Proposed Site Location Plan & Block Plan (with parking provision) Drawing No. 1035\_100 Rev B received 18th Nov 2019 and retained thereafter for that purpose.

Reason

To ensure the satisfactory provision of car parking in the interest of highway safety and the amenity of the area, and to accord with Policies PSP11 and PSP16 of the The South Gloucestershire Local Plan Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec.2013.

**CIRCULATED SCHEDULE NO. 49/19 – 06 DECEMBER 2019**

<b>App No.:</b>	P19/4304/F	<b>Applicant:</b>	Mr T Button Property Holdings Ltd
<b>Site:</b>	20A Cossham Street Mangotsfield Bristol South Gloucestershire BS16 9EN	<b>Date Reg:</b>	30th April 2019
<b>Proposal:</b>	Installation of 2 no. air conditioning units, 8 no. roof lights and replacement of 9 no. windows (Retrospective).	<b>Parish:</b>	None
<b>Map Ref:</b>	366488 176141	<b>Ward:</b>	Staple Hill And Mangotsfield
<b>Application Category:</b>	Minor	<b>Target Date:</b>	21st June 2019



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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 local residents which is contrary to the Officer's recommendation.

## **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the installation of 2no air conditioning units, 8no roof lights and the replacement of 9no windows (retrospective).
- 1.2 The application site relates to 20a Cossham Street, Mangotsfield. The building is locally listed and historically forms part of the old chapel and school buildings. The building is currently under D1 use as a Chiropractic and Physiotherapy Clinic.

## **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  
CS9 Managing the Environment and Heritage  
CS29 Communities of the East Fringe of Bristol

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

PSP1 Local Distinctiveness  
PSP8 Residential Amenity  
PSP9 Health Impact Assessments  
PSP11 Transport  
PSP16 Parking Standards  
PSP17 Heritage Assets and the Historic Environment  
PSP21 Environmental Pollution and Impacts  
PSP32 Local Centre Parades and Facilities

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

## **3. RELEVANT PLANNING HISTORY**



- 3.1 PK18/3953/F  
Change of Use from Retail (class A1) to Chiropractor & Physiotherapy Clinic (class D1) as defined in the Town and Country Planning (use classes) Order 1987 (as amended).  
Approved with Conditions: 22/10/2018

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

- 4.1 Environmental Protection  
No adverse comments following acoustic report.
- 4.2 Conservation Officer  
No comment received.
- 4.3 Highway Structures  
No comment.
- 4.4 Sustainable Transport  
No objection
- 4.5 Lead Local Flood Authority  
No objection.

#### **Other Representations**

- 4.6 Local Residents  
Objection comments received from 13 local residents, summarised as follows;
- Works finished without consent being granted.
  - Disturbance/nuisance for neighbours during construction works, especially Sundays.
  - Damage caused to neighbouring properties.
  - Loss of character to front of building.
  - Dispute on number of employees stated in previously approved application for change of use.
  - Noise concerns.
  - No consultation notice issued by the Council.
  - Why have the Local Planning Authority allowed a retrospective application on a sensitive building?
  - Works are detrimental to the significance of the heritage asset.

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

- 5.1 Principle of Development  
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. Furthermore, Policy PSP17 of the PSP Plan seeks to preserve or enhance locally important heritage assets with regard for their significance. The

proposal accords with the principle of development subject to the consideration below.

5.2 Design, Visual Amenity and Heritage Impact

*Air conditioning units*

The application is proposing two air conditioning units which will be located on the west elevation of the building. They will be placed on a later rear extension to the original building and given their location will be screened from wider views from the public realm. There are currently no air conditioning units on the building. Therefore, the proposed units are not considered to harm the visual amenity of the area.

5.3 *Installation of 8no roof lights*

The proposal includes 3no roof lights located on the east elevation roof slope and 5no roof lights on the west elevation, all of a uniform size, which would provide light and ventilation to the mezzanine level within the building. The proposed roof lights on the east side of the building are considered to be well spaced to match that of the existing side elevation windows and are of an appropriate size. As such, the proposed roof lights are not considered by the Officer to result in significant harm to the appearance or overall character of the host building or surrounding area.

5.4 *Replacement windows*

The existing building consists of 9no arched windows; 3no on the principal elevation and 3no on each of the side elevations. The existing windows are white uPVC and are proposed to be replaced with anthracite grey uPVC. Given the material is a like for like replacement and it is not thought that the chosen colour would be significantly harmful to the visual amenity of the area or character of the host building, the proposal is not considered unacceptable in terms of design.

5.5 It is acknowledged that the scale and scope of the proposed external alterations would somewhat alter the appearance of the building, however the harm to the non-designated heritage asset is considered by the Officer to be less than significant. Furthermore, the proposed works are not considered unreasonable to modernise the unit so it is fit for use as a chiropractic and physiotherapy clinic. Therefore, the proposed works are deemed to comply with policies CS1 of the Core Strategy and PSP17 of the PSP Plan.

5.6 Residential Amenity

The additions to the building which may impact the existing residential amenity are the introduction of 2no air conditioning units and 8no roof lights. Given the location, height and angle of the proposed roof lights, they are not thought to result in any material loss of privacy.

5.7 The proposed air conditioning units are not expected to create any additional noise pollution, nor would they harm existing levels of light or privacy. As such, the proposals are deemed to comply with policy PSP8 of the PSP Plan.

5.8 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.

5.9 Environmental Protection

The environmental protection officer requested an acoustic report detailing the noise impacts of the proposed air conditioning units. Following submission of this report, the officer was satisfied that there would be no adverse noise impacts.

5.10 Sustainable Transport and Parking Provision

The proposals would have no impact on the existing parking provision for the unit.

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.

5.12 Other Matters

It is acknowledged that there would be some disturbance to neighbouring occupiers during the construction period, however considering the scope of the works this would be for a limited time. Furthermore, given the application seeks retrospective planning permission the works have already taken place.

A dispute over the number of employees has been raised. This application is not altering the existing permission for a change of use to D1, Chiropractic and Physiotherapy clinic. Therefore, the number of employees is not a material consideration for the external work undertaken in this application.

Damage to neighbouring property is a civil matter and therefore not a material planning consideration. However, it is expected that the contractors would be considerate to neighbouring occupiers during the construction period.

Consultation letters were sent by the Local Planning Authority to neighbouring occupiers on 30/04/2019.

## 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.

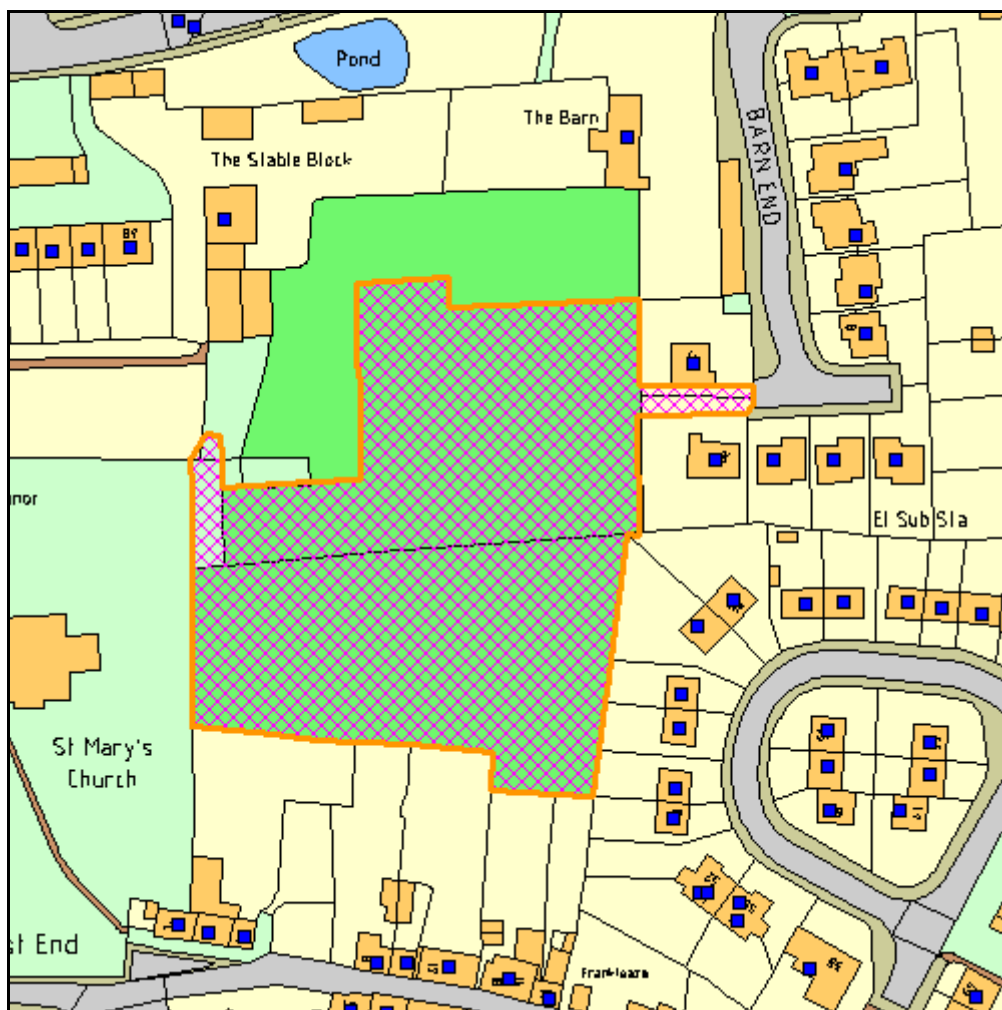
## 7. **RECOMMENDATION**

- 7.1 That the application be **APPROVED**.

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

**CIRCULATED SCHEDULE NO. 49/19 – 06 DECEMBER 2019**

<b>App No.:</b>	P19/5232/F	<b>Applicant:</b>	Mr & Mrs D Trigwell
<b>Site:</b>	Land Adjacent To The Manor Church Lane Marshfield Chippenham South Gloucestershire SN14 8NT	<b>Date Reg:</b>	20th May 2019
<b>Proposal:</b>	Erection of 1 no. detached dwelling with detached two storey carport, new access, parking and associated works.	<b>Parish:</b>	Marshfield Parish Council
<b>Map Ref:</b>	378198 173717	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	12th July 2019



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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.

### **CIRCULATED SCHEDULE**

This report appears on the Circulated Schedule due to comments received from local residents and the Parish Council contrary to Officer Recommendation.

## **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of 1no. dwelling with a detached two storey carport, new access, parking and associated works.
- 1.2 This application follows P19/0802/F (pending consideration) and PK18/4461/F withdrawn on 29.11.18. The application relates to The Manor, Church Road, Marshfield, a grade II\* listed building. This new planning application has sought to address the issues raised by that officer but the overall design of the proposed dwelling has not changed.
- 1.3 The application site can be considered to be located within the setting of a number of listed buildings which include the Grade I listed St Mary's Church and its Grade II listed chest tombs within the church yard; the Grade II\* listed "Manor" to the north-west; and a number of Grade II listed cottages to the East End to the south. The application site is also located within the Marshfield Conservation Area, in the Cotswolds Area of Outstanding Natural Beauty and washed over by the Bristol/Bath Green Belt. Trees on the site have recently been protected under a blanket tree protection order (November 2018) and the site is of archaeological significance.
- 1.4 During the course of the application and following discussions with Officers, revised details including plans and additional information regarding trees, archaeology and ecology were submitted to the LPA for consideration. Plans were not put out for re-consultation as the principle of the erection of one new dwelling on the site was not changed.
- 1.5 Although a number of objections were received after the consultee deadline had passed, for the sake of completeness they have now been included in the total number of responses received.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework February 2019  
National Planning Guidance  
Planning (Listed Buildings and Conservation Areas) Act 1990  
Planning (Listed Buildings and Conservation Areas) Regulations 1990  
(as amended)  
Historic England's Good Practice Advice in Planning Note 2 "Managing Significance in Decision-Taking in the Historic Environment".

Historic England's Good Practice Advice in Planning Note 3 "The Setting of Heritage Assets (2<sup>nd</sup> Edition)".

## 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
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
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
PSP4	Designated Local Green Spaces
PSP5	Undesignated Open Spaces
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP18	Statutory Wildlife Protection
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP38	Development within Existing Residential Curtilages
PSP42	Custom Build Dwellings
PSP43	Private Amenity Space Standards

## 2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted) Nov. 2005.  
South Gloucestershire Design Checklist (Adopted) 2007)  
South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013  
Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide  
SPD – (Adopted) March 2015  
SPD: Development in the Green Belt (Adopted) 2007  
South Gloucestershire Council Waste Collection: guidance for new  
developments SPD (Adopted) Jan 2015  
Marshfield Conservation Area Advice Note and Map (Adopted) 2004  
Local Green Spaces Note – Marshfield June 2018

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

- 3.1 P19/5232/F Erection of 1 no. detached dwelling with detached two storey carport, new access, parking and associated works.  
Pending consideration
- 3.2 PK18/4461/F Erection of 1 no. detached dwelling with two storey car port, new access and associated works.  
Withdrawn 29.11.18
- 3.3 PK14/4576/TCA Works to various trees situated within the Marshfield Conservation Area. (See tree schedule)  
No objection 23.12.14
- 3.4 PK03/1332/TCA Works to various trees within Marshfield Conservation Area.  
No objection 19.6.03
- 3.5 PK01/0787/TCA Fell 2 no. Horse Chestnuts and thin crown by 15% to 1 no. Beech in Marshfield Conservation Area.  
No objection 7.6.01
- 3.6 P95/2641/L Construction of building for storage of garden equipment. Installation of window in roof space to provide Winter snug.  
Approved 7.2.96
- 3.7 P95/2640 Erection of building for storage of garden equipment.  
Approved 7.2.96
- 3.8 P89/2736/C Demolition to create openings in two stone walls to provide access.  
Refused 8.11.89
- 3.9 P86/1218/L Minor works of demolition to facilitate erection of two houses and one bungalow.  
Refused 23.4.86
- 3.10 P86/1217 Erection of 2 detached houses and 1 detached bungalow and associated garages; construction of access drive.  
Refused 23.4.86  
Reasons for refusal:
1. The proposed development would detract from this part of the Conservation Area and would be particularly deleterious to the attractive setting of nearby buildings, notably St. Mary's Church and The Manor.
  2. The proposed development of the site would be detrimental to the amenities of nearby residential properties because of visual intrusion.
  3. The proposed access road would pass through a group of substantial specimen trees which would be adversely affected.



Appeal dismissed 8.9.87:

Ref: T/APP/G0120/A/86/053533/P2 and T/APP/G0120/E/86/801814/P2

The Inspector concluded at paragraph 15 of the appeal decision :

*I conclude that your proposal would detract from the character of the Conservation Area and the setting of nearby listed buildings and would adversely affect trees located on the appeal site. I have considered all the other matters raised in the representations but find nothing of sufficient weight to affect my decision.*

- |      |            |   |
|------|------------|---|
| 3.11 | P85/1661   | Demolition of part of existing wall and erection of 15 elderly persons' dwellings; construction of associated garages, parking spaces and access drive.<br>Refused<br>24.7.85 |
| 3.12 | P84/1904/L | Demolition of part of boundary wall to facilitate erection of three detached houses and garages and construction of vehicular access.<br>Refused<br>25.7.84                   |
| 3.13 | P84/1903   | Erection of three detached houses and garages; construction of vehicular access.<br>Refused<br>25.7.84  |

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

##### **4.1 Marshfield Parish Council**

Objection:

- The proposed development is on an area of Land that Marshfield Parish Council are very keen to protect. It is a Protected Open Space in the Conservation area of Marshfield.
- The proposed scale of building and style is not in keeping with the surrounding buildings many of which are listed. This site is also in the historic centre of the village.
- Detrimental to the view from the 15th century St Marys Church and the church yard.
- Great crested newts are present in the nearby pond and cottages which could indicate they travel between the two which would include this site. It is also a haven for Bats & Owls who use the copse.
- An established Rookery is in the vicinity and also makes use of the trees.
- The submitted Ecology report is light weight and a more in depth review is needed over a period of time. The report does not reflect the full importance of the Ecology of the area.
- The ancient orchard has a DEFRA designation under Priority Habitat Inventory- Traditional Orchards & the woodland retains similar Priority Habitat Inventory- Deciduous woodland.
- A request for reinstatement of Local Green Space status is outstanding under ref LGSD213.
- We still feel that parking in Barn End would be reduced to allow for the access drive & this would create additional pressure on an already congested Road.

## **Internal Consultees**

### 4.2 Conservation Officer:

#### No objection:

Revisions have addressed the previous concerns. No objection subject to conditions: for all facing materials and stonework (both walls and embellishments) will be required, removal of PD rights - intensification of the residential use of the site.

### 4.3 Ecologist:

#### Objection

Further information relating to GCN is required in order for the local planning authority to satisfy the three tests required to obtain a mitigation licence to protect the developer from committing an offence. Information required to obtain a licence includes and up to date population assessment of the breeding pond(s) and an appropriate method statement.

#### *Updated comments:*

*Following discussions and additional information in the form of a Great Crested Newt Strategy Report and provided the report guidelines are followed and all works supervised by an experienced GKN licensed Ecologist, the objection is removed.*

### 4.4 Landscape officer:

Concerns regarding the formality of some elements proposed

#### Updated comments:

*Changes noted and objection removed subject to a landscape condition being attached to the decision notice.*

### 4.5 Tree Officer

No objection subject to a compliance with the submitted details condition

### 4.6 Highway Structures

No objection

## **Statutory / External Consultees**

### 4.7 Historic England

#### No objection:

Historic England has no objection to the application on heritage grounds. We consider that when judged against paragraph 200 of the NPPF, in that proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably, this proposal, on balance, achieves this.

### 4.8 Drainage

No objection

- 4.9 Transport  
No objection subject to condition

### **Other Representations**

4.10 Local Residents

86 comments have been received from local residents (some residents have written in more than once). Some comments were received after the consultation process but the points raised do not differ from those included in the below summary.

The points raised are summarised into the following broad categories:

- Designation of area and character of surroundings
- Impact on listed buildings
- Ecology and trees
- Design and massing
- Archaeology
- Impact on views through the site
- Transport
- Lack of affordable housing in Marshfield - will set a precedent

## **5. ANALYSIS OF PROPOSAL**

- 5.1 The application is for the erection on 1 no. dwelling with detached two storey carport, new access, parking and associated works.

5.2 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. Both local and national planning policy is supportive of development within settlement boundaries provided it would not have a negative impact on the character of the area, on residential amenity of neighbours and future occupants, on highway safety and on street parking. Other important areas pertinent to this application include the location of the site within a conservation area, the proximity to listed buildings, potential for archaeological interest, protected trees in the associated woodland area and ecological matters.

5.3 Location of the site:

Protected open space:

In 2004 the application site was identified as an area of protected open space within the adopted Marshfield Conservation Area SPD. Since that time the site has been identified in Policy PSP5 as being an **undesignated area** of open space within a settlement. Development on such areas will only be acceptable if it does not:

*...adversely affect the quality, character, biodiversity, sustainable water management, recreation opportunities, heritage value, amenity or distinctiveness of the locality*

- 5.4 The policy explains that many areas of public, semi-public or private open space can contribute to the character and quality of area in different ways such as, but not limited to, by:
- forming a break between developments;
  - contributing to visual amenity, for example by accommodating a view or vista
  - contributing to the setting of a development
  - being a characteristic feature of the locality
  - accommodating or forming the setting to features or site of visual, landscape, geological or heritage value
  - accommodating habitats and species which contribute to the biodiversity of that locality; and
  - forming the setting to, or contributing to the visual amenity of public rights of way
- 5.5 The application site is considered to be of high value and to make a significant contribution to the quality and character of the area. The assessment regarding any development on this site is therefore, the degree of harm resulting from the introduction of additional residential development in this existing residential garden.
- 5.6 The proposal is for a single dwelling within the privately owned residential curtilage of The Manor. Taking the criteria set out in PSP5 it is considered that the erection of one new dwelling in this location would not have an adverse impact on quality and character, on biodiversity, on opportunities for recreation, heritage, amenity or on the distinctiveness of the area. It is therefore concluded that it would not have an adverse impact on the undesignated open space and as such it would comply with Policy PSP5. The principle of development within an existing residential curtilage, within the village of Marshfield is therefore acceptable. The assessment continues below.
- 5.7 **Background information regarding the previously refused appeal referenced in comments received from local residents:**  
In 1986 application P86/1217 for the erection of 2 detached houses and 1 detached bungalow and associated garages; construction of access drive was refused on 23.4.86 for the reasons given in paragraph 3.10 above.
- 5.8 In making his decision at the time the Inspector commented on the open space nature of the site and the wooded area in saying:
- ...they represent a key part of the Conservation Area in that they form part of an open space core, which separates the generally tightly knit part of the Conservation Area to the west ... from the newer development to the east.*
- 5.9 The Inspector noted that the site was an important open area in its own right and for its contribution to the Conservation Area. But also contributed to the feeling of spaciousness of the setting of the nearby listed buildings, specifically St. Mary's Church and The Manor.

- 5.10 In concluding his assessment on the appeal scheme before him at that time, the Inspector stated that *such development would detract from the undeveloped character of the area and therefore detract detrimentally the setting of the specimen trees on the appeal site which I consider are of importance in enhancing the visual amenity of this part of the Conservation Area.*
- 5.11 That particular appeal was dismissed.
- 5.12 It is acknowledged that since the appeal decision, a number of policies have recognised the importance of this part of open space and wooded area within the village and their contribution to the Conservation Area and to the setting of the listed buildings. The site is specifically mentioned in the Marshfield Conservation Advice Note (2004) and has been taken forward in the most recent Policies Sites and Places Document (Adopted) 2017 under PSP5. The site therefore retains the significance identified and highlighted in great detail under the above cited appeal decision.
- 5.13 However, the current application differs from that considered under appeal over 30 years ago. It is for a single dwellinghouse rather than for 3; changes have been made to its design; reports have assured the health, safety and longevity of the trees and woodland within the site and ecological and archaeological matters have been investigated and where necessary mitigation measures put in place.
- 5.14 It is therefore concluded that the very different appeal case can only represent a small material consideration in the overall assessment of this scheme.
- 5.15 **Impact on conservation area and listed buildings and assessment of overall design:**  
The application site lies within the Marshfield conservation area adjacent to the grade I listed St. Mary's Church. The Manor itself is also grade II\* listed.
- 5.16 Policy PSP17 seeks to protect, enhance or better reveal the significance of heritage assets and their settings including listed buildings and conservation areas. The policy states these assets should be conserved in a manner that is appropriate to their significance. Proposals should demonstrate that :
- size, form, position, scale, materials, design, colour and detailing have proper regard to the distinctive character and appearance of the conservation area; and
  - buildings, groups of buildings, historic street and plot patterns, open spaces, building lines, views, vistas, ground surfaces, boundary walls and other architectural or hard landscape features, which contribute to the character or appearance of the conservation area are retained; and
  - existing trees, hedges and green spaces, or other natural features, which contribute to the character or appearance of the conservation area, will be retained and protected.

- 5.17 This application has sought to address the concerns previously raised, and as such the design for this application has been changed to reflect a more “bucolic” approach (in terms of style and materials) and the scale of the dwelling has been reduced in height. Through a change in form with the dwelling now a composition of a number of elements and contrasting materials, the massing has also been reduced. The siting of the building has also been slightly amended.
- 5.18 This revised application has also sought detailed advice from Historic England regarding the potential impact on the grade II and grade II\* listed buildings and the Conservation area in general.
- 5.19 In light of the additional information submitted in support of this amended scheme, it has been sufficiently demonstrated that the development will cause little impact in public views from the southern areas previously noted. The concerns regarding the impact on the wider character of East End have also been addressed.
- 5.20 In regards to views from the churchyard, due to the reduction in height; the breaking down of the massing of the building; the local topography – the site for the dwelling is approximately set 1m lower than the churchyard. Officers concur with the assessment made in the Heritage Statement that the impact of the views of the new dwelling would be limited to ‘filtered views’ of the roof of the proposed new building, some 43 metres away from the boundary wall with the churchyard. Although also heavily filtered, the new dwelling would be seen against a backdrop of the glimpse of the roofs of the properties of Barn End which are evident even with the trees in leaf.
- 5.21 While previously it was considered that by reason of scale, massing and design the proposed new dwelling would be visually intrusive in views east from the churchyard, due to the amendments to made to this scheme the impact will now be limited to glimpses of a building whose appearance sits far more comfortably within this context, as the form, scale and materials will produce a far more recessive building visually than previously proposed. The views therefore of the new building will become incidental rather than visually intrusive and jarring. The change in setting will therefore be slight and so it is difficult to consider how this change would be harmful. As per the guidance contained within Historic England GPA 2: Managing Significance, preservation does not mean no change; it specially means no harm. Thus change is accepted in Historic England’s guidance as part of the evolution of the landscape and environment and it is whether such change is neutral, harmful or beneficial to the significance of an asset that matters.
- 5.22 In this instance and due to the revisions made, it is considered that the impact of the proposed new development on the setting of the listed church would be neutral. Consequently the contribution the setting of St Mary’s Church can be considered to make to its significance, would be preserved.
- 5.23 Moving on to the potential inter-visibility between the site and The Manor, given the degree of separation this would be negligible. As such the setting of

The Manor will not change sufficiently as to cause harm to the contribution the setting of The Manor makes to its special interest or significance.

- 5.24 With regards to the impact on Marshfield Conservation Area, the application site is located with Character Area 2 – the ‘area around the Church and East End’. In describing the character of the area the advice note states:

*“There is an important transition from the grander setting of the church yard and the Manor and Home Farm to the north, through the enclosed Market Place, with its important view out over the valley to the south, to the simpler traditional cottages of East End. Whilst the buildings continue the homogenous character and traditional details found in the High Street, they are grouped to create distinct places (rather than linear) – thus providing a unique if simple character and sense of place”*

- 5.25 Following discussions with Officers, the proposed dwelling has been reduced in scale and given the distances between them, it would not challenge the listed church or other listed buildings close by.
- 5.26 In light of the above, the design and scale of the proposed new dwelling is considered to be compatible to its context and would not adversely impact on the Conservation Area.
- 5.27 Overall, for the reasons noted above, in giving special consideration to the desirability of preserving or enhancing the character or appearance of the conservation area and the setting of listed buildings, it is considered that the proposed development would preserve the character and appearance of the conservation area and the setting of the listed buildings of the Grade I St Marys Church and the Grade II\* Manor.
- 5.28 Historic England  
This application is a revised scheme following two applications (PK18/4461/F and P19/0802/F) to which Historic England provided comment. To these previous applications (one a resubmission of the other) Historic England objected due to the impact of the proposed dwelling to the Church and Manor and to the character of the Conservation Area.
- 5.29 Since these applications Historic England have been engaged in pre-application discussions with the applicant in order to explore resolutions to the conflict we identified with the aforementioned applications.
- 5.30 Although the undeveloped site contributes to the setting of, primarily, the Grade I listed church, the revisited design of the dwelling has addressed former concerns and any adverse impact to this heritage asset will be minimised to a level which is not opposed by Historic England.
- 5.31 The re-submitted design shows a change from a grand, imposing, formal dwelling to one which takes its cue from a rural farmhouse of reduced scale and bulk (with elements broken down to resemble ancillary outbuildings) and a less formal relationship with its plot. The primary alterations which positively reduce the adverse impact previously judged include the reduced ridge height,

the re-positioning away from the church and a more contextual palette of materials.

5.32 As such it is considered that the proposed dwelling would not impede on the setting of the church to any discernibly greater degree than the built form already present amongst Withymede Road. The reduced bulk and scale, whilst still greater than that prevailing within this part of the conservation area, has attempted to sit more agreeably by breaking down elements of the main dwelling. The departure from the overtly grandiose scheme previously put forward greatly lessens the challenge formally identified with the relationship between the church and the manor.

5.33 The protected open space designation of the site is acknowledged and it is recognised that the open character of the application site contributes, particularly, to the setting of the church as the last vestige of open countryside to the east. The character of this 'orchard' area should be preserved as far as possible through minimal formal laying out of the landscaping. These matters can be dealt with by condition within a landscape scheme.

5.34 **Landscape including Cotswolds AONB:**

The site, which lies directly to the east of St Mary's church, is a mown paddock mainly bounded by Cotswold stone walls. There is a line of 4no. mature fruit trees across the field that seem to indicate that the site may have once been planted as an orchard – a more extended grid of trees can be seen on 1991 aerial photos - though old maps do not indicate an orchard. To the north of the site is an area of woodland. To the west and south are older scattered properties, many of them listed buildings. More recent housing lies to the east of the site that is hardly visible from St Mary's church yard. As well as the informality of the woodland and churchyard, the neighbouring dwellings, to the south, have small scale cottage gardens that extend up to the boundary of the site.

5.35 Changes to the overall design of the new dwelling have resulted in a property that is more appropriate to its particular setting and more in character with other buildings in the locality.

5.36 Following discussions, a detailed landscape scheme indicates how the importance of this site will be reflected, retained and enhanced. It is therefore considered acceptable subject to condition. The proposal would not have an adverse impact on the AONB.

5.37 **Residential Amenity:**

Given the distance from The Manor and their respective extensive gardens, the proposed development would have no negative impact on this property or those properties to the east of the site. Residential development within Barn End and Withymead Road is separated from the proposed development by mature boundaries including walls and planting and as such there would be no adverse impact on the residential amenity of either property. Moving to the cottages to the south in Market Place. The proposed dwelling would be at right angles to these houses and at an appropriate distance so as not to result in overlooking or inter-visibility. It is acknowledged that neighbours have



expressed their concerns regarding the proposed changes but the introduction of a single dwelling with the proposed orientation and design would not have a negative effect sufficient to warrant a refusal of the application.

- 5.38 Comments have expressed concern regarding loss of views of the church, views of the woodland the potential for boundary trees to block light. The right to a view is not a planning matter. It is expected that the trees will be properly maintained but this would be a civil matter to be discussed between the appropriate parties.

5.39 **Ecology:**

An Ecological Appraisal (Elphick, updated January 2019) was submitted alongside the application. Following concerns, additional information in the form of a Great Crested Newt (GCN) Strategy report was also submitted for consideration.

- 5.40 This information set out measures for avoiding impacts with GCN through timing of works and working procedures. The details set out in the report are considered appropriate and acceptable and subject to a condition there are no further ecological objections to the development.

5.41 **Trees:**

An arboricultural survey and method statement was included in the submission and provided work proceeds in accordance with these details there are no objections to the proposal.

5.42 **Transport:**

This site is located within the village of Marshfield and although there are only limited local facilities within walking distance, the development broadly complies with the requirements of Policy PSP11 of the adopted South Gloucestershire Local Plan: Policies, Sites and Places document in terms of juxtaposition to necessary facilities and access by all travel modes.

- 5.43 Access to the site will be via an existing residential cul-de-sac that serves a number of other residential properties. It is proposed to utilise the existing private drive that runs between two existing properties namely no. 10 and 11 Barn End in order to gain access to the application site.

- 5.44 The width of the new drive is considered adequate to serve both the existing properties as well as the new house. The proposed new drive, to be constructed as part of this development, will provide opportunity for vehicular turning facilities for two existing dwellings where currently they have no off street turning area on site for vehicles prior to emerging onto the public highway. In traffic terms, traffic generation from this development is anticipated to be in order of 6/7 movements per day - with one car in the AM peak and one car in PM peak hour– such level of traffic is not considered significant to justify refusal of the application on traffic ground alone.

- 5.45 Plans submitted with this application shows that the parking arrangement for property no. 11 Barn End would remain largely the same as existing. For the existing property no. 10 Barn End, parking arrangement would be slightly changed. It is proposed to create a new gravel driveway for no. 10 Barn End with adequate space for 4no. car parking space on site by partly utilising the land within the applicant's ownership. These parking arrangements are considered satisfactory for both the existing properties.
- 5.46 Details attached on submitted plans also shows that there is ample parking area and turning space on site for the new house.
- 5.47 Given the above, the proposal is considered acceptable in highway terms and as such, there are no highway objections subject to an appropriate planning condition to ensure all parking and turning areas for the new and the existing properties are provided as shown on submitted and approved plans and these to be maintained thereafter.
- 5.48 **Other matters**  
The lack of affordable housing in Marshfield has been raised as an objection to this scheme. This proposal is being assessed on its own merits as an individual dwelling within an existing residential curtilage. The term 'affordable housing' refers in the main to the type of tenure and does not relate to the size of a property. Concerns have been expressed that if allowed this development would set a precedent whereby all green spaces in the village would be developed. In response, each planning application is considered on its own merits according to the unique merits of the individual site and against current adopted planning policy.
- 5.49 **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.
- 5.50 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.
- 5.51 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 neutral impact.
- 5.52 **Planning balance:**  
The proposal is for one dwelling within the residential garden of The Manor, Marshfield. The existing dwelling is a listed property and sits within close proximity to other listed and historic properties in the village. The site is within an extensive residential curtilage which is recognised as being an undesignated open space within the village. Policy PSP5 has been examined

and development of the type proposed on this particular site has been found to be acceptable. The revised design has been found not to have a negative impact on the setting of the heritage assets or on the conservation area itself. Given its extensive gardens the proposed new dwelling would be a significant distance from the main house and a new access would be created for its use from Barn End. Neighbouring residential dwellings are acknowledged and it has been found that, again due to the separation distances, the proposed development would not have an adverse impact on these houses. Sufficient off-street parking and on-site turning would serve the new dwelling and the creation of a new access off Barn End would not have a negative impact on highway safety. The proposal would not be detrimental to trees or ecology associated with the site. Appropriate conditions are to be attached to the decision notice to ensure the development proceeds in accordance with the above assessment.

## **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 **approve** 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 the application be **APPROVED** subject to conditions set out in the decision notice.

**Contact Officer: Anne Joseph**  
**Tel. No. 01454 863788**

## **CONDITIONS**

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

Reason

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

2. Development shall proceed in accordance with the following plans:

As received by the Council on 13.5.19:

Existing site plan - 18-079/E1

Proposed car port - 18-079/G1

Location plan -18-079/LP1

Section through site - 18-00 200 A

As received by the Council on 16.7.19:

East (Front) elevation - 100/19/B  
Rear (west) elevation - 101/19 B  
Sectional south elevation 102/19 B  
North elevation - 103/19 B  
Ground floor plan - 104/19 B  
First floor - 105/19 B  
Roof view - 106/19 B  
South elevation - 107/19 B  
Landscape/site plan - 18/079/SP1 E

Reason

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies PSP1, PSP2, PSP17 of the Policies Sites and Places (Adopted) 2017 and the National Planning Policy Framework.

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

Reason

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies PSP1, PSP2, PSP17 of the Policies Sites and Places (Adopted) 2017 and the National Planning Policy Framework.

4. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, F, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies PSP1, PSP2, PSP17 of the Policies Sites and Places (Adopted) 2017 and the National Planning Policy Framework.

5. Notwithstanding the submitted details, prior to that part of the development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection

during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies PSP1, PSP2, PSP17 of the Policies Sites and Places (Adopted) 2017 and the National Planning Policy Framework.

6. Development shall proceed in accordance with the details submitted in the Silverback Arboricultural Report (May 2019).

Reason

To preserve and maintain the health and longevity of trees within the site, to enhance the character and appearance of the Conservation Area, and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies PSP1, PSP2, PSP17 of the Policies Sites and Places (Adopted) 2017 and the National Planning Policy Framework.

7. Development shall proceed in accordance with the details submitted in the Ecological Appraisal Report by Fiona Elphick (July 2018) and also in accordance with the Great Crested Newt Survey by Fiona Elphick (September 2019).

Reason

To ensure the works are carried out in an appropriate manner and in the interests of local biodiversity, and to accord with 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 National Planning Policy Framework.

8. The access, turning and 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; Policy PSP16 of the Policies Sites and Places Plan (Adopted) 2017 and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

**CIRCULATED SCHEDULE NO. 49/19 – 06 DECEMBER 2019**

<b>App No.:</b>	P19/5459/F	<b>Applicant:</b>	Mr Matthew Newman
<b>Site:</b>	32 Jubilee Road Kingswood Bristol South Gloucestershire BS15 4XF	<b>Date Reg:</b>	23rd May 2019
<b>Proposal:</b>	Erection of one and a half storey detached building to form first floor annex ancillary to main dwelling and ground floor home gym/ office.	<b>Parish:</b>	None
<b>Map Ref:</b>	365482 175402	<b>Ward:</b>	New Cheltenham
<b>Application Category:</b>	Householder	<b>Target Date:</b>	16th July 2019



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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 4no local residents which is contrary to the Officer's recommendation.

## **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a one and a half storey detached building to form a first floor annex and ground floor home gym and office at 32 Jubilee Road, Kingswood.
- 1.2 The application site relates to a two storey, end terrace property located within the built up residential area of Kingswood. The siting of the proposed outbuilding is on the rear boundary of the application site currently in use as a parking area. The current parking sits adjacent to a number of residential properties and is flanked by garages to either side.

## **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 Impact Management  
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 relevant planning history.

### **4. CONSULTATION RESPONSES**

4.1 Town/Parish Council  
Unparished area.

4.2 Sustainable Transport  
The plan does not show dimensions so I am unable to clarify whether two spaces measuring 2.4m by 4.8m can be provided.

4.3 Lead Local Flood Authority  
No objection

#### **Other Representations**

4.4 Local Residents  
Objection comments received from 4no local residents, summarised as follows;

- Will set precedent for backland development.
- Loss of privacy.
- Lamp post and telegraph pole restricting access to proposed driveway.
- Restricted access to lane/disruption during construction.
- Detrimental impact to the surface of the lane.
- Concern over stability of party wall and neighbouring garage.
- Inadequate parking.
- Reason for building-possible let.
- Sub-division of plot.
- No indication of bin storage
- No indication of water supply or waste removal.

### **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.

#### **Annexe Test**

For a proposal to be an annexe it should only contain ancillary accommodation to the main dwelling and have some form of functional and physical reliance upon the main dwelling. In this case, the proposed annex contains a kitchenette, lounge, bedroom and shower room; it therefore has all the facilities



required to be occupied independently. That said, the proposal is situated within the rear garden of the host dwelling, in close proximity to the property, and would share a garden space and parking. Furthermore, given the location and relationship with the main house its use as an independent dwelling would likely be unacceptable. As such, the Officer is satisfied the annexe would be used ancillary to the main house.

However, for the avoidance of doubt, a condition will be attached to any decision, preventing the proposed annexe being used as a separate dwelling. This is on the basis that the use as a separate dwelling could potentially have greater impacts in terms of visual/residential amenity and highway safety.

## 5.2 Design and Visual Amenity

The proposal consists of the erection of a 1.5 storey building on the rear boundary of the application site to facilitate a home gym/utility room, office and shower room with annexe above. The siting of the proposal would be in the rear of the existing dwelling on an area currently used for parking. The proposal would consist of a pitched roof and, in an attempt to reduce the bulk, the apex of the roof would be flat. The proposed building would be located on an uneven gradient with the eaves approximately 3.1 metres from ground level and the overall height approximately 4.3m. A concern was raised that the proposal would set a precedent for backland development and the plot may be subdivided, however the proposal would form part of the existing residential unit and the fence separating the proposal from the main house was removed from the plans at the request of the officer. The surrounding area is already characterised by outbuildings/garages located on the rear boundary and a number of outbuildings of a similar size and scale are present within close proximity of the proposed outbuilding. Therefore, the proposal is not considered to be detrimental to the character or appearance of the locality and is deemed to be of an acceptable standard of design.

## 5.3 Residential Amenity

Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 outlines the types of issues that could result in an unacceptable impact.

## 5.4 The impact of the proposal on the residential amenity currently enjoyed by the occupiers of neighbouring properties has been considered. It is acknowledged by the Officer that there would be an element of overlooking onto rear gardens from the proposal, however this is to be expected within a built-up residential area such as this. Furthermore, given it's siting on the rear boundary, combined with the separation distance from the existing properties and positioning of the proposed windows, it is not considered to result in such a significant loss of privacy as to warrant a refusal. Considering the relatively modest height of the proposed building it is not thought to materially impact the existing levels of light afforded to the neighbouring occupiers, nor is it considered to be overbearing.

5.5 The proposal will occupy additional floor space, however it is considered that sufficient private amenity space would remain for the occupiers of the existing dwelling following development.

5.6 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 significantly detrimental to residential amenity and is deemed to comply with Policies PSP8 and PSP38 of the PSP Plan (November 2017).

5.7 Sustainable Transport and Parking Provision

The proposed development includes a 1no bedroom annexe, in addition to the 3no bedrooms of the host property; South Gloucestershire Council's residential parking standards require a four bedroom property to provide 2no off-street parking spaces. The application is proposing to create an off-street parking area to the front of the existing property. For a space to be considered towards the standards it should measure 2.4m by 4.8m; the transport officer questioned if the space was large enough to accommodate 2no vehicles as no dimensions were included on the plan. However, when measuring the submitted block plan it is apparent to the case officer that there is adequate space to provide the required off-street parking. Concern has been raised that there is a lamppost and telegraph pole obstructing the proposed access. This would be considered by the highway authority when assessing the required dropped kerb application. A condition will be included on any permission to ensure the required parking is installed to comply with Policy PSP16 of the PSP Plan.

5.8 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.

5.9 Other Matters

Party Wall concerns are a civil matter and therefore not a material planning consideration. Any concerns with foundations, water supply or waste disposal would be satisfied by Building Regulations.

The addition of 1no bedroom within an existing residential unit is not thought to generate any significant increase in waste and no separate bins would be issued as it is not a separate dwelling.

The storage of materials and access to driveways during construction is not a material planning consideration, however it is expected the applicant would be considerate to the neighbouring occupiers.

Any damage incurred during construction is a civil matter and is therefore not a material planning consideration

## **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 building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 32 Jubilee Road, Kingswood.

Reason

The development has been permitted on the particular circumstances of the case and the development would require further assessment to be used as a separate residential dwelling with regard to internal dimensions of the annex, amenity, access, and private amenity space, to accord with policies CS1 and CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013; policies PSP8, PSP16, PSP38, and PSP43 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017; and the NPPF.

3. The off-street parking facilities shown on the plan hereby approved shall be provided within 1 month of the development 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 Policy PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

**CIRCULATED SCHEDULE NO. 49/19 – 06 DECEMBER 2019**

<b>App No.:</b>	P19/6295/F	<b>Applicant:</b>	Mr And Mrs C And W Browne -Cole
<b>Site:</b>	Land Between 14 And 32 Quarry Barton Hambrook Bristol South Gloucestershire BS16 1SG	<b>Date Reg:</b>	7th June 2019
<b>Proposal:</b>	Erection of 1no dwelling and associated access and landscape works.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	364454 179637	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Minor	<b>Target Date:</b>	1st August 2019



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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.

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

The application has been subject to representations contrary to the findings of this report, with the number of contrary representations made exceeding a total of three. 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 erection of 1no. dwelling and associated access and landscape works. The application relates to land between no's 14 and 32 Quarry Barton, Hambrook.
- 1.2 The application site comprises the north-western corner of an existing paddock area. The site is situated to the south of a clutch of properties along Quarry Barton. The site is located outside of any defined settlement boundary, and therefore within the open countryside. The site is also located within the Bristol and Bath Green Belt. The site slopes away from the highway down towards Bradley Brook, and is bounded on its western and northern sides by stone boundary walls.
- 1.3 Additional plans and information were submitted to the Local Planning Authority on 30<sup>th</sup> October 2019 and 19<sup>th</sup> November 2019. The revisions made to the scheme and additional information provided sought to overcome identified issues relating to transportation.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework Feb 2019  
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
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
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

- 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 PT12/1220/F**

Erection of extensions to existing structure to form 1no. three bedroom dwelling with associated works.

Refused: 31.05.2012

**3.2 P85/2679**

Erection of a detached bungalow. Alterations to existing pedestrian and vehicular access. (Outline).

Refused: 29.01.1986

Appeal Dismissed: 15.08.1986

**4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
No objection

4.2 Other Consultees

Archaeology Officer  
No comment

Ecology Officer

No objection subject to conditions

Environmental Protection

No objection subject to conditions

Highway Structures

No comment

Landscape Officer

No comment

Lead Local Flood Authority

No objection

Sustainable Transport

*Original comments*

- Site has reasonable sustainable access to local facilities in Winterbourne and Hambrook, and there is bus service within 200m walking distance.
- Quarry Barton is narrow lane with some passing points. Number of other dwellings accessed from Quarry Barton, and additional traffic from one dwelling will not have significant impact on highway safety.
- Insufficient information submitted to demonstrate adequate visibility at access point.
- Visibility splays of 2m x 20m should be provided, unless speed survey submitted showing vehicles speeds are lower than 20mph.
- Reversing area behind spaces should be 6m, unless spaces are widened and it is demonstrated that a large car can manoeuvre in and out safely.
- No objection if above issues can be satisfactorily addressed.

*Follow up comments (following submission of additional information)*

- The revised visibility and parking details are OK.
- The boundary wall has been set back to provide the 2m x 22m visibility splays.
- Although the parking bays and space behind is short, the spaces are wider than the standard 2.4m and as such will enable cars to turn earlier so that they can turn within the site.
- Therefore no objection.

**Other Representations**

4.3 Local Residents

A total of 3 letters of objection, and 3 letters of support, were received during the statutory consultation period. The main concerns raised within the objection comments are summarised below:



- Site is integral to openness of local area and complements Green Belt designation.
- Proposal does not appear to infill gap between buildings.
- Site does not fall within defined settlement – comprises loose collection of housing in the countryside with rural setting. Site is a sequentially inappropriate location for development.
- Quarry Barton is narrow lane with poor access off Bristol Road. Lacks footway, and therefore question whether site is suitable location for new accommodation.
- Proposed dwelling will be visible from street.
- Concerns regarding stability of road during construction.
- Previous applications at site have been refused.
- Land included within blue line is subject to enforcement complaint.

The main points raised within the support comments are summarised below:

- Land has houses on each side and behind, and do not feel it would be inappropriate in Green Belt.
- Proposal not seeking to squeeze 10 houses in to field.
- House would be nestled in to hill and barely visible from road.
- Site is currently overgrown and landscaped garden will enhance area.
- Wall currently looks like it is falling down with run down shack at top; development will improve appearance.
- Have known family looking to live on site and am convinced they will do great job with whatever they do.
- Keen to see more sustainable, eco-friendly developments locally.

## **5. ANALYSIS OF PROPOSAL**

- 5.1 The application seeks permission for the erection of 1no. dwelling on land at Quarry Barton, Hambrook. The site is located outside of any defined settlement boundary and is therefore in the open countryside. The site is also located within the Bristol and Bath Green Belt.
- 5.2 In terms of the benefits of the proposal, it is acknowledged that the contribution of 1no. new dwelling at the site towards the overall housing supply in the district would result in a modest socio-economic benefit. However the proposal is to be assessed against the matters set out below, in order to identify any harm arising from the development. Any identified harm will then be balanced against the benefits of the proposal.
- 5.3 Principle of Development  
Policy CS5 of the Core Strategy establishes the spatial strategy for development in the district. Under this policy, new development is directed to the existing urban areas, market towns, and defined rural settlements. Residential development outside of these locations is strictly controlled. Furthermore, policy CS34 of the Core Strategy seeks to protect the character of

the rural areas, with residential development outside of a defined settlement generally resisted.

- 5.4 Following the publication in December 2018 of an extract from the Authority Monitoring Report, South Gloucestershire Council can demonstrate a 5 year housing land supply. Policies that restrict the supply of housing should not be considered out of date and should be afforded full weight in decision taking. The tilted balance – on the basis of housing supply policies – does therefore not apply.
- 5.5 Under the spatial strategy set out above, development of this nature should therefore be permitted only in the urban areas or defined settlements. The site is not within a defined settlement and nor does the built form in this location represent a village.
- 5.6 It therefore follows that there is an in principle objection to the proposed development as it does not accord with the spatial strategy as expressed in the Development Plan.
- 5.7 Notwithstanding this, and whilst the majority of applications for new residential development outside of settlement boundaries should be resisted in accordance with the Council's spatial strategy, the Local Planning Authority do consider that it may be suitable, in a few circumstances, to recommend approval of dwellings outside of the settlement boundary.
- 5.8 This will only apply when the site lies close to the edge of the defined settlement boundary and has a direct relationship with it (for example, may be linked to the settlement boundary by other buildings, or have good footpath links to the settlement boundary). Essentially, it should read as a natural extension to the settlement boundary. However in the interests of the Council's overall spatial strategy for new housing, this should only apply to very small development proposals of 1-2 dwellings.

#### *Relationship with Nearest Defined Settlement*

- 5.9 The site is situated along Quarry Barton, which comprises a small hamlet made up of approximately 15-20 dwellinghouses. The majority of units are situated to the north of the site, with only a single residential unit situated on the land between the application site and the clutch of properties positioned along Bristol Road to the south. Whilst the presence of other residential units in the vicinity is noted, the immediate area is considered to be predominantly rural in character. The residential units are not supported by any dedicated facilities or services, and the clutch of properties is not, in itself, considered to represent a village or established settlement.
- 5.10 In terms of the relationship between the site and any defined settlement boundaries, the nearest defined settlement is in fact the defined east fringe of the Bristol Urban Area; with the boundary situated approximately 350m to the west of the site. The defined settlement boundary of Winterbourne is situated approximately 450m to the east of the site, with the defined settlement boundary of Hambrook some 550m to the south of the site.

- 5.11 On the basis of the above, whilst the presence of other residential units in the immediate vicinity is noted, the clutch of properties is not considered to represent an established settlement in its own right. Furthermore, the site is located a significant distance from any defined settlement boundaries, and therefore cannot be considered as a natural extension to the defined settlement.
- 5.12 As such, the proposal is not considered to comprise one of the limited forms of residential development outside of a settlement boundary, which would be permissible under CS5 and would not significantly conflict with the Council's overall spatial strategy.

*Other Forms of Allowable Residential Development in the Countryside*

- 5.13 The proposal conflicts with the Council's locational strategy for development, as set out in policy CS5. However policy PSP40 of the Policies, Sites and Places Plan does allow for certain forms of residential development in the open countryside. These comprise rural housing exception initiatives, rural workers dwellings, the replacement of existing dwellings, and the conversion and re-use of existing buildings. The proposal comprises the erection of a new build dwelling, and does therefore not fall in to any of the categories set out above.

*Summary*

- 5.14 To conclude, when viewed in the context of the Council's locational strategy, the site is not an appropriate location for residential development. Given the Council's current 5 year housing land supply position, policies that restrict the supply of housing are considered up to date, and can be afforded full weight. The failure of the proposal to accord with the Council's locational strategy attracts significant weight, when balancing the harm of the development against the benefits.

5.15 Green Belt

The site is situated within the Bristol and Bath 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 attaches great importance to the Green Belt – with the fundamental aim of preventing urban sprawl and keeping the land open in nature. In order to achieve this, there is a general presumption against inappropriate development in the Green Belt. Any type of development in the Green Belt is considered inappropriate, unless it falls into a predefined exception category or very special circumstances override the presumption against inappropriate development. Very special circumstances will not be found unless the harm to Green Belt and any other harm is clearly outweighed by the benefits of the proposal.

- 5.16 New buildings in the Green Belt are inappropriate unless they fall into one of the exceptions listed in paragraph 145 of the NPPF. One of the exception categories relevant to this case is limited infilling in villages. The Council has defined infill development in the glossary to the Core Strategy as 'the

development of a relatively small gap between existing buildings, normally within a built up area'.

- 5.17 As the proposal relates to the provision of a single dwelling, it can be considered as being 'limited'. However the Council's definition of infilling, as set out in the glossary of the adopted Core Strategy, is 'the development of a relatively small gap between existing buildings, normally within a built up area'. In this respect, it is acknowledged that the proposed dwellinghouse is to be situated to the south of a clutch of buildings.
- 5.18 However the nearest building to the south is a single dwellinghouse, with the main building being set roughly 60m from the proposed dwelling, and the associated curtilage being set roughly 45m from the proposed dwelling. When viewed aerially and on the ground, due to its size and character, the paddock is not considered to read as a relatively small gap between buildings. A substantial gap would still remain to the south of the site following development, and as such the provision of a dwelling at the north-western corner of the field would not comprise infill development.
- 5.19 To add to the above, whilst there are acknowledged to be other residential units in the immediate area, the clutch of buildings are not considered to form a village in their own right; or read as a natural extension to a defined village.
- 5.20 On the basis of the assessment set out above, the proposed dwelling is not considered to comprise infill development, nor be located within a village. As such the proposal does not comprise limited infilling in a village, and does therefore not fall in to the relevant category for development in the Green Belt.
- 5.21 The proposal is also not considered to fall in to another relevant exception category for this type of development in the Green Belt; 'the redevelopment of previously developed land, provided that the development would not have a greater impact on the openness of the Green Belt than the existing development'. This is on the basis that the application site comprises a paddock, which at no point in time appears to have been substantially developed. Even if it were argued that the site comprised previously developed land, the provision of a new dwelling and introduction of built form would have a greater impact on openness than the current arrangement. The proposal does therefore not fall in to the exception category relating to previously developed land.
- 5.22 On the basis of the assessment set out above, the proposal would constitute inappropriate development in the Green Belt. As per the provisions of Paragraph 143 of the NPPF, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. No case for very special circumstances has been presented, and it is not considered that any exist which clearly demonstrate that the general presumption against inappropriate development in the Green Belt.
- 5.23 Moreover, the site in its current form is distinctly open in nature. Whilst the design approach has sought to reduce the prominence of the building by blending it in to its surroundings, the provision of the dwelling and associated

area of curtilage would undoubtedly have an acute impact on the openness of the land. This would not only be through the provision of additional built form, but also through the introduction of domestic paraphernalia associated with the occupation of the dwelling.

- 5.24 The provision of a dwellinghouse would detract from the openness of the site, with the proposal extending development in to the open countryside. The proposal would therefore directly conflict with the purposes of Green Belt policy. The inappropriate nature of the development in the Green Belt, and the actual harm to openness, are considered to carry significant weight when balancing the benefits of the proposal against any harm.
- 5.25 Design, Visual Amenity and Landscape  
Policy CS1 of the Core Strategy is the Council's principal design policy. This policy requires development to meet the 'highest possible' standards of site planning and design. Development proposals are required to demonstrate that they respect and enhance the character, distinctiveness, and amenity of the site and its context and that the density and overall layout is well integrated into the existing adjacent developments.
- 5.26 Policy PSP1 of the Policies, Sites and Places Plan requires development proposals to demonstrate an understanding of the character of an area. Development proposals should make a positive contribution to the distinctiveness of a locality and innovative architectural responses to design issues are encouraged.
- 5.27 In terms of rural areas, policy CS34 of the Core Strategy outlines that development proposals should seek to protect, conserve and enhance the rural areas' distinctive character, beauty, wildlife, landscape, biodiversity and heritage. In terms of any landscape impact, 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.
- 5.28 The site in its current form comprises the north-western portion of a large paddock. The paddock is largely undisturbed and rural in its appearance. Overall, the paddock in its current form is considered to contribute positively to the character of the area, with the openness of the land providing views down towards the brook when heading south along the adopted highway.
- 5.29 The proposal would introduce a level of domestication to the north-western corner, and would extend residential development in to a largely undisturbed landscape. The site is considered to provide a visual border between the more open areas to the south and more built up areas to the north, and it is concluded that the proposed development would dilute this border, and thus degrade the character of the land and the contribution it makes to the locality.
- 5.30 In terms of the design of the dwellinghouse itself, there are no fundamental concerns. A contemporary approach is proposed, which seeks to construct the residential unit against the boundary wall and from similar materials, in an attempt to visually integrate the building in to the wall. A landscaped roof is also

proposed to tie the building in to its rural surroundings. Due to the positioning of the building against boundary walls, high levels of glazing are proposed at the front and side elevations.

- 5.31 It is acknowledged that the proposed dwelling does not replicate the character and style of any other dwellings in the hamlet, which are generally constructed in a more traditional style. However due to differences in ground level and overall character, the site is visually separate from the adjacent properties to the north. As such, there is considered to be scope for a more contemporary design, and the appearance of the dwellinghouse when considered in isolation is not a fundamental issue.
- 5.32 However as a matter of principle, it is concluded that the domestication of the site would degrade the character of the area, and would fail to preserve the distinctive character and beauty of the predominantly rural location. The proposal is therefore considered contrary to policies CS1, CS34, PSP1 and PSP2. The harm identified in this respect attracts moderate weight in the assessment of the application as a whole.
- 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 proposed unit would be positioned against existing boundary walls, and due to the topography of the site, would not project significantly above the walls. As such, it is not considered that the provision of the dwelling would adversely affect the amenity of neighbours through any increased sense of overbearing, overshadowing or overlooking. It is acknowledged that the erection of the dwelling would likely cause some disturbance to neighbours during the construction period, however the impacts of the development in this respect could be adequately mitigated through the application of a suitably worded planning condition restricting working hours. Had the application had a recommendation of approval, a condition to this effect would have been attached to any decision.
- 5.35 In terms of the amenity of future occupants of the property, it is noted that due to the position of the property against the boundary wall, it would only be possible to provide windows in the front and side facing elevations. However high levels of glazing are proposed, with the front elevation facing in a southerly direction. As such, it is considered that the interior of the property would benefit from sufficient levels of natural sunlight, and adequate outlook would be provided. In terms of external amenity space, a large terrace/garden area would be provided to the front and side of the dwelling. Overall, it is concluded that an acceptable standard of living would be afforded to future occupants of the property.

5.36 On the basis of the assessment set out above, it is concluded that the proposal would have no unacceptable impacts on residential amenity. The development proposal therefore complies with policy PSP8.

5.37 Transport

As originally submitted, the transport officer raised concerns regarding the levels of visibility to be provided at the proposed access point, as well as the proposed manoeuvring areas to the rear of the proposed off-street parking spaces. However further details have now been provided, which show that adequate visibility can be achieved and that vehicles can satisfactorily access parking spaces. Following the submission of additional information, there are no concerns regarding the proposed vehicular access point in to the site, or proposed parking arrangements.

5.38 Whilst the junction between Quarry Barton and Bristol Road is acknowledged to be awkward, and the lane narrow, it is not considered that the additional traffic generated by a single dwelling would result in any severe highway safety impacts. As such, there are no fundamental concerns with the development from a transportation perspective.

5.39 Ecology

Given the rural, undeveloped nature of the site, an ecological appraisal was submitted in support of the application. The ecology officer is satisfied with the contents of the appraisal, and subject to conditions requiring development to be carried out in accordance with the appraisal and ecological enhancement features being provided, raises no objection. Had the application had a recommendation of approval, conditions to this effect would have been applied to any consent.

5.40 Trees

Whilst there are some trees situated within and around the application site, it is not anticipated that the construction of the proposed dwelling would interfere with any trees. Furthermore the site does not contain any protected trees, and as such it is not considered reasonable or necessary to request the submission of an arboricultural assessment.

5.41 Flood Risk and Site Drainage

Despite its proximity to Bradley Brook, the entire site is situated within EA Floodzone 1. Furthermore, the lead local flood authority are satisfied with the information submitted relating to site drainage, and there are therefore no concerns with the development in this respect.

5.42 Ground Stability

The contaminated land officer has identified that a number of former quarried areas are situated within 250m of the site; some of which have been infilled with unknown materials. There is therefore a potential risk from ground gases, and conditions have been recommended requiring further investigation and if necessary mitigation measures to be undertaken. Had the application been recommended for approval, conditions to this effect would have been applied to any consent.

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.

5.45 Other Matters

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:

5.46 The concerns raised regarding the stability of the road have been taken in to account. However the highways structures team have raised no objection to the application, and it is considered that this matter would be adequately addressed at building regulations stage. The concerns raised regarding an ongoing enforcement case are noted. However this matter is being dealt with by the enforcement team and therefore has no bearing on the planning application.

5.47 Overall Planning Balance

The proposed development would result in an additional dwelling at a location that is unsupported by the spatial strategy, and the proposal comprises an inappropriate form of development in the Green Belt. The domestication of the site would also cause harm to the character of the area and distinctiveness of the rural location as a whole.

5.48 When considering the identified issues cumulatively, the level of harm identified is considered to attract significant weight.

5.49 The benefits of the development would be modest, with the contribution of one new dwelling towards housing supply in South Gloucestershire failing to outweigh the harm identified above.

5.50 The proposal therefore fails and planning permission should be refused.

**6. CONCLUSION**

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



6.2 The recommendation to **refuse** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: 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**

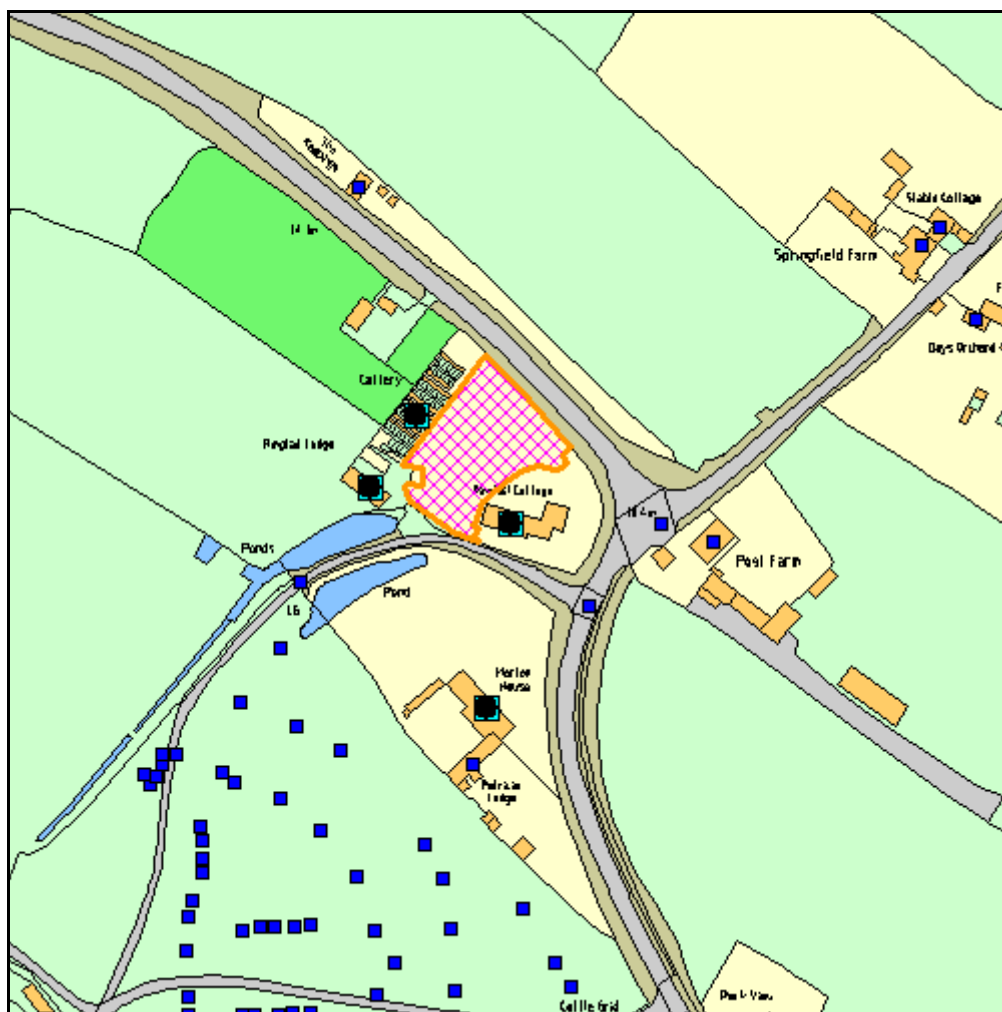
7.1 That the application be **REFUSED** for the reasons outlined above.

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

1. The application site is outside of any defined settlement and therefore in the open countryside. Defined settlements establish locations which the local planning authority consider suitable, in the spatial strategy, for sustainable development. The proposal conflicts with the locational strategy, and the site is not considered to relate well to any defined settlements. The proposal does also not contain any of the limited forms of residential development acceptable in the open countryside. The proposal is therefore not a sustainable form of development and conflicts with policy CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy PSP40 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework (2019).
2. The proposal would not comprise limited infilling in a village or the redevelopment of previously developed land, and as such would constitute inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. No very special circumstances have been submitted to demonstrate that the presumption against inappropriate development in the Green Belt should be overridden. Substantial weight has been applied to the harm identified in this respect, and the proposal is contrary to policies CS4A, CS5 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013; policy PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; the South Gloucestershire Development in the Green Belt SPD (Adopted) 2007, and the provisions of the National Planning Policy Framework (2019).
3. The proposal would result in the replacement of an informal paddock area with a residential unit and domesticated curtilage, and would lead to the partial loss of a significant component contributing to the character and appearance of Quarry Barton. The redevelopment of the site to provide a residential property would extend development in to the open countryside, and would detract from the distinctive character and beauty of the area. The proposal is therefore contrary to policies CS1, CS9, and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013; and policies PSP1 and PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017, and the provisions of the National Planning Policy Framework (2019).

**CIRCULATED SCHEDULE NO. 49/19 – 06 DECEMBER 2019**

<b>App No.:</b>	P19/6439/F	<b>Applicant:</b>	Ringtail Ltd Ringtail Limited
<b>Site:</b>	Land Adjacent To Ringtail Cottage Butt Lane Thornbury Bristol South Gloucestershire BS35 1RA	<b>Date Reg:</b>	12th June 2019
<b>Proposal:</b>	Erection of no2 detached dwellings and no2 detached garages with associated works.	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	364018 191625	<b>Ward:</b>	Thornbury
<b>Application Category:</b>	Minor	<b>Target Date:</b>	5th August 2019



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100023410, 2008. N.T.S. P19/6439/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.

## **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission to erect two dwellinghouses on this 0.15Ha site. The site is part of the garden of Ringtail Cottage and access would be from the existing spur off Butt Lane.
- 1.2 The whole site is located outside but close to the defined settlement boundary of Thornbury. The site is in Flood Zone 1 and as such there is not a high likelihood of flooding.
- 1.3 The application form advises that the site would be drained of surface water by SUDS and soakways
- 1.4 The agent has agreed that a pre-commencement condition is acceptable in respect of a Construction Environmental Management Plan (CEMP). There is a relevant phase one ecological report for the site.
- 1.5 The application has been subject to amendments during the course of this application which have included:
  - Reduction of the number of dwellings to two
  - Removal of the need to access the site over the neighbours land
  - Revised form of the houses and correction of mismatching elevations/floorplans
  - Revised garage and parking layouts
  - Ecological information was submitted
  - Clarification of the highway area and subsequent alteration of the visibility splays at the junction with Butt Lane

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework Feb 2019

### **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
CS18	Affordable housing

CS34 Rural Areas.

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

PSP1	Local distinctiveness
PSP2	Landscape
PSP8	Residential amenity
PSP11	Transport impact management
PSP16	Parking standards
PSP19	Wider Biodiversity
PSP20	Drainage
PSP37	Internal space and accessibility standards for dwellings
PSP40	Residential development in the countryside
PSP43	Private amenity space standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Supplementary Planning Document)  
Adopted 2007

Residential Parking Standards Supplementary Planning adopted December 2014

**3. RELEVANT PLANNING HISTORY**

- 3.1 PT18/5344/F Erection of a two storey extension to form additional living accommodation and erection of front porch to kitchen area. Demolition of existing attached garage and installation of a driveway and erection of detached double garage. Approved 01.04.2019 plans conditioned show a garage in the rear garden with access in similar form to the proposal. Not yet built.
- 3.2 PT09/0931/F Erection of 2 storey rear extension and detached garage. Erection of front boundary gates. Approved 26.06.2009 not built.

**4. CONSULTATION RESPONSES**

4.1 Thornbury Town Council

Objection

- outside of the development boundary
- concern about access onto the highway
- concern for neighbours amenities

4.2 Other Consultees

Lead Local Flood Authority

No objection subject to additional clarification to follow by condition.

Sustainable transport

The amended plans showing reduction to two houses, widening of the site access onto the Butt Lane spur and demonstration of visibility splays at the junction onto Butt Lane have addressed earlier concerns regarding parking and access arrangements. No objection subject to a Construction

Environmental Management Plan, no occupation until parking and access arrangements are in place, visibility splay maintained and electric charging points are installed.

#### Highway structures

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.

#### Trading standards/ Licensing

No objection - can't see the existing business having any impact on the new proposed development.

Matters which appear to have been addressed by others on the application are all valid. i.e. increased traffic, surface water and heavy construction vehicles. However this are not cattery licensing considerations.

#### Environmental protection

The applicant provides an acoustic report detailing how noise from Oldbury Lane and the Cattery will affect the proposed development.

#### Tree Officer

Report is satisfactory – all works to proceed in accord the Arboricultural report.

#### Conservation officer (Heritage)

Some concern about the back drop that the houses will provide to Morton house, section and landscape detail required. Need to secure matters of detail of the houses by conditions and ensure render is traditional render not modern through colour variety.

#### Ecology Officer

Following the updated ecology report the third favourable test for a GCN EPS licence has been satisfied with sufficient mitigation relating to four hibernacula being created and the creation of an additional pond. The existing waterbody is not suitable for great crested newts, however the new pond will provide a more habitable area for breeding.

The conditions in the initial response will still stand.

No objection to this application

### **Other Representations**

#### **4.3 Local Residents**

Two objection responses were received regarding the following concerns:

- Safety concern about the nature of the junction with Butt Lane. During an 18 month period there have been 2 separate accidents involving

single vehicles coming from opposite directions which collided the wall at Ringtail and the lamppost opposite Ringtail. Both accidents occurred in the hours of darkness despite the junction being lit by a streetlight. It seems rather reckless to be even considering development in this location when the full impact of the incomplete developments by Linden Homes and David Wilson are yet to be realised. This is a highly dangerous junction which no fine tuning will improve unless major roadworks are undertaken.

- There is intervisibility between Morton House grade II listed building and the site when leaves drop off deciduous trees.
- Butt Lane is single carriage way and there is concern as to where visitors would park. Keep clear for emergency services and general servicing.
- Concern about drainage
- Concern about junction at busy times
- Concern this is exacerbated by potential additional 630 houses by Barwood Homes.
- Ringtail Lodge and cattery business could be threatened
- Possible fire risk at the cattery due to closer houses.
- Disruption from construction vehicles.
- There is a five year land supply so no need to allow outside settlement boundary the junction of Butt Lane with Oldbury Lane has restricted visibility particularly to the north.
- During the commuting hours this section of Oldbury Lane is extremely busy and so the information obtained is not reliable.
- Butt Lane is a single carriageway of restricted width and currently serves 2 residential dwellings and a cattery offering facilities for up to 65 cats. The traffic movements generated by the existing residential and commercial properties will conflict with the proposed development and it is noted that there is no provision for passing bays.
- Construction traffic, in particular HGVs will not be able to access the site due to the restricted width of Butt Lane and the existence of a telegraph pole and manhole in the verge opposite the proposed entrance to the site.
- Consideration has not been given to the issue of flooding which has occurred on several occasions in Butt Lane and in May 2016 the flood water reached the doorstep of Ringtail Lodge. Surface water flows into the open ditch which appears to have been blocked off and so surface run off will not flow away from the site. A surface water pump has been installed at Ringtail Lodge to remove excess water. Foul Sewerage is to be disposed of by a septic tank but due to the nature of the site no details have been provided to confirm that such a system will operate successfully.
- Ringtail Cattery is open between 9.00 am - 12.00 pm and 4.00 - 5.00 pm on weekdays and in addition to the traffic movements generated by this facility for up to 65 cats, there appears to be no consideration given to the impact of dust, noise and fire risk upon the business which operates immediately to the north west. In accordance with current legislation, consideration must be given to existing business uses which operate on

land adjacent to a development site, the cattery has operated from this site since 1982. A noise survey has not been commissioned.

- concern regarding overlooking into the garden of the adjoining residential properties, as well as The Cattery.
- There appears to be no consideration given to ecology with a number of water courses and ponds in existence in close proximity. No consideration of the impact upon protected species has been provided. The application appears to be lacking in detail and consideration of the significant points.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The site is outside of the settlement boundary of Thornbury and as such there is not a presumption in favour of development.

5.4 Under the spatial strategy set out above, development of this nature should therefore be permitted only in the urban areas or defined settlements.

5.5 The thrust of paragraph 14 of the NPPF is that sustainable development should only be resisted if specific and demonstrable harm can be shown as a result of the development when weighed against the benefit of providing the dwellings.

5.6 Notwithstanding this, and whilst the majority of applications for new residential development outside of settlement boundaries should be resisted in accordance with the Council's spatial strategy, the Local Planning Authority do consider that it may be suitable, in a few circumstances, to recommend approval of dwellings outside of the settlement boundary.

5.7 This will only apply when the site lies close to the edge of the defined settlement boundary and has a direct relationship with it (for example, may be linked to the settlement boundary by other buildings, or have good footpath links to the settlement boundary). Essentially, it should read as a natural extension to the settlement boundary. However in the interests of the Council's overall spatial strategy for new housing, this should only apply to very small development proposals of 1-2 dwellings. It is further considered that the particular case considered here is on balance acceptable for the development of two additional houses.

### **5.8 Location of Development – Relationship with Nearest Defined Settlement/**

The site is well related to the defined settlement boundary, and as such the proposal does form one of the few cases where development could be allowed given that the scheme is for two additional dwellings.

Policy CS5 is supportive of small scale development within the settlement boundaries of urban areas. The proposal site falls just outside the settlement boundary of Thornbury but the site is located close to the settlement boundary and recently permitted major residential sites, which are largely built out now. Further the site is within a domestic garden and without separation by agricultural land to the designated settlement boundary. Further the addition of two houses given the above scenario would not undermine locational policies in

the Core Strategy or the PSP. Notwithstanding this, whilst the site is essentially viewed as part of the settlement the design of the site and how it relates to the edge of settlement location will need to be of a sufficiently high standard to maintain the character of the edge of the settlement.

The development should not therefore be resisted in principle, however the other impacts of the proposal should still be considered; this analysis is set out in the sections below.

#### 5.9 Sustainability

Whilst outside the settlement the site is as sustainable as Park Farm development by virtue of being so close to the existing new housing developments and having pedestrian link to that estate via the footpath immediately next to the site.

#### 5.10 Design and Impact on Heritage Asset

The proposal consists of the erection of two detached dwellings to the north and west of the existing dwelling, elevations have been amended during the course of the application and the removal of a third house on the south side of the site has facilitated an acceptable solution to creating two new houses.

The two houses are set well into the site and whilst trees were removed from the site before the application was submitted, there are other trees between the proposed houses and Morton House, a listed building. which serve to create a foliage separation. These are the large previously coppiced hazel to the front of Ringtail cottage and trees with in the lane and garden of the listed building itself. An Arboricultural report was submitted and the development shall proceed in accord with the report. This can be secured by condition.

The lane will stay very similar in appearance save for the reduction in height of the stone walls to 900mm to create 2.4m by 25m visibility splays for the new vehicular access on the west of Ringtail Cottage, within the Butt Lane spur. Whilst the opening to facilitate access to the building site has been enlarged since first submission the access from this spur of Butt Lane onto But lane itself is not affected. The lane has a rural character which is worthy of retention and whilst the new access will change this to some extent the retention of the wall and finishing of the new garden walls to at least the extent of the radius in stone match the adjoining wall is important to visual amenity.

The materials proposed are roughcast render and traditional stone walls together with farmhouse style double roman tilers and timber effect UPVC fenestration. These are considered acceptable subject to detail which can be secured by a condition. Overall therefore the reduction of this scheme to two houses has resulted in an acceptable form of development adjacent to the Ringtail Cottage and in terms of scale, features, materials and overall design. The buildings are already proposed to be taller than the existing cottage and given that the houses will be the back drop to Morton House listed building when trees are not in leaf a condition to secure the finished floor level

#### 5.11 Transportation



The sustainability of the site is already considered above at paragraph. 5.9. The site is shown to have two or more parking spaces and a garage per dwelling which meets the Councils current parking standards. There is adequate turning facilities within the site to facilitate domestic manoeuvres but bins will likely have to be collected from Butt Lane. Means of charging a car is required for sustainability and securing cycles in the garages is facilitated. It has been established during the application that part of the public highway crosses into the garden of Ringtail Cottage. This means that a visibility splay of 2.4m by 38m will need to be maintained in the garden of Ringtail Cottage. This can be secured with a Grampian style condition such that the proposed houses cannot be occupied unless the visibility splay is kept clear. Overall therefore the scheme is acceptable subject to conditions securing timely provision of the above and maintaining the visibility splay onto Butt Lane.

5.12 Residential Amenity

The houses would face roughly east and west such that the garden of Ringtail Cottage would be less private but the house itself is not unduly overlooked. The rear elevations face toward the Ringtail Cattery. The closest house is located only 7-9m from the cattery boundary but given the low level buildings over which the house would view there is no harm to the houses and similarly the houses are not considered to be noisy developments which would affect the cats. A dwelling is located at the cattery, taking the form of a converted barn with fenestration at 90 degrees to the new houses and at some 20m distant. As such the houses are not considered to cause a material loss of privacy to each other.

There is a potential concern about noise mainly from Butt Lane affecting areas in the house and potentially in the garden areas and a less likelihood of noise from the cattery itself. As such the Environment Health team have requested a noise survey and if necessary a scheme of mitigation be carried out to ensure that the effects are mitigated in the house design. Double glazing is likely to resolve the issue but there is potential for other measures being necessary. This survey can be adequately secured by a condition.

5.13 Environmental Issues

The site is in flood zone 1 where flooding is not likely to occur.

A preliminary habitat survey was submitted and followed by further work in respect of Great Crested Newts. A licence will be required from Natural England and the Ecology report has demonstrated that the three tests can be met. Chapter five sets out a number of recommendations to safeguard and enhance existing ecology on site and the recommendations shall be secured by condition. A further condition seeks that evidence is later supplied, prior to occupation, to ensure that this is carried out.

5.14 Foul drainage

The Lead Local Flood Authority raise no objection to the proposal and require further drainage detail by condition.

5.15 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.

5.16 Planning Balance

Paragraph 11 NPPF 2019 sets a presumption in favour of sustainable development. The above report finds that the site is sustainable and that the development is appropriate development given its close links to the settlement and being seen as part of the settlement of Thornbury as a result of recent housing estates. The proposal is, subject to conditions, not detrimental to other policies in the plan which would warrant a refusal being issued.

**6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

**7. RECOMMENDATION**

- 7.1 That planning permission is granted subject to the conditions set out in the decision notice which do not include a time condition because part of the scheme is already commenced under a previous approval.

**Contact Officer: Karen Hayes**  
**Tel. No. 01454 863472**

**CONDITIONS**

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

Reason

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

2. A site specific Construction Environmental Management Plan (CEMP), shall be agreed in writing with the Local Planning Authority prior to commencement of work. The CEMP as approved by the Council shall be fully complied with at all times.

The CEMP shall address the following matters:

- (i) Measures to control the tracking of mud off-site from vehicles.
- (ii) Measures to control dust from the demolition and construction works approved.
- (iii) Adequate provision for the delivery and storage of materials.
- (iv) Adequate provision for contractor parking.
- (v) Access arrangements for construction and delivery vehicles ensuring the access road is not obstructed and reversing vehicles are guided by a Banksman.
- (vi) Contact details for the site manager.

Reason: In the interests highway safety and to accord with Policies PSP11 of the adopted South Gloucestershire Policies, Sites and Places Plan Nov 2017

3. The dwellings shall not be occupied until the access and parking arrangements have been completed in accordance with the submitted details.

Reason: In the interest of highway safety and to accord with policies PSP11 and PSP16 of the Policies sites and places Plan Nov 2017.

4. The dwellings shall not be occupied until Electric Vehicle Charging points or other ultra-low emission facility have been provided for each dwelling in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To promote sustainable travel choices and to accord with South Gloucestershire Council's Supplementary Planning Document for Residential Car Parking Standards and Policy CS8 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

5. No development shall commence until surface water and foul sewage drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority.

A detailed development layout showing surface water and SUDS proposals is required as part of this submission.

For the avoidance of doubt we would expect to see the following details when discharging the above conditions:

- Confirmation and acceptance of an agreed connection point and discharge rate for surface water and foul water disposal from Wessex Water.
- A clearly labelled drainage layout plan showing the pipe networks and any attenuation infrastructure - to include drainage for Ringtail Cottage.

- 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) in line with the current industry accepted allowance.
- A plan showing the cross sections and design of the attenuation infrastructure (Permeable paving and attenuation crates) and its components.
- The drainage layout plan should also show exceedance / overland flood flow routes if flooding occurs and the likely depths of any flooding.
- The plan should also show any pipe node numbers referred to within the drainage calculations.
- A manhole / inspection chamber schedule to include cover and invert levels.
- 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 for the lifetime of the development. If privately maintained, the document should also consider any future sale scenarios and how tentative purchasers will also be made aware of their jointly vested highway and drainage assets.

Development must be implemented exactly in accordance with the agreed drawing strategy.

Reason: To comply with South Gloucestershire Local Plan: Policies, Sites and Plans Plan (Adopted) November 2017 Policy PSP20; South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 Policy CS1 and Policy CS9; and National Planning Policy Framework 2019.

6. The development shall be carried out in accordance with the Arboricultural Report received 12/9/2019.

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.

7. Prior to first occupation of the dwellings hereby permitted an acoustic report detailing how noise from the adjacent Butt Lane/Oldbury Lane and the Cattery will affect the proposed development and any necessary mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. Development must be carried out exactly in accordance with the details agreed.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013, PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017 and the provisions of the National Planning Policy Framework.

8. Prior to first occupation of either new house the radii surrounding the new access shall be implemented and finished in stone and mortar to match the existing southern wall of Ringtail Cottage.

Reason

In the interests of the visual amenity of the area and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013, PSP1 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017 and the provisions of the National Planning Policy Framework.

9. The finished floor level of the ground floor of each proposed house shall not be more than 150mm above the natural ground level spot heights demonstrated at the front of the respective houses in the Arboricultural Report - tree constraints plan 190318-RTC-TCP-NB received 4/6/2019.

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 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

10. The development shall proceed in strict accordance with the Mitigation Measures provided in Chapter 5 of the Preliminary Ecological Appraisal (Abricon, Oct 2019).

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the ecology of the site and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policies PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017 and the National Planning Policy Framework.

11. Prior to first occupation, of the dwellings hereby approved evidence of the installation of the ecological enhancement features recommended in the Preliminary Ecological Appraisal (Abricon, October 2019) shall be submitted to the local planning authority for approval in writing. This shall include, but is not limited to, bird boxes, bat boxes and native planting.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the ecology of the site and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policies PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017 and the National Planning Policy Framework.

12. The proposed houses shall not be occupied unless the visibility splay of 2.4m by 38m as shown on submitted plan CTP-18-430 SK01 Rev C is provided. The splay must be kept permanently clear of vegetation and other obstructions (with the exception of electricity poles and a single tree trunk) between 0.9m and 2m above the carriageway.

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.

13. The development shall only proceed in accordance with the following plans:

Location plan received 4/6/2019

19/D01-71 C Proposed site layout and roof plans received 7/9/2019

CTP-18-430 SK01 Rev C Visibility splays at junction received 23/10/2019

19/D01-61 Oak plans

19/D01-24 garage

19/D01-32 The Oak side elevations

19/D01-41 The Birch floor plans

19/D01-42 The birch side elevations

19/D01-42 too The birch front and rear elevations

19/D01-51 B garage at The Birch

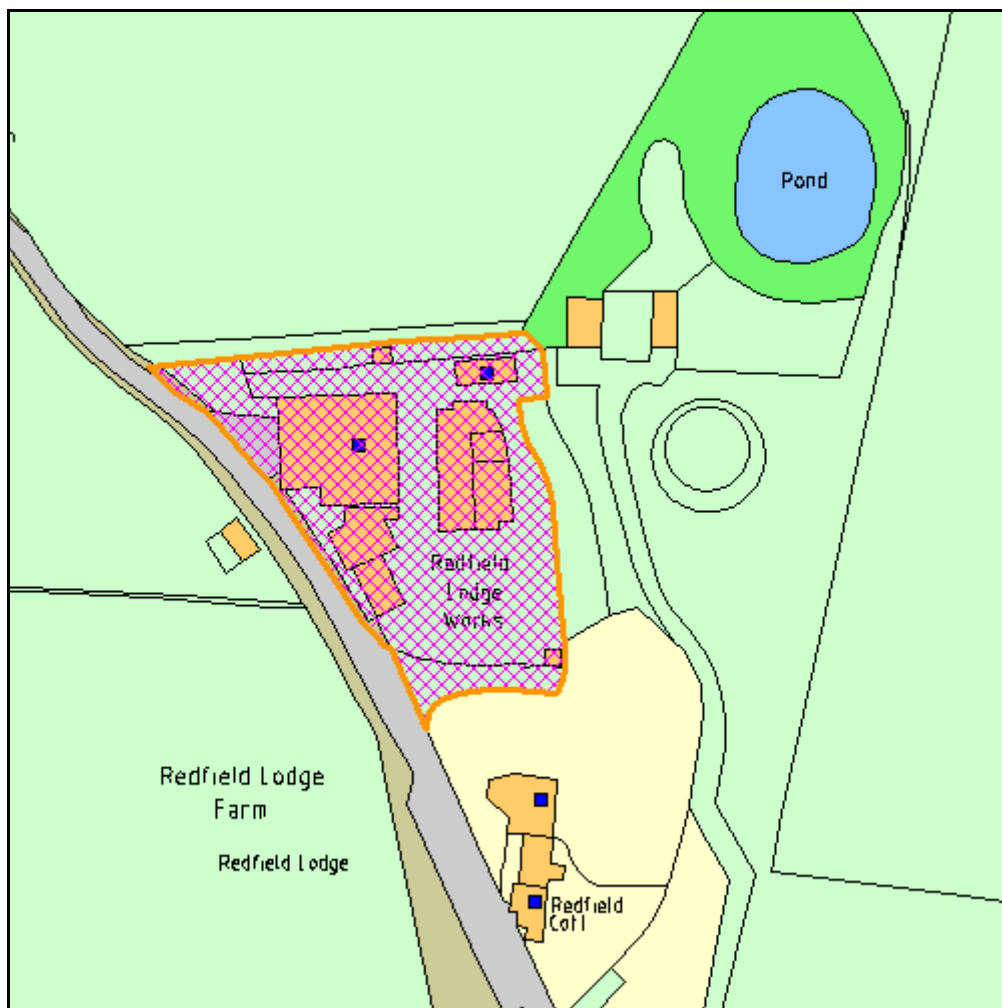
19/D01-61B The Oak front and rear elevations all received 30/9/2019.

Reason

For clarity and to prevent the need for remedial action.

**CIRCULATED SCHEDULE NO. 49/19 – 06 DECEMBER 2019**

<b>App No.:</b>	PK18/4456/F	<b>Applicant:</b>	Shield Logistics
<b>Site:</b>	Redfield Lodge Works New Pit Lane Bitton Bristol South Gloucestershire BS30 6NT	<b>Date Reg:</b>	4th October 2018
<b>Proposal:</b>	Partial demolition of existing buildings. Erection of 5no units with a mixed use comprising B1 (b&C) (Research and Development and Industrial Process), as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Erection of 1no site office, alterations to the access and associated works.	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	368561 171152	<b>Ward:</b>	Bitton And Oldland Common
<b>Application Category:</b>	Minor	<b>Target Date:</b>	28th 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 APPEARING ON CIRCULATED SCHEDULE**

This application appears on the Council's Circulated Schedule procedure following objections from local residents which are contrary to the officer recommendation detailed in this report.

## **1. THE PROPOSAL**

- 1.1 The application seeks planning permission for the partial demolition of the existing buildings on site, to facilitate the erections of 5 no. units comprising of B1 (b&c) to provide research and development and industrial process floor space at Redfield Lodge Works, New Pit Lane, Bitton. It is also proposed to erect 1 no. site office, alterations to the access and associated works.
- 1.2 The site is situated within the Bristol/Bath Green Belt, and is within the open countryside outside of any established settlement boundary. It is also adjacent to and affects the setting of Redfield Lodge Farmhouse, which is a grade II listed building.
- 1.3 When the application was originally submitted in October 2018, it proposed the erection of 8 no. units for B1 (research and development, industrial process), B2 (general industry) and B8 (storage and distribution). It was also proposed to erect 1 no. dwelling at the site, and 1 no. site office. Officers had significant concerns regarding the impact on the listed building, the Green Belt and highway safety, and so it was requested that the scheme was significantly reduced in scale and the B2 and B8 elements removed, along with the new dwelling.
- 1.4 The most recent revised drawings were received on 3<sup>rd</sup> September 2019 and a full public re-consultation on the revised description has been carried out.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework Feb 2019  
National Planning Practice Guidance

### **2.2 Development Plans**

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Environment and Heritage  
CS13 Non Safeguarded Employment Site  
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
PSP19	Wider Biodiversity
PSP20	Flood Risk
PSP21	Environmental Pollution
PSP27	B8 Storage and Distribution Uses
PSP28	Rural Economy

- 2.3 Supplementary Planning Guidance  
Waste Collection for New Development SPD  
Development in the Green Belt SPD

**3. RELEVANT PLANNING HISTORY**

- 3.1 PK06/0740/O Withdrawn 20/03/2006  
Erection of 15 dwellings. All matters reserved.

**4. CONSULTATION RESPONSES**

- 4.1 Bitton Parish Council  
Objection.

The Parish Council feel that as this is in an Area of Natural Beauty within Green Belt that this will be a complete overdevelopment of the site and Object to the erection of a further dwelling. The Parish Council also Object to the expansion of the industrial units. At the moment there is no overspill of parking but feel that with expansion of the units this will create an overspill of traffic on a road that can't take it.

- 4.2 Other Consultees

Transport

In view of all the above mentioned and subject to planning conditions to secure the improvement to the existing access then, the officer do not wish to pursue highway objection to this proposal.

If the Council is minded to approved this then, we recommend a 'Grampian' Type condition to secure highway works as follows,

- 1) Not to commence any part of the development on site until such time that the access is re-orientated and the visibility splays from the site access onto the public highway are improved as shown in principle on "PROPOSED

ALTERATIONS TO SITE ACCESS” plan (i.e. drawing no. 19021-001 dated 27/03/2019) with all construction details to be submitted to the Local Planning Authority and approved in writing.

a. This information is required as a pre-commencement condition because it is necessary to agree on the details of the construction particularly those works within the adopted highway to ensure that the construction are designed and constructed appropriately to address the needs of the proposed development.

2) Prior to occupation of any new built on site, provide off street car and cycle parking on site together with the manoeuvring area in accordance with submitted and approved plan and subsequently maintain these satisfactory thereafter.

3) There shall be no outside storage of any material on site.

4) Any PD rights that may exist in relation to change of use of the new building from B1 (b and c) to B8 for ‘Storage or Distribution’ use is removed expect for storage of material ancillary with B1 (b and c) use.

Additionally, I also ask that we add an informative to further the condition 1 above as follows:

Informative - The highway works will require the Applicant/Owner to enter into a highway works legal agreement with South Gloucestershire Council including entering into an appropriate bond, payment of supervision fee and carrying out road safety audit report all to be completed prior to commencement of the highway works.

#### Landscape

Gap in landscape buffer NE corner. Lacks roadside planting to help screen the development.

#### Listed Building and Conservation

No objection. Landscaping to be secured by condition.

#### Environmental Protection

No comment.

#### Drainage

No objection.

#### Tree Officer

No comment received.

#### Highway Structures

No comment.

#### Economic Development

On review of the application presented it is the view of the Strategic Economic Development Team at South Gloucestershire Council that we support this application.

This view has been formed having considered this application in relation to the following strategic aims and objectives:

- Policy CS13 of the Core Strategy: Proposals for change of use on economic development sites not safeguarded in Policy CS12, within the settlement boundaries of the urban areas and villages defined on the Proposals Map, will not be allowed unless it can be clearly demonstrated that all reasonable attempts have failed to secure a suitable economic development re-use. Where these circumstances occur, then priority will be given to alternative uses in the following sequence:

1. A mixed use scheme

- Policy PSP28 of the Policies, Sites and Places Plan: Proposal(s) for business development outside the defined urban areas and settlement boundaries will be acceptable: 3) In the case of the intensification, extension or alteration of existing businesses located within the rural area, where:

- o a) the development is located within the curtilage of the site; and

- o b) the development is reasonably necessary for the purposes of the business use and is clearly for that purpose; and

- o c) the volume and nature of any goods sold would not have a significant adverse effect on shopping facilities available in nearby settlements; and

- o d) the proposal(s) is of a scale which is consistent with its rural location.

This mixed-use proposal will result in the creation of up to 1,391sqm net new B2 floorspace, offering sustainable economic development at an established business site.

The redevelopment of units will provide new facilities to the current occupants on site, whilst increasing the site's sustainability and marketability to future occupants. If consent is granted, the applicant has indicated that the development will be implemented in a phased approach, in order to minimise disruption to current occupants, and to allow them to continue to operate on site, without having to vacate.

In conclusion, the South Gloucestershire Council Economic Development team believes that this application will have a positive impact on the local economy within South Gloucestershire, by creating rural employment opportunities, in an appropriate business environment. Therefore, in determining this application please take into consideration that the South Gloucestershire Council Strategic Economic Development Team supports this application.

## **Other Representations**

### **4.3 Local Residents**

A number of objection letters from 12 local residents have been received, making the following points in summary:

#### *Principle of Development*

- Site is within the Green Belt
- Land should remain agricultural
- Has never been 8 businesses operating from the yard
- Will more than double floor space
- Business need should not be at the expense of the natural environment
- Existing floor space includes units 6, 7,8 and 9 which are actually a storage container, ex lorry bodies and a timber shed Excon1 and Excon 2 are 40ft lorry trailers which have been removed from site. EXu3 and EXu4 are just a terrapin and a lean to with a roof

#### *Transport*

- Concerned about safety of the lanes which cannot cope with traffic and HGVs, already congested and dangerous
- Expansion of car parking contrasts government policy to reduce car travel
- Inadequate parking
- Speed limit has been reduced to 30 or 20mph in places to protect residents and horses have been killed. There have been a number of serious accidents
- Increased traffic will have adverse impact on environment
- Lanes are used recreationally by walkers, cyclists, children and horse riders
- Lanes are designated quiet lanes
- People park in passing spaces by Redfield Lodge farm
- Barn to the rear of Rock Farm House was recently granted change of use to light industrial and since then we have had problems
- HGV cannot pass a pedestrian safely
- Will be open evenings and weekends, overlapping with peak times for leisure use
- Road surface poor with pot-holes
- Independent road survey is totally incorrect
- Not near bus route and lanes have no street lighting

#### *Design, Heritage and Visual Amenity*

- Is an area of outstanding natural beauty
- Adverse impact on conservation area
- Buildings are too tall
- Would be clearly visible from listed Redfield Cottage

#### *Residential Amenity*

- New units will be visible from adjacent residential gardens
- No reason to put windows on back of units, will overlook fields with horses, alpaca and sheep
- Concerns about noise from development

#### *Objections to previously proposed dwelling*

- Dwelling will overlook adjacent garden, particularly from proposed balcony
- Why does commercial site need living accommodation
- Dwelling is unacceptable in planning policy terms

#### *Other Issues*

- Will affect house value
- Conifer trees surrounding site are dangerous and too tall

- Ugly caravans on site must be removed
- Disappointed about lack of notification
- Sympathetic residential re-development would be preferable
- Significant number of trees have already been removed, hope this hasn't harmed bat and owl population
- Only development in valley should be agricultural
- Will set a precedent
- No consultation with neighbours

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The site is a non-safeguarded employment site as described in policy CS13 of the Core Strategy (Adopted) December 2013. As it is located in the open countryside and Green Belt (which will be assessed in more detail below) policy PSP28 of the Policies Sites and Places Plan (Adopted) Nov 2017 is applicable. It states that the intensification, extension or alteration of existing businesses located outside of the established settlement boundaries will be acceptable where:

*(a) the development is located within the curtilage of the site, and*

The proposed partial demolition to facilitate the erection of 5 no. new B1(b&c) units and a site office is located within the curtilage of the existing commercial yard which comprises of industrial units (B2) and ancillary storage. The development meets this criterion.

*(b) the development is reasonably necessary for the purposes of the business use and is clearly for that purpose; and*

The units are clearly commercial in nature and can be used for industrial (use class B1c) or research (use class B1b) purposes. The need for the development is to reconfigure the site, which has developed over time in a piecemeal and adhoc manner, with the buildings proposed for demolition not meeting modern expectations for commercial units. The development meets this criterion.

*(c) The volume and nature of the goods sold would not have a significant adverse effect on shopping facilities in nearby settlements, and*

No goods are proposed to be sold from the site, and it will not have an impact on nearby shopping facilities in the East Bristol fringe.

*(d) The proposal is of a scale which is consistent with its rural location*

Following significant amendments to reduce the size of the built form proposed, it is now considered that the development is of a suitable scale given the rural location. The existing floor space on site is 1044.7sqm, not including the lorry trailer (EXU9) or the temporary buildings already removed from site (EXCON1 and EXCON 2) and is proposed to increase to 1158.85sqm. This results in an increase in floor space of 114.15sqm, an increase in just over 10%.

- 5.2 It is therefore concluded that the development is acceptable in principle, notwithstanding the Green Belt assessment below.
- 5.3 Green Belt  
The site is situated within the Bristol/Bath Green Belt. Officers consider that the development falls under one of the exceptions within paragraph 145 of the NPPF, namely *'the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would:*
- *'not have a greater impact on the openness of the Green Belt than the existing development;'*
- 5.4 The existing volume is approximately 4082 cubic metres, not including the temporary or already demolished buildings. The proposed volume is 5371.7 cubic metres, a volume increase of 31.6%. Notwithstanding this increase in built form, it is not considered that the development would have a greater impact on the openness of the Green Belt due to redistribution of the volume across the site, from being spread out across a number of ramshackle buildings to 5 no. purpose built buildings. Four of the proposed five form a terrace of units, whilst the fifth is to be attached to the building on site proposed for retention.
- 5.5 It is therefore concluded that the development is appropriate development in the Green Belt. This is subject to a condition preventing any ancillary outside storage at the site.
- 5.6 Area of Outstanding Natural Beauty  
A number of comments have stated that the site is within the Cotswolds Area of Outstanding Natural Beauty. This is incorrect and therefore these comments have been given little weight, although more general landscape considerations will be assessed below.
- 5.7 Design and Heritage  
The application site lies to the north of the grade II listed building of Redfield Lodge, a 19<sup>th</sup> century dwelling with attached cottage and a barn to the south, which are now all in separate ownerships. The elevation of the listed building closest to the application site has been heavily altered with the crenelated extension and porch, whilst the barn and cottage retain more of their original character from the roadside.
- 5.8 The site itself is fairly low density with a mix of industrial sheds and outbuildings, and views from the outside are limited due to the mature trees surrounding the site. The gap between the site entrance and the boundary wall to the listed building to the south allows for a degree of visual and physical separation. Concerns were raised regarding the application as originally submitted as it proposed 8 units for B1, B2 and B8 use, resulting in a significant increase in volume particularly to the south of the site, placing two storey buildings outside of the existing envelope of built form. Furthermore, the

proposed dwelling was incongruous and contrived in appearance. The development as originally submitted was not considered to preserve the setting of the listed building in accordance with policy PSP17.

- 5.9 Following several rounds of amendments, the most recent of which received on 3<sup>rd</sup> September 2019, the development now proposes a terrace of four single storey units to the east of the site, stepped back from the boundary with the listed building. Staffordshire brown brindle bricks are proposed for the lower level, while matt green metal cladding will be used for the top half and the roofing. The Council's Listed Building officer has no objection to this and the materials are considered to be consistent with the commercial use of the site.
- 5.10 The application is situated within a landscape area known as the 'Golden Valley' which is characterised by a steeply sloping agricultural valley, visually enclosed by the Oldland Ridge and the Ashwicke Ridge. The landscape officer initially had concerns that the root protection areas of the tall conifers bordering the east and north of the site would be affected by the proposed development, however the footprint of the buildings proposed has now been stepped away from them. Conifers themselves are not native, however in this instance they provide adequate screening from the wider landscape, although they have been badly managed and there are gaps, particularly in the north east corner. A condition on the application will ensure that a landscaping scheme is agreed prior to commencement of development, to include native replacements to infill any gaps in the leylandii and appropriate landscaping across the site. This is notwithstanding the submitted landscaping proposals, which show the grass verge at the front to be a wildflower verge, when screening from the roadside would be more appropriate. Furthermore, this will include hard landscaping, as whilst the stone work surrounding the access is proposed to match the existing, the 2.5m fence proposed to span the length of the site is not suitable for the rural lane.
- 5.11 Subject to the above, the development is considered to accord with policy PSP2, PSP3, PSP17, CS1, CS9 and CS34 of the Development Plan.
- 5.12 Residential Amenity  
The site is an existing industrial site, with B2 units and ancillary storage existing at the site. Whilst a slight increase in floor space is proposed following redevelopment, the proposed new units are a B1 use, which can be carried out in a residential area with minimal disturbance. The built form has been stepped back from the southern boundary and so there are no overlooking or overbearing issues on any nearby residential properties. The development accords with policy PSP8.
- 5.13 Transport  
Notwithstanding the Transport officer's comments, the existing lawful use of the site is B2, with the most recent change of use taking place in 1990, when the site was taken over by a business that assembled and stored commercial vehicles within the site (use class B2 with ancillary storage). This permission restricted any outside storage at the site. Initially a mix of B1, B2 and B8 units were proposed at the site, was raised concerns due to the unsuitability of New

Pit Lane for HGVS, because of its country road character. It is single width with occasional passing places, and winding with limited forward visibility.

- 5.14 Following the reduction of the proposed development from 8 no. B1/B2/B8 units, it is now proposed to have 5 no. B1(b&c) units, following the removal of some of the ramshackle B2 units, although whilst retaining one large warehouse situated towards the front of the site. The increase in floor space is proposed to be 114.15sqm. Whilst, the proposed development slightly increases the gross floor area of the site nonetheless, the officer is satisfied that the impact will be minimal due to the very small increase proposed, and the type of vehicle accessing the site will not change as the site has changed from B2, to primarily B1 with one B2 unit. The B1 uses proposed will consist of B1b (research and development of products and processes) and B1c (light industry appropriate in a residential area). The maximum size of vehicle requiring access to the site is unlikely to change as a result of this change, and it is certainly not expected that any HGVs will access the site. A condition on the decision notice will prevent any change of use to B8 (Storage and distribution) under permitted development as this would result in HGVs using the access lane.
- 5.15 The current vehicle access to the site meets New Pit Lane at an acute angle which can restrict turning movements in and out of the site by vehicles, particularly those to and from the northwest. Similarly, the angle of the site's boundary wall and gate to the New Pit Lane carriageway can restrict inter-visibility between drivers when entering and departing the site. Whilst it has been established that HGVs will not be required to access the site, there may be a slight increase in light traffic due to the increase in floor space, and so the applicant is proposing improvements to the access which are considered necessary to address the existing deficiencies. It is proposed to re-orientate the access and entrance gate so that it is perpendicular to the New Pit Road carriageway, retaining the south-east gate post and rotating the access by approximately 45 degrees. In addition to this, some minor widening of the access and removal of existing vegetation will also be required on its northern side to introduce an appropriate radius. These changes are feasible as the land required to make the improvements are either within the ownership of the applicant, or within the public highway, and a planning condition will require the changes to the access to take place prior to commencement of development.
- 5.16 In terms of parking, there is formal parking proposed for up to 20 cars. The site layout also allows for some informal off-street parking within the site, providing an additional 9 or 10 spaces, whilst still allowing space for vehicles to turn within the site and egress onto New Pit Lane in a forward gear. The formal spaces and turning area shown on the plan will be conditioned to be in place prior to first occupation of the development.
- 5.17 A previous condition applied to the site restricting any ancillary outside storage is considered to still be applicable, as this would increase the floor space of the units and intensify the vehicle movements at the site. It is therefore appropriate to re-apply this condition. Subject to this and aforementioned conditions, the development is acceptable in terms of policy PSP11 and PSP16 of the Policies Sites and Places Plan.



5.18 Ecology

Some comments have been received regarding harm to wildlife at the site. As a cluster of industrial units surrounded by hardstanding, the site has very low ecological potential. An informative on the decision notice. will remind the applicant of their responsibilities towards nesting birds and bats.

5.19 Other Issues

An unlawful caravan on site has been removed from the proposed plans and is no longer part of the planning application. Should it remain on site following development then the Planning Enforcement team should be notified.

5.20 Comments have been received regarding the impact on house prices in the area, however this is not a planning consideration.

5.21 Concerns regarding the extent of the neighbour consultation have been received, however the consultation process was carried out in accordance with the Council's Statement of Community Involvement.

5.22 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. This planning application it is considered to have a neutral impact on equality.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

7.1 That planning permission is **GRANTED** subject to the 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. No development shall commence until such time that the access is re-orientated and the visibility splays from the site access onto the public highway are improved as shown in principal on "PROPOSED ALTERATIONS TO SITE ACCESS" plan (i.e. drawing no. 19021-001 dated 27/03/2019, within the Transport Statement received on 7th June 2019 ) with all construction details to be submitted to the Local Planning Authority for written approval prior to the commencement of development.

### **Reason**

In order to allow adequate visibility from the site in the interests of highway safety, to accord with policy PSP11 of the Policies Sites and Places Plan, policy CS8 of the Core Strategy and the National Planning Policy Framework. This information is required as a pre-commencement condition because it is necessary to agree on the details and implement the access to allow construction traffic to benefit from the improved access.

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

### **Reason**

In order to screen the development from the surrounding countryside, and in the interests of visual amenity, in accordance with policy CS1, CS9 and CS34 of the Core Strategy (Adopted) Dec 2013, policy PSP1, PSP2, PSP3 of the Policies Sites and Places Plan (Adopted) Nov 2017 and the NPPF. This information is required prior to commencement of development in order to protect existing vegetation surrounding the site.

4. Prior to first occupation of any of the proposed units, the approved off-street parking and turning facilities, including cycles, shown on the Proposed Site Plan must be implemented and maintained for such a purpose thereafter.

### **Reason**

To ensure adequate parking and turning within the site and to encourage sustainable transport choices, in accordance with policy PSP11, PSP16 of the Policies Sites and Places Plan (Adopted) Nov 2017, policy CS8 of the Core Strategy (Adopted) Dec 2013 and the NPPF.

5. There shall be no outside storage of any material on site at any time, including storage ancillary to the B1(b&c) use hereby approved.

Reason

In the interests of visual amenity, in accordance with policy CS1, CS9 and CS34 of the Core Strategy (Adopted) Dec 2013, policy PSP1 and PSP2 of the Policies Sites and Places Plan (Adopted) Nov 2017 and the NPPF.

Reason

As this would intensify the use of the site and the impact on traffic patterns and highway safety would need to be re-assessed against policies PSP11 and PSP16 of the Policies Sites and Places Plan (Adopted) Nov 2017.

6. Notwithstanding Schedule 2, Part 3, Class I of the Town and Country Planning (General Permitted Development Order) 2015 (as amended), none of the units hereby permitted shall be used for any purpose other than B1(b) (Research and Development) or B1(c) (Light Industry). This is with the exception of any ancillary storage associated with the B1(b&c) use and the approved site office.

Reason

New Pit Lane is not suitable for HGV vehicles that would access the site if it changed to a B8 use, and so a B8 use would be contrary to policies PSP11 and PSP16 of the Policies Sites and Places Plan (Adopted) Nov 2017.

Reason

Increased floor space at the site for B2 and B8 uses would increase noise pollution, and the development would need to be reassessed against policy PSP21 and PSP8 of the Policies Sites and Places Plan (Adopted) Nov 2017.



**CIRCULATED SCHEDULE NO. 49/19 – 06 DECEMBER 2019**

**App No.:** PT18/6493/RM

**Applicant:** Barratt Homes  
(Bristol Division)  
Ltd.

**Site:** Land North Of Wotton Road, Charfield

**Date Reg:** 7th January 2019

**Proposal:** Erection of 115 no. residential dwellings to include details of layout, scale, appearance of buildings and landscaping (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PT16/6924/O).

**Parish:** Charfield Parish  
Council

**Map Ref:** 368932 185022

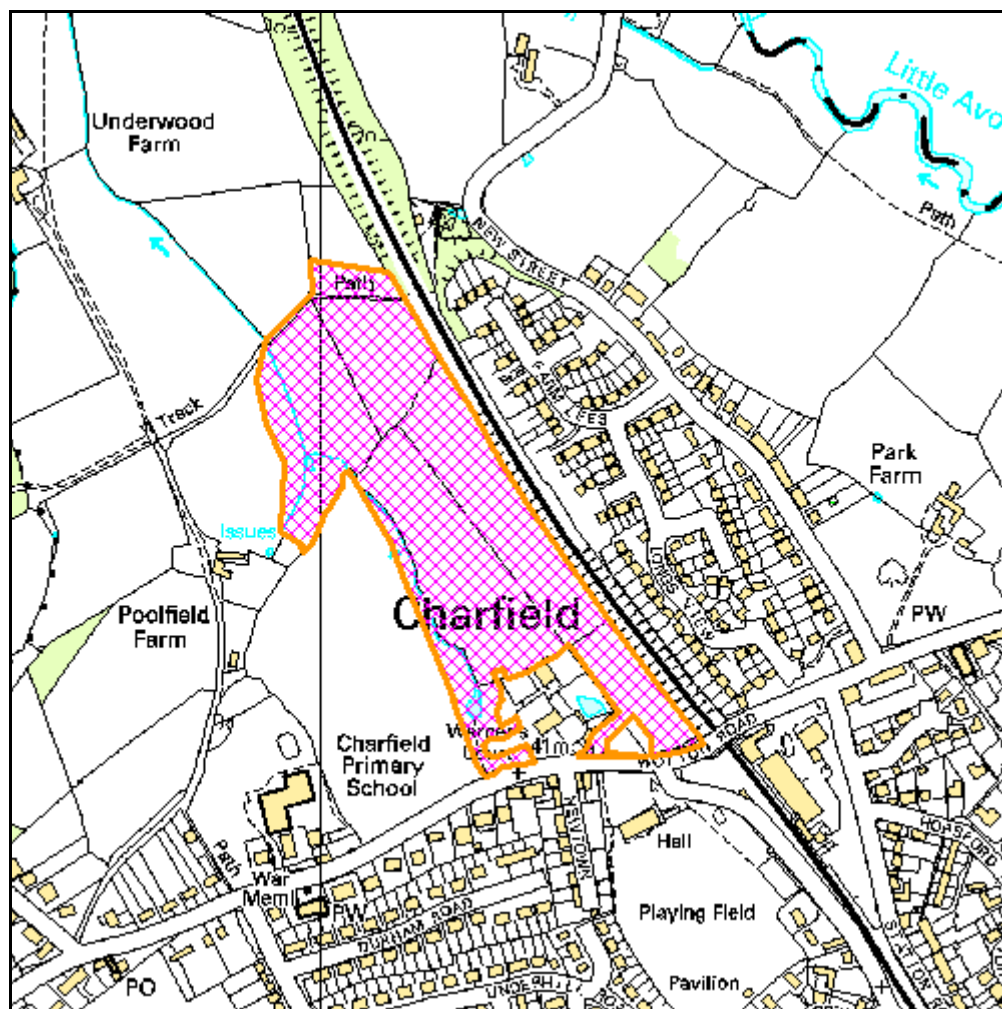
**Ward:** Charfield

Application	Major
1. <u>Application for Admission</u>	
2. <u>Application for Transfer</u>	
3. <u>Application for Re-entry</u>	
4. <u>Application for Graduation</u>	
5. <u>Application for Withdrawal</u>	
6. <u>Application for Readmission</u>	
7. <u>Application for Change of Major</u>	
8. <u>Application for Change of Program</u>	
9. <u>Application for Change of Campus</u>	
10. <u>Application for Change of Status</u>	
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## Target

**Category:**

**Date:**



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N.T.S.

PT18/6493/RM

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

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

This application is referred to circulated schedule due to 10no. objections having been received from Local Residents, as well as an objection from Charfield Parish Council, which are contrary to the Officer recommendation.

## **1. THE PROPOSAL**

- 1.1 This application seeks reserved matters consent for the erection of 115no. dwellings as well as associated public open space, landscaping and infrastructure. The reserved matters, which comprise appearance, layout, scale and landscaping should be read in conjunction with the outline permission ref. PT16/6924/O which was superseded by ref. PT18/5810/RVC. The outline application (ref. PT16/6924/O) for up to 121no. dwellings and a retail unit was allowed at appeal. The retail unit and 6no. self-build plots are subject to separate reserved matters (see planning history).
- 1.2 Directly to the west of the site is a recently permitted development of 64no. dwellings known as 'St James Mews'. This is largely built out. The site abuts the railway line to the east and is surrounded by agricultural fields to the north. The Warners Court farm complex is to the south, and is enclosed by part of the site and Wotton Road. The application site itself relates to existing agricultural land associated with Warners Court, it sits north of Wotton Road and just beyond the northern edge of the defined settlement boundary of Charfield. The topography of the site ranges from circa 42 metre AOD at its highest point, adjacent to Wotton Road, and down to 31 metre AOD to the north. The outline consent included details of a singular vehicular access off Wotton Road.
- 1.3 There are a number of trees along the southern and western boundaries of the site, as well as within the northern section of the site. All trees on the site are subject to an area Tree Protection Order (TPO). The northern section of the site also contains a Site of Special Scientific Interest (SSSI) known as Cullimore's Quarry, which is designated for geological interest. There is a public right of way which runs near to the northern boundary of the application site. The application site is considered to contribute to the setting of the Grade II listed Poolfield Farmhouse. This is situated to the west of the northernmost part of the site.
- 1.4 Alongside plans, a number of reports have been submitted as part of this application. These include;
  - Landscape & Ecological Management Plan (LEMP)
  - Private Maintenance & Management Scheme,
  - Tree Report, Arboricultural Impact Assessment & Method Statement,
  - Surface Water Drainage Design Summary and Maintenance & Management Plan
  - Design Compliance Statement.

- 1.5 Through the course of the application, the scheme has been amended, and two formal 14 day re-consultations have been carried out. The most recent ended on 3<sup>rd</sup> October 2019.
- 1.6 An EIA screening opinion was carried out (ref. PT16/051/SCR), and an EIA was not required.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework Feb 2019  
 National Planning Policy Guidance  
 National Design Guide (October 2019)

### **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
CS34	Rural Areas

#### **South Gloucestershire 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
PSP18	Statutory Wildlife Sites
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP42	Self-build and Custom Housebuilding
PSP43	Private Amenity Space Standards
PSP44	Open Space, Sport and Recreation

- 2.3 Supplementary Planning Guidance  
 Design Checklist SPD (Adopted) 2007  
 Residential Parking Standards SPD (Adopted) 2013  
 Waste Collection: Guidance for new developments SPD (Adopted) January 2015.  
 Extra Care and Affordable Housing SPD (Adopted) May 2014

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

#### The application site

- 3.1 PT16/051/SCR EIA Not Required 21.12.2016  
 Outline residential development of up to 126 dwellings.
- 3.2 PT16/6924/O Non-determination appeal  
 APP/P0119/W/17/3179643 Appeal Allowed 23.07.2018  
 Erection of up to 121no. dwellings, retail unit (Class A1), open space, ecological mitigation land and associated works with access from Wotton Road. Outline application with access to be considered (all other matters reserved).
- 3.3 PRE18/1081  
 Erection of 115 dwellings and provision of open space, landscaping and associated and ancillary infrastructure.
- 3.4 PT18/5810/RVC Approve with Conditions 19.07.2019  
 Variation of condition 1, 2, 12, 14 and 19 attached to PT16/6924/O to allow for each of the self/custom build dwellings and retail unit to come forward as separate phases.
- 3.5 DOC18/0461 Pending Consideration  
 Discharge of conditions 6 (EMEP), 7 (EMEP timetable), 11 (Attenuation of Grade II Listed Building), 12 (CEMP), 13 (Archaeological report), 14 (Site Levels), 15 (Surface Water Drainage), 16 (Sustainable drainage scheme), 17 (Foul drainage) and 18 (Noise impact assessment) and part discharge of condition 10 (Bat Check) attached to planning permission PT16/6924/O. Erection of up to 121no. dwellings, retail unit (Class A1), open space, ecological mitigation land and associated works with access from Wotton Road. Outline application with access to be considered (all other matters reserved).
- 3.6 DOC19/0093 Pending Consideration  
 Discharge of condition 19 (Energy Statement) attached to appeal decision APP/P0119/W/17/3179643 with regards to planning permission PT16/6924/O. Erection of up to 121no. dwellings, retail unit (Class A1), open space, ecological mitigation land and associated works with access from Wotton Road. Outline application with access to be considered (all other matters reserved).
- 3.7 P19/09596/RM Pending Consideration  
 Erection of retail unit (Class A1) and associated works, to include details of appearance, landscaping, layout and scale (Approval of reserved matters to be made in conjunction with PT16/6924/O)



- 3.8 P19/11787/F Pending Consideration  
Erection of 1 no. building to form retail unit (Class A1) and cafe (Class A3) with new vehicular access, carpark and associated works.
- 3.9 P19/09015/RM Pending Consideration  
Development of Plot 120 for a single self-build dwellinghouse and associated parking appearance, landscaping, layout and scale to be determined (Approval of Reserved Matters to be read in conjunction with outline permission PT16/6924/O).
- 3.10 P19/08999/RM Pending Consideration  
Development of Plot 116 for a single self-build dwellinghouse and associated parking appearance, landscaping, layout and scale to be determined (Approval of Reserved Matters to be read in conjunction with outline permission PT16/6924/O).
- 3.11 P19/09002/RM Pending Consideration  
Development of Plot 117 for a single self-build dwellinghouse and associated parking appearance, landscaping, layout and scale to be determined (Approval of Reserved Matters to be read in conjunction with outline permission PT16/6924/O).
- 3.12 P19/09025/RM Pending Consideration  
Development of Plot 119 for a single self-build dwellinghouse and associated parking, appearance, landscaping, layout and scale to be determined (Approval of Reserved Matters to be read in conjunction with outline permission PT16/6924/O).
- 3.13 P19/09019/RM Pending Consideration  
Development of Plot 118 for a single self-build dwellinghouse and associated parking, appearance, landscaping, layout and scale to be determined (Approval of Reserved Matters to be read in conjunction with outline permission PT16/6924/O).
- 3.14 P19/09021/RM Pending Consideration  
Development of Plot 121 for a single self-build dwellinghouse and associated parking appearance, landscaping, layout and scale to be determined (Approval of Reserved Matters to be read in conjunction with outline permission PT16/6924/O).
- 3.15 P19/17700/NMA Application Received  
Non Material Amendment to substitute plan 10115-500 Rev A in condition 3 and 20 for plan 0609-609-5000 Rev A.

Other relevant planning history

*Adjacent site - 'St James Mews' (Day House Lease)*

- 3.15 PT16/0462/O Approve with Conditions 26.05.2016  
Erection of 64 dwellings (Outline) with access to be determined. All other matters reserved.

- 3.16 PT16/6580/RM Approve with Conditions 16.06.2017  
Erection of 64 dwellings with associated drainage and highways infrastructure.  
(Approval of Reserved Matters to be read in conjunction with Outline  
PT16/0462/O)

*'The Villages' (Land South of Wotton Road)*

- 3.17 PT13/4182/O Refusal 17.04.2014  
APP/P0119/A/14/2220291 Appeal Allowed 08.06.2015  
Erection of 106 no. dwellings, access, parking, public open space with play  
facilities and landscaping (outline) with access to be determined. All other  
matters reserved.

- 3.18 PT16/1503/RM Approve with Conditions 08.08.2016  
Erection of 106 no. dwellings with details of appearance, landscaping, layout,  
scale and associated works (Approval of Reserved Matters to be read in  
conjunction with outline application PT13/4182/O).

*Land to the South of Charfield*

- 3.19 P19/2452/O Pending Consideration  
Mixed use development of up to 900 residential units (Use Class C3, including  
affordable homes and housing suitable for the elderly) with provision of a  
reserve site for a new 2FE primary school with playing fields (Use Class D1)  
OR up to 950 residential units (Use Class C3, including affordable homes and  
housing suitable for the elderly); Up to 1ha of land for a neighbourhood centre,  
comprising 0.7ha with provision for 1,800 sq.m of commercial floorspace (up to  
500 sq. m A1, 500 sq. m A1/A2/A3/B1 and 800 sq. m D1 community uses with  
C3 residential on upper floors forming part of the 900/950 total residential units,  
and up to 0.3 ha additional employment provision). Provision of green  
infrastructure including: open space, parks, natural and semi natural green  
space, amenity green spaces, allotments, community orchard and facilities for  
children and young people. Preparatory works; provision of associated  
infrastructure including footpaths/cycleways and vehicular accesses; and  
associated engineering and landscaping works including SUDs. Outline  
application including access with all other matters reserved.

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

##### **4.1 Charfield Parish Council**

Objection (No comments received on final re-consultation).  
Comments summarised as follows:

- Dust suppression concerns, a wash down facility for all HGV vehicles/heavy plant should be introduced (condition)
- Pedestrian crossing proposed close to junction of Wotton Road/Newtown. This may make it impossible for vehicles to access/egress Newtown.
- In order to retain right and left turn from Newtown any pedestrian refuges should be un-kerbed and paint only.

- Any lights to pedestrian crossing lights should be shielded to prevent light pollution to 50/52 Wotton Road.
- Number of conditions requested, including no reduction in pavement width, working hours/delivery times condition, no permanent security lighting, traffic management plan to define when large deliveries taking Bronte Cl, Cheltenham place, traffic management on Wotton Road shall only be undertaken with traffic plan agreed by SGC.

#### 4.3 Arts and Development Officer

No comment. Public art was not a requirement following the Inspectors decision on this site.

#### 4.4 Lead Local Flood Authority

Following revisions and additional information, comments as follows:

- This application is assessed in line with discharge of conditions 11, 15 and 16 attached to PT16/6924/O.
- The Surface Water Drainage Design Summary and Maintenance & Management Plan has been prepared to take account of former comments from the Lead Local Flood Authority. This document is now acceptable to us.
- Amended details have been received including microdrainage calculations, planning drainage strategy, planning detailed engineering layout and landscape proposals. This information has been reviewed and is now acceptable.
- Additional detail and documents have been received in relation to the proposed Rootlok retaining wall. These have been reviewed by drainage and are confirmed as being acceptable.
- It is recommended that conditions 11, 15 and 16 attached to the outline can be discharged.

#### 4.5 Highway Structures

*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.*

*The developer is to propose routes for any abnormal load movements required for the construction of this development. An abnormal load is any vehicle or load that is over 3 meters wide, 18.75 meters long or over 40 tonnes in weight.*

#### 4.6 Housing Enabling

Following revisions and additional information, comments as follows:

Whilst this RM application is for 115 dwellings regard must be had for the adjacent 6 selfbuild units resulting in a total of 121 homes which are subject to outline planning consent PT16/6924/O.

#### *Tenure and Type*

The affordable housing quantum has been provided in accordance with the S106 agreement. Based on 121 homes (115 & 6 self build) the application proposes 35% i.e. 42 affordable homes which is acceptable.

There is a requirement for 73% social rent and 27% intermediate housing as set out in the S106 agreement. Based on 42 affordable homes this generates a requirement for 31 Social Rent and 11 Shared Ownership homes which the application proposes.

The range of house types proposed are largely in accordance with the S106 agreement.

#### *Design*

Under paragraph 7.9 of the submitted Planning Statement the agent has confirmed the affordable homes will be constructed to meet M4 (2) of the Building Regulations as required by PSP37. This will have to be controlled by way of a planning condition.

#### *Clustering and Design*

The S106 agreement specifies 12 affordable dwellings in a cluster with no more than 6 flats with shared access. All flats sharing a communal entrance should be of a single tenure.

It is considered the proposed scheme complies with the above clustering requirements in relation to clusters of no more than 12 dwellings and 6 flats. It is considered however that a number of the affordable homes could be re-distributed along plots 25-1 in order to improve the overall distribution of the affordable homes.

In relation to Block B – it is proposed to introduce a mixed tenure block of 4 social rent and 2 shared ownership flats. The different tenures now have separate accesses.

It is suggested that plots 47- 44 are broken up in order to avoid a concentration of large family homes...Enabling raise this issue mainly for information purposes as an RP could have concerns from a management perspective.

#### *Wheelchair Provision*

The application proposes 8% of the total number of homes to be provided as wheelchair accommodation and for social rent tenure in accordance with South Gloucestershire's wheelchair accommodation standard. A total of three wheelchair homes are proposed:

- 2 x 2 bed flat @ 78.90m<sup>2</sup> Plots 102-103
- 1 x 3bed @ 128.85 m<sup>2</sup> Plot 54

The agent has confirmed the users of the wheelchair units would have access to shared amenity space. The Council's Wheelchair Specification requires "*private enclosed accessible gardens min 10m2 to all wheelchair units including flats in larger blocks with communal areas*". This has now been amended and land to the front of the proposed flat block is proposed as amenity space. I have received the following comments from the councils' Occupational Therapist, which states; *The internal layout has improved but the garden is unacceptable, it is not a garden, it's a strip of land and it's specification and location will not adequately support any meaningful outdoor occupation or privacy*

#### *Recommended conditions*

The Housing Enabling Officer has recommended a condition to ensure that the affordable housing are constructed to meet Part M of the Building Regulations accessibility standard M4(2).

#### 4.8 Landscape Officer

Following revisions and additional information, comments as follows:

Street trees were encouraged as well as a green/planted verge. A planted verge has now been introduced. Street trees cannot be introduced due to highway safety matters. It was requested that additional trees were planted in rear gardens to compensate for the lack of street trees. Revised plans show that some additional trees have been added to rear gardens, additional planting of two trees is also shown near to plot 1. It is considered that the revised planting plans are acceptable.

Originally commented that the proposed access track leading to the allotments conflicted with the retained trees within the hedgerow. Stated that this should be of a no-dig construction. Subsequently an Arboricultural report and method statement have been submitted which outlines the construction of the no-dig footpath. A section of the footpath and a CGI image has also been produced. These have been reviewed and now confirmed acceptable.

Concerns originally expressed regarding the highly engineered design of the attenuation pond. Through the course of application further information and a landscape section have been submitted showing that a Rootlok planting retaining wall is proposed. Planting details have also now been specified. These details are now considered acceptable.

Originally commented that the proposed sub-station should be moved back to allow a large tree to be planted. The area around the sub-station and play area has now been amended. A tree has now been incorporated and the design of this area is considered acceptable.

Originally commented that where knee rail is proposed this should comprise timber post with tubular metal rails rather than metal strap fencing. This has not been amended.

Originally commented that that the hedge to plot 95 should be returned at right angles to prevent car access, there would also be an opportunity to plant 3

trees along this boundary. The hedge has now been extended but no additional trees are proposed.

Originally commented that open grass areas to the front of plots 69-72 adjacent to the pumping station should include tree planting (subject to sewer easement) and there would be room for a large tree species within the RHS area. There have been no amendments in this regard. Timber post and wire fence needed around the allotment parking, to protect hedge planting prior to establishment. This is now included. Native hedgerow was also requested alongside the post and wire fence on top of the gabion wall. This is now shown on revised plans.

The Landscape Management Plan is considered acceptable regarding general landscape operations. The detailed maintenance regime for the Eastern wildlife corridor should be clearly set out. This has now been provided and will be reviewed by the ecologist.

There has been an issue with two Lime Trees being damaged adjacent to the road frontage. If these trees are lost we would require significant compensatory tree planting. The 'aggressive pruning' to these trees has been acknowledged. Compensatory planting is proposed within the trim trail. This will be reviewed by the tree officer.

#### 4.9 Public Open Spaces

Following revisions and additional information, comments as follows:

Comments in relation to the Private Management and Maintenance Scheme (PM&MS) which is required by the S106. It did not previously cover the Rootlok wall or the acoustic fence. This is now covered but some matters are queried. However, it is acknowledged that as the PM&MS is a S106 matter it can be dealt with separately.

Previously commented that the acoustic fence does form part of the Open Spaces but no details have been submitted. Details are required now as once installed it will be inaccessible. Photos have been supplied and it is now shown on external works plan, inspection and repairs will be carried out in consultation with an ecologist when necessary.

Originally commented querying why there is no reference to the ecological corridor in the Landscape and Ecology Management Plan (LEMP). This is now been included.

Originally commented that the ecological corridor is cut off at the northern end by an 1800mm high screen wall, and at the south end by an 1800mm high close-boarded fence. This creates an impediment to the free movement of the dormice, particularly as the sides of the corridor will comprise of acoustic barrier on the eastern side and close-boarded fence on the western side. Even if the Management Entity have unrestricted access rights over the private courtyards it was suggested that there should be access via POS too so that access is not precluded in the event the private courtyard accesses are blocked. 3 metre wide gates are now shown at both ends of the POS as well as 2 gates within parking courts.

Originally comments that the planning layout needs to be clear beyond doubt that there are equipped play areas. The text "LAP" is virtually obscured for both LAPs. Potential purchasers must be under no doubt as to what is situated next to plots. "LAP" now legible on revised planning layout. It is recommended that any plans used for sales purposes clearly state equipped play area.

Precise details of play equipment should be proposed and agreed at this stage. If changes are later proposed they will need to be accompanied by a revised plan showing the new layout and footprint of the equipment, a comparison table showing the approved items and the revised proposed items. There must be no loss of play value or size of equipment i.e. it must be equivalent or better than that which is approved.

In general my thoughts are:

Timber has a limited lifespan and the Council is experiencing timber products having a much shorter lifespan that would be expected.

Laminate and wood guarantees – timber and laminated products tend to have a lesser lifespan than steel so I would recommend investigating the guarantees offered, particularly as the burden of cost of repairs and replacement will fall to the residents. Our play officer is not aware of any Playdale equipment in our c.70+ play areas so we do not have particular experience of their products but in our play areas we have experienced the following and would highlight these issues for consideration:

- unexpected timber and laminate failures (hence our play officer's preference is generally steel)
- kicking out of panels (ensure materials and fixings are suitably robust)
- arson attacks (enclosed areas, under slides - hence metal may be better than plastic, etc.)
- use of equipment as a toilet (semi-enclosed types of equipment)

Timber is commonly proposed due to the lesser cost compared to more durable steel. There have been a few cases of catastrophic failure of timber cantilever swings, which fortunately have not caused fatalities, but which rather backs up my concerns.

Concerns have been expressed in relation to the location of the southern LAP. Planting has been introduced in the southern LAP. *Prunus lusitanica* is proposed; this is commonly used as hedging but the berries and leaves can be harmful if ingested. This hedging has now been changed.

Purchasers must be made absolutely aware of what they will be living beside as the Council would not look favourably upon future requests for removal of equipment. All plans that prospective purchasers might view should clearly state children's play area rather than just LAP.

The age group the Wacky Spinner is aimed at is 4 - 15yrs old, according to the manufacturer's website. Although it looks like a fun piece of kit, it is more likely to attract older children and for this reason I think it would be worthwhile considering the Navigator, which is aimed at 2 - 6yr olds. The City Hopper is

not classed as inclusive and I would suggest considering the Elephant Ride, which is classed as inclusive. The Elephant Ride is now proposed.

Originally commented that there is less than 3.5m between the fence and plot 115. I would think that it will be difficult to sell this plot and that there would be later requests for the play area/equipment to be removed. The Adoption Plan, extract below, reveals a proposal for half of the area behind the play area fence to be adopted and for the other half to belong to plot 115. The strip of grass and the planting would be partly privately owned by the plot and partly POS, where technically anyone should be able to sit and have a picnic. The layout of this has now been amended.

Originally commented that the fencing and gates around the southern LAP are proposed to be 1.2 metres high, this could feel enclosed to young children. The fence has now been altered to 1 metre high.

Originally commented that any trees in the southern LAP must not interfere with the surface required around the play features; root barriers may be required. It is wiser to place trees so that the canopies give shade to benches and/or a space suitable for a picnic blanket or to park a pram in the shade. With careful planning you can ensure that at certain times of the day they cast a shadow over some of the equipment whilst avoiding a high level of maintenance. A *Carpinus betulus* 'Lucas' now proposed, which is considered acceptable.

Originally commented that given the Northern LAP's less than ideal location beside existing trees, that frequent tree surveys are carried out to ensure safety of play area users. The PM&MS now specifies monthly tree inspections.

Originally commented that the trees proposed in the northern LAP would overwhelm it overtime. The play area would become dark and shady. Tree species have now been altered.

Originally commented that the northern LAP would be partially enclosed with 1.2 metre high timber fence and rail fencing. It is considered that the height is too high for a toddlers play area. This has now been amended to 1 metre high. It was also originally commented that gates should open inwards to avoid obstruction to the footpath. This is now specified along with a self-closing mechanism.

Originally commented that the proposed multi-play unit in the northern LAP was not suitable. This has now been amended to an item suitable for 5-12 year olds. This is considered acceptable but the proximity to dwellings is noted.

Originally commented that the trim trail as limited play value and that additional and more varied equipment should be included. Two items have now been substituted which provides more variety.

In relation to the proposed allotments, originally commented that the vehicular access needs to be identified on a key, and the track surface specified. It was also requested that the sheds should be FSC certified wood and doors should be braced and ledged for increased security. Fencing that would preclude



rabbits should also be specified. All these matters have been amended and are acceptable.

Originally commented whether cross sections could be provided to show how the path that runs towards and past the west side of the pumping station will be fitted in with the levels and trees. A CGI image has been provided which shows this path.

Originally queried whether agricultural access rights will be retained by the farmer. Vehicular tracking for the agricultural vehicles was requested to ensure that they can navigate the site. Vehicular tracking has now been provided, and will be reviewed by highways colleagues.

Originally commented that planning layout needs to be clear that there are equipped play areas. Future purchasers must be under no doubt as to what is situated next to plots. It is noted that 'LAP' is now legible on revised plans, it is recommended that any plans used for sales purposes clearly state equipped play area.

Originally commented that identification of required maintenance activities and access routes is important. Also raised concerns that only an indicative details of the rootlok wall were provided. An operation and maintenance manual has now been introduced, as well as a plan of the wall itself and specifications of planting.

Originally commented that engineering plans do not show existing trees and associated root protection areas. Root protection areas are now shown on plans.

#### 4.10 Public Rights of Way

The outline of the site includes public footpath OCH8. OCH 8 has been subject to public path orders that have been made but have not been confirmed by the Secretary of State, as it runs over the railway line. The Legally defined line of OCH 8 is currently closed on safety grounds and a permissive alternative has been made available by Network Rail for several years now. Network Rail are exploring options including overbridge for this path and I believe that arrangements have been made for contributions to be made towards this from this development. The planning layout does not indicate a path to connect to either the definitive line or the available route which is disappointing for new residents who will want access to the countryside for recreation. As part of the permission sought I would like to request a condition that the link to the path must be provided and shown on a plan to be agreed prior to development commencing.

The alternative route available for the public is currently fenced into a narrow strip at the northern end of the proposed development. I request that the path be made available for a width of at least 2.5 metres leading to the kissing gate by the railway line. This is to accommodate users.

#### 4.11 Self-Build Officer

*This RM application does not relate to the self-build part of the site and plots. These are covered in separate RM applications – Ref. P19/08999/RM; P19/09019/RM; P19/09002/RM; P19/09025/RM; P19/09021/RM; P19/09015/RM.*

*No comment.*

#### 4.12 Sustainable Transport

Originally commented:

##### Waste

I note that there are concerns that the layout may be too restrictive to enable the Councils Refuse vehicle to access all the dwellings. They insist on utilising a 4 axle refuse vehicle which is incorrect, they should utilise the vehicle identified within the waste SPD which is a 3 axle refuse vehicle as they have different overhangs/turning characteristics. The layout should show left in left out at all junctions to ensure that the proposals work and doesn't restrict waste operators from only accessing the development in one particular way which may not be the most efficient.

In addition to this it would appear that some of the drop off spaces for refuse are in excess of the 10m required by the Waste SPD, the bin collection area for block B does not provide enough space for the number of wheelie bins/recycling containers without completely blocking either the footway or access.

The sharing of bin stores and cycle parking is not acceptable so the proposals for block A is not acceptable.

##### Layout

The layout as mentioned previously is not legible for both drivers and pedestrians in that there is a mix of shared surface/traditional/hybrid layouts incorporated into the proposal that results in a confused design that would appear to have been done to facilitate the housing rather than any legible design proposals.

As mentioned previously the main access road is a straight line which needs traffic calming to ensure that the vehicle speeds are kept to less than 20mph, ideally 15mph. They should also change the main access road to block paving, with the junctions shown as tarmac as this better resists turning movements.

There is scope along this stretch to introduce narrowings/make it a shared surface, with tree pits to provide a tree lined avenue/build-outs for visitor parking.

The junction adjacent to plot 99 is not acceptable as it does not provide a safe crossing point over the side road for pedestrians. The junction adjacent to plot 84 is not acceptable as it does not provide a safe crossing point over the side

road for pedestrians. The corner adjacent to plot 57 does not provide a safe crossing point for pedestrians. The corners adjacent to both Block B and Plot 5 do not allow for street cleaning vehicles, and will essentially become 'dead' areas attracting detritus and need redesigning.

It has now been confirmed that all the above have been resolved satisfactorily.

#### 4.13 Tree Officer

Originally commented that the thrust boring installation of services by TPO trees T92/T56 states that the rig will require hard standing to sit on whilst in operation. The plan shows that the access road could be used as hard standing and there is a proposed cellular confinement system to be installed between the trees, for the road to be constructed on top, in order to prevent compaction. This is all as it should be, but according to the thrust boring method statement there is a possibility of heave occurring to the ground above the bore, with this in mind I am assuming that the bore should take place prior to the construction of the surface above, in case of this occurring. So, I am wondering what the sequence of events is going to be and where the rig is going to sit. I would like clarification of this and I would like the position of the hard standing for the rig to be shown on the tree protection plan.

Following this a revised tree protection plan was submitted showing a hardstanding position for the drilling, which is now acceptable.

Through the course of the application there was aggressive pruning to protected Lime trees along Wotton Road. To compensate for this, the applicant proposed to increase tree planting within the trim trail. Species to be planted have now been agreed with the tree officer, and are considered acceptable.

#### 4.14 Urban Design Officer

It is widely agreed that the new NPPF places a renewed emphasis on design quality. This has been borne out by a number of well reported schemes being dismissed on appeal for 'design' reasons.

Para 124 of the NPPF states that *'the creation of high quality buildings achieve...and helps make development acceptable to communities'*. Para 127 states that *'decisions should ensure that developments:...add to the overall quality of an area...are visually attractive...are sympathetic to local character...establish a strong sense of place, using the arrangements of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live...and create safe, inclusive and accessible places...'*, and para 130 states that *'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area...'*. It also states that Local Planning Authorities should also seek to *'ensure that the quality of approved development is not materially diminished between permission and completion'*.

The NPPG makes similar statements including, 'Local building forms and details contribute to the distinctive qualities of a place. These can be successfully interpreted in new development without necessarily restricting the scope of the designer. Standard solutions rarely create a distinctive identity or

make best use of a particular site. The use of local materials, building methods and details can be an important factor in enhancing local distinctiveness when used in evolutionary local design, and can also be used in more contemporary design.'

Policy CS1 of the Core Strategy require that the highest possible standards of design and site planning are achieved, siting, form, scale, height, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context and density and overall layout is well integrated with existing adjacent development and connected to the wider network of foot, cycle and public transport links.

PSP1 – Local Distinctiveness, requires that new development should respond constructively to buildings and characteristics of a locality that make a positive contribution to the distinctiveness. The supporting text explains how this should be done and it is clear that the historic building stock, usually pre-war is usually the best source to understand locally distinct building styles and not more recent estates that rarely sought to respond to local character and are in fact the reason why modern planning policy promotes *locally distinct* architecture.

#### *Viability*

It is worth noting that no viability issues have been presented to date. This is not surprising, as this is a greenfield site in an attractive location with good values. There should thus be no reason why a good standard of design cannot be achieved alongside other planning policy objectives.

#### *Context Appraisal*

The Design Statement seeks to justify the detailed proposals. The character appraisal was the subject of some concern at outline stage. Following initial discussions on the outline application the following comments were made:

An improved character appraisal is now included (pgs 16 – 22), that gives a clearer sense of the quality of dwellings in Charfield. I however, continue to fail to understand the point of assessing the Post 1950's to present dwellings in terms of character other than an attempt to 'muddy the waters', i.e. to continue to argue that since there is a range of ages and styles then anything can be built. I would reiterate again that it is the historic building stock that usually, and definitely in the case of Charfield, should be used to drive distinctiveness in terms of a response. See PSP 1 above. What the images on pg19 tend to show are short terraces of cottages, often rendered and simply detailed, with occasional larger detached dwellings in red brick or stone with bay windows and symmetrical elevations. Chimneys are prominent (and on gable ends), roof pitches varied and brick quoining or stone window surrounds are evident. The associated text continues to miss such observations'.

In conflict with PSP1, the new Design Statement continues to confuse matters by assessing every period of housing in Charfield and then fails to discern, in any meaningful manner, as to which buildings and features contribute positively to local character and therefore should inform the design approach. What is notable is that a street scene from the previous DAS is repeated at page 49, next to images of the actual proposed scheme. This is important in the context

of the new NPPF (para 130) as the community and inspector was clearly meant to believe that development of a certain quality would be achieved. Although a rather random collection of dwellings is shown, they display some attention to detail and quality not evident in the proposed scheme, i.e.

- Tall distinct chimneys
- Clear vertical emphasis and traditionally glazed fenestration
- Front boundary walls to properties
- Elegant flat arch brick lintel detail to windows
- What appears to be natural stone and roughcast render, and
- Drip lintel detail to the rendered units

The dwellings thus have a traditional sense of symmetry, robustness and quality.

It is not the LPA's role to impose architectural style decisions on developers, but to seek to promote quality and distinctiveness. To this effect developers of such sites, i.e. unconstrained by a very obvious and strong local character, have a choice; either go down a 'traditional' route, but in keeping with the locally distinct architecture and do it faithfully, or take cues from the locally distinct vernaculars and interpret features into overtly modern dwelling styles that promote health, wellbeing, sustainability and modern lifestyle choices.

What is presented is currently something of a muddle that lacks any such subtleties or quality. Errors designers often make in terms of 'architecture' is to mix and match stylistic approaches, introduce both horizontal and vertical elements and unnecessary detail into elevational treatments, specify poor quality materials, dress frontages only, and pay little attention to important details, such as eaves, plinths, mortar colour, window reveal depths and bin storage etc. In terms of urban design distinctive 'places' and streets often have a strong theme of repetitive forms and strong unifying features such as boundary treatments and robust landscaping. What is common with modern developer approaches is to introduce too much variety with little logic to the distribution of dwelling types. This leads to a tedious / anywhere design. All these common problems are evident in the proposed scheme. The best approach is often to keep things simple and do them well.

### *Vision*

The basic design vision proposes the western half of the site as lower density in a more traditional material palette and the eastern half, north-south street dominated by red brick with dwellings in some cases with larger windows.

### *Layout*

Originally commented that the location of the highways is in basic accordance with the approved master-plan. The eastern north-south street has a strong uniform building line, however:

Pre-app comments were ignored and although some effort is evident the eastern north-south street remains a somewhat random line-up of housetypes.

Further effort should be made to reduce the amount of types and group units, so creating more uniformity and rhythm along the 'street'.

As one swings into the site past the proposed retail unit (tbc), a large drive and double garage 'splitting' plots 5&6 with their large gable sides presents a rather unattractive entrance, never minding the rather odd appearance of these semi-detached units (see below). This arrangement requires reviewing.

It is absolutely critical to this scheme that the parking courts along the eastern edge are functional, safe and attractive spaces, otherwise residents will park in the street. At the moment they comprise tarmac with close-board and trellis fences and notional bin collection points, hardly robust or attractive environments. The boundary treatment to the ecological corridor is also not clearly shown. Gates are also shown from some of these *private* parking courts into the ecological corridor, thus inviting intrusion. To make the scheme acceptable these parking courts must have clearly defined thresholds via a change in materials, the gates must be removed, garden boundaries that are visible from the highway must be amended to brick walls, rear boundaries must be a robust 1.5m hit and miss fence with trellis and the dwellings they serve should introduce Juliet balconies to the rear to improve surveillance. Additional block paving must also be introduced to reduce the extent of tarmac.

Close board fence in rear parking courts should be replaced with more robust 1500mm high hit & miss fence and trellis. Thresholds into parking courts should be moved back to align with and not in front of the build line, to visually reinforce it. It's still unclear why gates into the ecology corridor are required from so many of the parking courts. Given access is provided at both ends they could be removed from courts serving plots 2 & 3, 9 & 10, 31 & 32 & 54/55. Block paving should be used to break up the extent of tarmac in courts serving 48-55 & 58-72 (as per the 3D image).

These comments have now been addressed satisfactorily.

Originally commented that the absence of front boundary walls and reliance upon rear bin storage areas will mean either the parking courts will become bin storage areas or the street will. The NPPG requires that bin storage is better designed into schemes. To this effect it is naïve to expect that all residents will dutifully store bins in their (small) back gardens and carefully drag them round the back, alongside cars and place them on the orange spots. It should also be noted that refuse collectors now require bins to be brought to within 10m of the public highway. Many of these spots are much further than that. In reality, in many cases bins will be left out the front of dwellings or just within the entrance to parking court so becoming a source of annoyance for neighbours and impacting negatively on the street scene etc. This whole street would thus benefit from introducing front boundary walls and properly designed in bin storage to the front of the properties.

It is noted that hedges now have returns to the building so as to discourage the storing of bins at the front of properties.

Originally commented that the empty squares to the front of plots 69/50 and 72/71 would be better designed and enclosed as front gardens to the properties they serve. This has now been replaced with parking.

Originally commented that a clear hard surfacing plan does not appear to have been provided. Some side streets appear to have been designed as shared spaces in which case they should be more clearly defined as different environments, by introducing more block paving. Footpaths should also turn into the shared space as per the side of plot 66, not like the front of 84. Different materials should also be used in driveways and streetside parking bays to break up the extent of tarmac. There is also a lack of design in visitor bays. The 90 degree bend at the entrance to the site (front of plot 6-7) forcing pedestrians into the highway will clearly need further thought. The long north-south street would also benefit from some build-outs and street trees to help slow vehicles and introduce interest and enhance tree cover (like the illustrative master plan). Parking courts to the apartment blocks also require some block surfacing.

Block paving has now been introduced, granite cobbles should be specified in respect of the 'tactile paving' to introduce a little texture into the street.

Originally commented that, although shown on the approved POS plan the southern LAP remains adjacent to the sub-station on this bend. A large tree has now been introduced which is welcome. It is also noted that the sub-station has been reduced in size and hedging introduced. It is acknowledged that the location of the LAP is a consequence of the parameters being set by the appeal decision. Accordingly, there is now no objection to this matter.

### *Appearance and Scale*

Originally commented that the designer's intent is to freshen up 'traditional' products. Larger window proportions and clear glazing has been provided on some dwelling types with blue brick detailing (cills and surrounds). The use of red brick derives its justification from the post war council housing that can be found along the Wotton Road. These dwellings are characterised by their generous proportions, front gables, large chimneys, vertical emphasis, symmetry, simple pitches and sloped porches and weathered red/orange brick. Thus in addition to the general comments above re the long north-south street (1&2), and in order to provide an improved response and design it is required that; all semi's are paired to create symmetrical elevations, e.g. plots 44-47 are amended, all horizontal band courses are deleted and a simple plinth detail is introduced and cill details (preferably a robust projecting brick) are reviewed and provided the same to all units. Porch details should be reviewed to provide more consistency (grouping) along the street scene, as there appears to be some mixing and matching (confirmation that porches will be timber and small format tile as opposed to plastic is required), and the brick is confirmed (a bridgewater *weathered* red may be more appropriate with a dark mortar). Some contemporary styled chimneys to the semi-units should be also be provided. The 'cottage' style front doors should be reviewed. A more modern style may be better.

Originally commented that plot 1 (the Ennerdale) and elsewhere appears in some key corner locations. Size wise it is quite a small unit, with a symmetrical elevation. Taking cues from the numerous small, wide fronted rendered cottages in the village, it may be better expressed in a more traditional style. I note the render type is not specified. Thru-colour rough cast renders have over the years been shown to be more robust and less susceptible to staining. I would thus urge that this unit is reviewed to provide smaller vertical windows with traditional style glazing patterns, roughcast render with traditional drip detail to lintels, small stone cills, recon slate tiles and a traditional styled chimney. This could be repeated through the scheme. Render should encompass the entire building.

Originally commented that, I would urge a similar approach in respect of the 2.5 storey Woodcotes. Again I note what was previously shown and is repeated on pg49 of the Design Statement where they are illustrated in natural stone with quoining and traditional glazing and flat arch detail, with chimneys. This would be a more successful response. Again a recon slate on these key plots should be provided. I also note in respect of the Woodcotes and the apartment blocks the large gap between the top of first floor windows and the eaves, so providing on plan a full third floor. i.e. the scale of these units is more like a 3 storey building. This gap also creates a peculiar appearance. I would also note that where older properties in Charfield have dormers this gap to the eaves is not evident.

It is noted that amendments have now been made to the Woodcotes and plot 1. These are considered acceptable.

Originally commented in relation to the apartment buildings that, what strikes you are the very small window proportions, rather random use of recon stone to one gable end and a missing dormer. The plans show that the stairwell and at second floor the bathroom, hall and dining area don't appear to have any windows and therefore limited or no natural light. The rear elevation is also somewhat devoid of fenestration and attention to detail. This is unacceptably poor design and the whole block needs reviewing. The apartment buildings have now been improved and amendments have been made to ensure all bathrooms and halls now have natural light via windows or skylights.

Originally commented that the Radleigh is a common dwelling type along the prominent western edge. The hipped roof and low pitch however give it a somewhat squat appearance. Again on pg49 of the Design Statement this unit is shown with a more elegant appearance, in render, without the hipped roofs, simple traditional vertical fenestration pattern etc. The unspecified recon product and rather crude blue brick window surround doesn't present a particularly appealing proposition. It is noted that these are now predominantly in recon stone and red brick with quoining detailing projecting 10mm to add definition.

Originally commented Plots 69-72, i.e. unmatched pairs should be amended. Plot 72 also sides onto the footpath and will need careful attention to the side elevation. Indeed a 'bookend' approach that fronts the footpath may be better so enhancing surveillance. The proposed plans have now been amended.



Originally commented that window reveals and other material products need specifying. In relation to window reveals, a note has been added to the materials schedule. Samples of material products have now been received, which are considered acceptable

Originally commented that the development is required to meet PSP6 – Renewable Energy. Clarification should be provided of how this will be achieved. Solar tiles as opposed to panels are a better product, particularly in conjunction with slate effect tiles. An energy statement has now been submitted as part of ref.DOC19/0093. This will be assessed separately to this application.

The National Design Guide has recently been published. I note it introduces the concept of 'identity' (pg14) and 'delight' (pg 15). Identity and delight is achieved by a combination of good layout design, richness and quality of materials and imaginative details. I acknowledge that the layout is fixed but still consider that a little more could be done in terms of elevation treatment and detailing. Plot 1 should be re-elevated as suggested, larger feature chimneys on key buildings could be introduced, stone walling to front boundaries in place of railings at the road junctions and granite 'tactile paving' would provide some more texture and richness into the scheme etc. It is noted that Plot 1 has now been amended and larger feature chimneys have been introduced in the streetscene.

#### 4.15 Waste Officer

Originally requested distances from the collection vehicle to the bin collection points from properties 1 to 55. Raised concerns that the walking distances from the vehicle are too great and that bin/recycling collection points need to be located closer to the adopted highway. This is to minimise lifting and manual handling activities. It was also requested that dimensions for communal bin stores and the number of properties servicing them. The applicant has now supplied tracking, bin store drawings and bin collection locations. The waste officer now has no further comments to make.

#### 4.16 Network Rail

Number of advisories for the developer. Originally commented that they required detail of the surface water drainage for the area of the site which sits adjacent to the railway. Concerns are raised due to the difference in ground levels and the provision of hard surfacing which may cause surface water to run onto the railway. The developer has now been provided additional information which has been reviewed by Network Rail and is deemed acceptable.

#### 4.17 Environmental Policy

Originally commented that no energy information had been submitted in support of the application to demonstrate how Condition 9 of the outline permission ref. PT16/6924/O will be met. It is noted that a discharge of condition application relating to the submission of an energy statement. The assessment of this will be done as part the discharge of condition application.

#### 4.18 Conservation Officer

The conservation officer originally requested that streetscenes of the northern and western edges of the site, and site sections were provided. This was a concern in respect of the views from the listed Poolfield Farm and its curtilage. The provision of such was considered necessary to assess the impact of the detailed proposals on the designated heritage asset.

To address the above concerns, the applicant has provided two site sections of the frontages request. While not fully illustrated, they help articulate the scale and massing of the buildings to the north and west frontages. Although there are some instances of very odd roof forms, overall the conservation officer would advise that the site sections (dwg nos. 0609-103-2B & 0609-124 B) help demonstrate that the visual impact of the development (in terms of scale and massing) on its surroundings and setting of the listed building would be largely in accordance of the harm considered and allowed on appeal.

The site sections also helpfully pick up the change in levels. There does appear to be a couple of retaining walls which could be avoided if perhaps the ground was graded down, but overall this is a wider landscaping matter. The level drop adjacent to the pump station in particular is an issue and would introduce an engineered form into what is currently a natural landscape. The transition between the two required perhaps more consideration.

Following the submission of additional information, the impact of the proposed scheme on the setting of the Grade II Poolhouse Farm would be in accordance with the harm considered and approved on appeal. The conservation officer raises no objection.

#### 4.19 Historic England

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

#### 4.20 Wessex Water

Originally commented that; the drainage plans do not confirm easements for the SPS to the nearest habitable dwelling. A minimum clearance of 15 meters from the SPS boundary to the nearest habitable dwelling will be required as this recognises the potential nuisance from odour, noise and vibration. This measure is stated to overcome complaints arising from operating conditions and maintenance activities.

As detailed in the initial FRA, Wessex Water has undertaken capacity modelling for the proposed development on behalf of the developer which has identified capacity to accommodate the development. Further liaison will be required between the developer and Wessex Water to confirm the final drainage strategy. Subject to the timing of this development and that of nearby proposed developments there will ideally be a coordinated, strategic approach. As such we suggest the use of a foul water condition.

The applicant has now confirmed that there would be a clearance of 15 metres between the pump station and the nearest dwelling.

#### 4.21 Avon and Somerset Police

Paragraphs 91, 95 and 127 of the National Planning Policy Framework July 2018 require crime and disorder and fear of crime to be considered in the design stage of a development. Other paragraphs such as 8, 104, 106, 110, and 117 also require the creation of safe environments within the context of the appropriate section. South Gloucestershire's Local Plan 2013 CS1 High Quality Design Paragraph 9 and Design Checklist 2007 Paragraphs 48-51 also contain requirements for an application to take community safety into account.

In view of this, originally commented:

1. Crime prevention through environmental design (CPTED) and Secured by Design (SBD) principles look at the whole development. This includes layout of roads, footpaths, parking, lighting, communal areas, boundary treatments and layout and orientation of dwellings. These points all need to be considered at the earliest stage in order to provide a sustainable development where people are safe and feel safe.
2. Plots can be identified with parking areas in front of garages, whilst accepting that the vehicles should be parked in the garage, reality seems to indicate that they will be parked in front. Plots 2, 16-17, 23, 73, 74, 80, 94, 112, 115 have parking shown between buildings, and whilst the applicant states in the DAS that this is compliant, in fact it is not. Because these areas are between buildings this creates an area which is likely to be in the dark, depending upon the levels and positioning of the street lighting.

Evidence suggests that this is an area vulnerable to crime, theft, damage, and potentially personal safety. It would be advantageous to either provide additional light in the area and/or ensure that the buildings have habitable rooms overlooking the area.

The use of this type of design in existing Barratt developments has led to the residents installing ad hoc lighting of various designs, some inappropriate. It is recommended that a standard type of light fitting be installed by the applicant. This issue was highlighted to the applicant during the Outline Planning application and the applicant has chosen to ignore that advice.

3. Although the positioning of the LAP play areas are shown there is no detail as to positioning or type of equipment to be provided. Communal areas, playgrounds and seating areas have the potential to generate crime, the fear of crime and anti-social behaviour.

They should be designed to allow supervision from nearby dwellings with safe routes for users to come and go, however stated cases have indicated advisory distances that equipment should be from residential properties so as not to have a detrimental effect on those properties. Boundaries between public and private space should be clearly defined and open spaces must have features which prevent unauthorised vehicular access. This issue was highlighted to the applicant during the Outline

Planning application and the applicant has chosen to ignore that advice.

4. There is excessive use of rear courtyard parking along the Western boundary with the railway line, there being nine courtyards. The submitted DAS gives examples of car parking types encouraged by CPTED principles but fails to mention that rear car parking courtyards are discouraged.

Rear car parking courtyards are discouraged for the following reasons:

- They introduce access to the vulnerable rear elevations of dwellings where the majority of burglary is perpetrated. In South Gloucestershire 66% of the burglaries are via a rear ground floor window or door. This is a high risk due to there being no natural surveillance of the rear of the properties.
- In private developments such areas are often left unlit and therefore increase the fear of crime
- Particularly where un-gated the courtyards provide areas of concealment which can encourage anti-social behaviour Where rear car parking courtyards are considered absolutely necessary they must be within the guidelines contained in the South Gloucestershire SPD, Local Plan and Manual for Streets. Where gardens abut the parking area an appropriate boundary treatment needs to be provided. This issue was highlighted to the applicant during the Outline Planning application and the applicant has chosen to ignore that advice.

Where rear car parking courtyards are considered absolutely necessary they must be within the guidelines contained in the South Gloucestershire SPD, Local Plan and Manual for Streets. Where gardens abut the parking area an appropriate boundary treatment needs to be provided. This issue was highlighted to the applicant during the Outline Planning application and the applicant has chosen to ignore that advice.

5. Communal parking facilities must be lit to the relevant levels as recommended by BS 5489:2013.
6. There does not appear to be any details of the cycle storage and security to be used on the site, the apartment blocks in particular.

Due to the comments above I feel that this application does not meet the safety and security requirements of the National Planning Policy Framework or the South Gloucestershire Core Strategy.

Now reviewed revised plans and found that 1 and 3 have been addressed, however, some of the former concerns are still relevant.

#### 4.22 Avon Fire and Rescue

Comments in full below:

*The additional residential and commercial developments will require additional hydrants to be installed and appropriately-sized water mains to be provided for fire-fighting purposes. This additional infrastructure is required as a direct result of the developments and so the costs will need to be borne by developers*

*either through them fitting suitable mains and fire hydrants themselves and at their cost or through developer contributions.*

*Avon Fire & Rescue Service has calculated the cost of installation and five years maintenance of a Fire Hydrant to be £1,500 per hydrant. Again this cost should be borne by the developer.*

*Importantly, these fire-fighting water supplies must be installed at the same time as each phase of the developments is built so that they are immediately available should an incident occur and the Fire & Rescue Service be called.*

#### 4.23 Ecology Officer

Originally commented that the two issues are the treatment of the western boundary (where dormouse were recorded) and the eastern boundary ecological corridor which consisted of a new, species-rich hedge and tussocky grassland offering arboreal and over-wintering habitat for dormice in mitigation for the loss of the central (species-poor) hedge on site.

- Width of ecological buffer along western boundary hedge should be as agreed within the Outline application. The width of the corridor on the relevant landscape drawings seems to vary and in places doesn't appear to extend beyond the tree canopy which would seem to be less than the 5m width agreed within the Outline/Appeal.
- Width of eastern ecological corridor should be as agreed within the Outline application with the same width of habitats (grassland, scrub).
- Composition of eastern corridor on the Detailed Landscape Proposals is as agreed within the Outline application, comprising a mixture of new mixed native species hedge and tussocky grassland.
- The landscape drawings show the tussocky grassland seed mix for the eastern ecological corridor as Emorsgate EM10 which is fine and appropriate.
- The new hedge planting consists of hazel, hawthorn, holly, dog rose and guelder rose. Holly comprises 15% of the planting mix and its value as a dormouse food source is acknowledged to be debatable in the dormouse conservation handbook. The hedge is required to mitigate for the loss of dormouse habitat elsewhere and the planting mix needs to be better tailored to the species. Holly should therefore be replaced by a mix of honeysuckle, wayfaring tree and sycamore or reduced in percentage mix with the balance made up of those species. Yew could also be used to provide structure as dormice eat the berries.
- The ecological corridor includes specimen trees at routine intervals which appear to be crab apple. Whilst potentially offering a further food source for dormouse (although their actual value is not really that well understood) the present an impediment to contractors who will be managing the corridor hedgerow and grassland with hand tools and should be relocated.
- Sheet 1 (of 6), Detailed Landscape drawings – this appears to show a fence line between the southernmost property backing onto the ecological corridor and the southern site boundary with Wotton Road. This prevents access by management personnel from the southern end and could be replaced with a locked gate.

- Sheet 4 – this shows an 1800mm (6') high screen wall along the northern curtilage of unit 55 and blocking off the northern end of the ecological corridor. The intended colonisation of the ecological corridor will ultimately be from this end, with the species using the network of hedgerows between the site and Tortworth Copse, a large block of ancient semi-natural woodland to the north). A 1800mm high wall potentially presents a significant impediment to dormice accessing the new hedgerow and should therefore be replaced with either a permeable barred metal gate or a grill with vegetation on the northern side within the area of grassland which could therefore provide cover and passage for animals to reach the new hedge in the corridor. The crab apples could be planted here along with allowing a bank of bramble scrub to development, both of which offer cover and a food source.

Following correspondence with the applicant's ecologist, the points above have now been addressed and are considered to have been satisfactorily resolved. Subsequently revised detailed landscape proposals have been submitted which are considered acceptable. Overall, no objection is now raised, it is recommended that the following compliance conditions are attached to the permission:

- All development is carried out in accordance with Landscape Plans, Open Space and Ecological Mitigation Plan and Pond Landscape Section Plan
- All development is carried out in accordance with Landscape and Ecological Management Plan.

### **Other Representations**

#### **4.23 Local Residents**

Representations objecting to the development have been received from 10 neighbours. Representations neither supporting nor objecting to the development have been received from 4 neighbours. These comments are summarised as follows:

#### **4.24 *On the original plans submitted:***

- Road safety concerns, reference to recent road traffic accidents
- The access is not safe and is near to a blind bend
- Residents of Newtown (road) will have difficulty entering and exiting Wotton Road.
- 20mph restrictions should be introduced
- Charfield is a village, this will turn it into a small town
- Need for diversity of housing
- Housing should be for local people
- Traffic will be worse – already delays accessing the motorway
- Queried whether new schools in Charfield will be built in time to meet demand
- Queried timescale for opening train station in Charfield
- Which doctors surgery will residents use
- Development should seek to improve existing road layout – there is existing poor visibility
- The design of the housing lacks imagination

- There are already two large sites in Charfield being developed
- This is a car led development
- Comments in relation to the lack of buses.
- Housing need has been met elsewhere in the district
- No infrastructure in place – who will buy the homes
- Comments relating to existing issues on the local road network. E.g road is already subsiding due to HGV use
- Houses should be located elsewhere in Charfield
- Comments in relation to the Joint Spatial Plan and that 1200 homes are already is proposed.
- A roundabout should be introduced rather than a junction
- Traffic calming should be introduced through village
- Concerns for pedestrians as it is on a school route.
- Bat corridor does not appear to be 10 metres in width.
- Land within the application site should be retained for open space or for a new station.
- 2.5 storey houses are not in keeping with the village, some buildings appear to be 3 storeys. Should be maximum 2 storey in height.
- Comments that a community liaison group should be introduced and a condition should be imposed to this effect.
- Higher buildings need to be closer to the centre of the development.

#### 4.25 *On the re-consulted plans (June 2019)*

- Charfield is a village and this should be taken into consideration
- Why are these all 3/4 bedrooms
- This development will turn Charfield into a small town
- Traffic is already bad and this will only make it worse.
- Comments in relation to use of schools and doctors surgeries

#### 4.26 *On the re-consulted plans (September 2019)*

- Development will add to traffic problems
- Rip the heart of the village
- 50% of houses should be built affordable

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Outline planning permission ref. PT16/6924/O was been granted on this site, through the appeal process, for the erection of up to 121no. dwellings, a retail unit (Class A1), open space, ecological mitigation land and associated works with access. Means of access was considered as part of that application. The principle of the development to provide up to 121no. dwellings has been established at outline stage.

- 5.2 This application seeks approval of matters reserved for future consideration at the outline stage. These matters being the appearance and scale of the buildings, as well as the layout and landscaping of the site. These matters are considered below.

### 5.3 Design, appearance and layout

#### *Compliance with parameters*

The outline permission sets the parameters for the site, including the amount of development and the storey heights of the proposed dwellings. Condition 4 of the outline permission states that the development shall be carried out in accordance with the principles shown on the Illustrative Masterplan as well as the Parameter Plans for Access, Open Space and Ecological Mitigation, Residential Density, Building Heights, and Land Use.

- 5.4 This reserved matters relates to the erection of 115no. residential dwellings, alongside public open space, landscaping and infrastructure. It does not include the retail or self-build elements of the outline permission.
- 5.5 The proposed layout of the site reflects the broad principles set out in the outline permission. It is proposed that there would be a central spine road, with residential blocks either side, these would largely be surrounded by peripheral roads and open space. The majority of the open space is located to the north of the site and includes the provision of an orchard, allotments, trim trail and a local area for play (LAP). A second LAP is proposed toward the south of the site and adjacent to the spine road. An attenuation pond, newt ponds and pumping station would also be located within the northern element of the site. Ecology corridors are proposed along the eastern and western edges of the site.
- 5.6 The layout provides key junctions which form nodal points along the main spine road, which are defined through traffic calming measures, and material detailing to buildings. In accordance with the parameter plans, higher density is provided along the spine road, with properties set close to, and fronting the road. This provides enclosure and natural surveillance. To the west of the site, lower densities are proposed, this part of the site forming the 'rural edge', as set out in the Design and Access Statement. Materials and detailing are proposed which help define these differing areas of the site.
- 5.7 The scale parameters for the proposed development were set through the outline permission. This indicated that the majority of the dwellings would be two storey, with 2.5 storey units at key nodes and prominent locations within the site. Single storey development was also shown directly adjacent to the eastern boundary (and railway line). Concerns were raised from local residents in respect of the original plans that some dwellings appeared to be 3 storeys which would be out of keeping with the surrounding area. Through the course of the application amendments were made to the 'Woodcote' house type as it was considered these were practically 3 storeys. They have been reduced in height by approximately 0.4 metres. The submitted building heights plan now demonstrates that the proposed development would largely comprise two storey dwellings. 8no. 2.5 storey buildings are proposed, each at nodal points or prominent locations. Single storey garaging is proposed adjacent to the eastern boundary. This is in line with the approved scale parameters as part of the outline consent, and is considered acceptable.



## *Appearance*

- 5.8 The buildings along the main road are generally proposed to be fairly modern in appearance with red brick elevations and blue brick detailing. On a number of buildings at nodal points, roughcast render elevations are proposed alongside blue brick detailing and slate roofs. Plot 1 fronts Wotton Road and in this way, is a highly prominent plot. It is noted that it has been designed to reflect traditional cottages in the village. It is proposed that it would be wide fronted with a symmetrical appearance and sash windows. Its materials would comprise roughcast render, red brick detailing and a slate roof.
- 5.9 When moving towards the east of the site antique red brick elevations are proposed alongside red brick detailing. This enables a contrast with the main street. Along the eastern 'rural edge' of the development properties are slightly more traditional in appearance with timber canopied porches and quoining detailing. It is proposed that elevations at this point would be formed of stone with red brick detailing. Throughout the scheme on key buildings, and at nodal points, larger feature chimneys are now proposed. It is proposed that windows, fascia's and soffits would comprise white UPVC. Samples of materials have been received and are considered acceptable.
- 5.10 Comments received from local residents raised concerns that the design of the housing lacked imagination. It is considered that overall the scheme does lack some 'identity' and 'delight', as set out in the National Design Guide. Nevertheless, whilst additional detailing and features would result in increased interest to the appearance of the scheme, it is not considered that any significant weight can be afforded to this matter given that through negotiations, a number of amendments have been made to the scheme which have resulted in design improvements.
- 5.11 Highways  
It is noted that a number of concerns have been raised from local residents and Charfield Parish Council in relation to the proposed access and associated junction/highway works. The access point and these works were determined acceptable through the outline consent, and are therefore outside of the scope of this reserved matters. The practical implementation of the highway works will be considered through a separate Section 278 (s278) process controlled through the Highways Act 1980.
- 5.12 Through the course of the application and the s278 process it was established that the tracking for vehicles entering the site was unsatisfactory, and would have been harmful to highway safety. The issue surrounded vehicles negotiating the right hand bend which sits approximately 12 metres north of the access point itself. As a result of discussions, the proposed internal crossing point, footpaths and road alignment have been amended. The applicant has now provided revised vehicular tracking. The highways officer has reviewed the revised arrangements and tracking. No transportation objection is now raised and concurrently, Officers consider the application to be acceptable in this respect.

- 5.13 It is noted that the access was approved at outline stage. Given these amendments involve changes to the internal road/footpath layout it is considered that the access itself has not altered, nor would it need to be re-considered. Having said this, it is noted that as part of the outline consent 2no. conditions (Nos. 3 and 20) were imposed which refer to an access plan (dwg no. 10115/500 A). Clearly, this plan does not show the amended access arrangements. The conditions require that the development proceeds in accordance with this plan, and that the works shall be constructed prior to any further built development taking place. To ensure that the development is not in breach of these conditions, an NMA application (ref. P19/17700/NMA) has been submitted, this seeks to substitute the original plan for one which shows the updated arrangements. This is currently under consideration.
- 5.14 Concerns were originally raised from the highways authority and waste colleagues in relation to refuge vehicles being able to access dwellings and incorrect tracking being provided. Additional information was also requested in relation to the location of bin collection points and the size of communal bin stores. Following receipt of additional information and amendments to refuge vehicle tracking, these concerns have now been rectified, and these matters are considered to be acceptable.
- 5.15 The Highways Officer originally raised concerns to the proposed use of shared surfaces and requested that amendments were made to the proposed traffic calming along the main road within the development. It is noted that amendments have been made which are now considered to be acceptable.
- 5.16 The car parking proposed is considered to be acceptable and in accordance with Policy PSP16 of the Council's adopted Policies Sites and Places DPD which sets out minimum car parking standards for new residential dwellings, and is based on the number of bedrooms of properties. In terms of cycle parking, in accordance with PSP16 the majority of dwellings will be able to accommodate this in garaging. The two flat blocks would be provided with separate cycle stores. These arrangements are considered to be acceptable. Conditions are recommended to ensure respective vehicular parking and cycle storage for flats are in place prior to occupation of dwellings.
- 5.17 Public Open Space  
The proposed development provides public open space in accordance with the outline permission and Section 106 agreement (S106). A landscaped area to the northern part of the site is proposed. This would include; allotments, LAP, trim trail, orchard, as well as the retention of the SSSI known as Cullimore's Quarry. In addition to this, ecology corridors and a second LAP are also proposed. It is proposed that the majority of existing trees are to be retained. These are largely integrated into the proposed public open spaces to the western boundary and northern part of the site.
- 5.18 Through the course of the application the POS has made a number of comments which are outlined in detail in section 4.9 of this report. A number of amendments and improvements have been made to the proposals. These include changes to tree species, boundary treatment and play equipment within the LAPs to ensure they are appropriate. There have also been amendments to

the PM&MS to ensure it covers the comprehensive management of all elements of the public open space.

- 5.19 Concerns were raised in relation to the location of the LAP towards the south of the site. Particularly that it is close to the front of a dwelling (plot 115). It was recommended that this dwelling was altered so that a gable end faced the LAP instead, or that dense planting be introduced. It is noted that hedging has now been introduced, but the front of the plot would still face the LAP. This arrangement is considered acceptable.
- 5.20 It is understood that as part of the contractual requirement the former landowner retains the right of access to their remaining agricultural land. The route would involve passing through the public open space to the north of the site. Although the contractual matter is not a material planning consideration, the applicant's requirement to provide space for the access and its impact on the POS layout is and other highway safety implications are. Vehicular tracking was requested for agricultural vehicles to ensure that they can successfully navigate through the proposed public open space. This has been provided and demonstrates that these vehicles would be able to gain safe access to the farmland.
- 5.21 Given all of the above, the proposed development is considered to provide sufficient open space.
- 5.22 Landscaping and Arboriculture  
The Landscape Officer's comments are covered in detail in section 4.8 of this report. Through negotiations, amendments have been made which rectify the majority of concerns and represent some improvements in relation to landscaping. Notably the introduction of a green/planted verge and some additional tree planting. It was requested that additional street trees were introduced to the scheme, as well as additional trees in various plots. It is understood that street trees cannot be integrated due to highway safety concerns and other trees cannot be incorporated due to impact on services. This is regrettable and does detract from the quality of the proposed landscaping. Nevertheless, the reduced number of trees is not considered to afford significant weight in the planning balance, given that it is not fundamentally necessary as visual mitigation for the development and that some additional trees have been proposed in rear gardens.
- 5.23 The site is subject to an area wide TPO. A tree protection plan and tree report have been submitted alongside the application. The tree officer has reviewed the submitted information and has not raised any significant concerns. As stated above, the majority of existing trees would be retained. The trees/hedgerow to be removed are largely low quality, category C or U, and their removal is considered to be acceptable. It is noted that 4no. category B trees are to be removed. It is proposed that replacement planting will mitigate their loss. This is also considered to be acceptable.
- 5.24 Through the course of the application 2no. protected Lime trees were heavily pruned along the frontage of the site. To compensate for this, it is proposed that 7no. additional trees will be planted along the trim trail within the public

open space. The species have been agreed with the tree officer and are considered to be sufficient and as such are acceptable.

5.25 Heritage

The application site is considered to contribute to the setting of the Grade II listed Poolfield Farmhouse. The designated heritage asset is located to the north west of the application site, and is approximately 50 metres away at the nearest point. It is considered that there is a historic functional relationship between Poolfield Farmhouse and the fields just north of the application site.

- 5.26 It was established through the outline consent (ref. PT16/6924/O) that the development would have 'less than substantial harm' on the heritage asset, in the context of para. 196 of the NPPF. In the appeal decision the Inspector set out that;

*'Great importance should be attributed to a designated asset's significance but in this case I consider that it would be outweighed by the very substantial public benefits that would arise from the proposal...In such circumstances the harm to the significance of Poolfield Farm would not be a reason for withholding planning permission'.*

- 5.27 Through the course of the application, the conservation officer requested that additional street scenes and cross sections were provided to enable a full assessment of the impact on views from Poolfield Farmhouse to the northern and western edges of the detailed proposals. A cross section and additional street scenes have now been provided, alongside a heritage note. This heritage note concluded that the level of harm to the heritage significance of Poolfield Farmhouse would not exceed that considered acceptable as part of the outline consent.

- 5.28 The additional plans and information have now been reviewed by the conservation officer. It is considered that this additional information helps demonstrate that the visual impact of the development (in terms of scale and massing) on its surroundings and setting of the listed building, would largely be in accordance with the harm considered and consented as part of the outline application. As such, it is considered to be acceptable.

5.29 Ecology

The northern field alongside the railway corridor is notified as Cullimore's Quarry Site of Special Scientific Interest (SSSI) and designated as a Regionally Important Site (RIGS) for its early Silurian fossils, sediments and volcanicity. It is also designated as Cullimore's Quarry and Field Site of Nature Conservation Interest (SNCI) for its species-rich calcareous grassland and underlying geology. As aforementioned, the approved parameters showed a 10 metre ecological buffer to the east and a 5 metre ecological buffer to the west. Newt ponds and an orchard were also shown in the northern element of the site.

- 5.30 Through the course of the application issues were raised with the treatment of western and eastern boundaries of the site, which are proposed to be ecological corridors. These are covered in detail in section 4.23 of this report. Local residents also raised concerns based on the original plans that the

ecological buffer did not comply with the parameters. As a result of correspondence with the applicant's ecologist these issues have now been resolved and the corresponding plans updated to reflect amendments submitted. The ecology officer is now satisfied with the information submitted and raises no objection.

- 5.31 It has been recommended that two compliance conditions are imposed on the decision notice. However, one of these relates to compliance with the approved plans. As the approved plans are being conditioned separately, when applying the test related to the imposition of planning conditions in Par.55 of the NPPF, it is considered this separate condition for ecology matters would not be necessary. The other condition relates to the development being carried out in strict accordance with the Landscape and Ecological Management Plan. This is recommended to be imposed on the decision notice.

5.32 Drainage

The drainage strategy for the site relies on the provision of an attenuation pond in the northern element of the site. The drainage details provided alongside this application have been assessed in accordance with conditions 11, 15 and 16 of the outline consent (ref. PT16/6924/O). These related to the submission of:

- details of the attenuation feature
- a surface water drainage scheme
- details of the maintenance and management of the approved surface water drainage scheme.

- 5.33 The Lead Local Flood Authority (LLFA) reviewed the information which was submitted as part of this application. Additional information and revisions were originally requested. This included; updates to the Drainage Strategy Plan, details of the gabion wall proposed as part of the attenuation basin, and more specific details requested within the Surface Water Drainage Design Summary and Maintenance and Management Plan. Additional details were also requested in relation to the proposed 'Rootlok' retaining wall (Matters relating to the 'Rootlok' wall are covered in detail in section 5.37-5.39 of this report).

- 5.34 Additional information and revisions have been provided through the course of the application in line with the above. The LLFA now confirm that they are satisfied with the level of information that has been submitted and are in acceptance of the proposed surface water drainage strategy for the site., the development is considered to be acceptable in this respect. The LLFA have also recommended that Conditions 11, 15 and 16 of the outline consent can be discharged.

- 5.35 In addition to the above, Network Rail were consulted on this application due to the proximity of the railway to the eastern boundary of the site. They originally requested detail of the surface water drainage for the eastern edge of the site. Network Rail raised concerns that due to the different ground levels and the provision of hardstanding at this point, there may be some water run-off onto the railway. Following this, revised plans have been received which show the plot drainage for dwellings along the eastern edge. This demonstrates that run-off is not directed to the rail tracks. Network Rail have confirmed that they now

have no objection and concurrently, Officers are satisfied that the submission is acceptable in this respect

- 5.36 The applicant stated that foul and surface water sewers will be adopted by Wessex Water. In their comments, Wessex Water requested that a minimum clearance of 15 metres is provided between the pumping station and the nearest dwelling. The agent has now confirmed that this separation has been achieved. In addition to this, Wessex Water also requested that a foul water condition, in relation to the submission of a foul water drainage strategy, is imposed onto the decision notice. It is noted that there is a condition on the outline permission (ref. PT16/6924/O) that requires a scheme for the disposal of foul drainage to be submitted and approved prior to development taking place. A discharge of condition application has been submitted (ref. DOC18/0461) which includes the submission of a foul drainage scheme. Although this condition is currently under consideration, the condition gives the Council sufficient control over foul drainage matters on site. Given the above, it is considered that it would not be necessary or reasonable (Par.55 of the NPPF) to impose a condition akin to this.

#### *'Rootlok' Wall*

- 5.37 A 'Rootlok' vegetated retaining wall is proposed around the eastern and southern sides of the attenuation pond. This is intended to provide a less engineered appearance, it would have a green/natural finish which should improve assimilation with the surrounding landscape. It is formed of geotextile bags which are planted prior to installation, these are combined through interlocking plates.
- 5.38 Through consultation, additional information was requested relating to the 'Rootlok' wall from the LLFA and the Councils Structures team, as well as POS and landscape Officers. This included; detailed design drawings and calculations, details of planting specified, details of impact of UV exposure, details of repairs, and details of maintenance.
- 5.39 Additional information has been received. This includes: a section plan, maintenance details, technical details in relation to its life span, repair and durability, planting specification as well as general product information. These details have now been reviewed by relevant consultees, and are considered to be acceptable, although, some matters such as the lifespan of the system are not material planning considerations.
- 5.40 Affordable Housing  
Comments received stated that 50% affordable housing should be provided on the site. However, the proportion (35%), mix and tenure of affordable housing was set through the S106 at outline stage. The affordable housing quantum has been provided in accordance with the S106. This is based on 121 homes (of which 6 are self-build and do not form part of this application), and amounts to 42 affordable homes.
- 5.41 The affordable homes are proposed to meet or exceed national design and construction standards, nevertheless a condition is recommended to be

imposed to ensure that the homes meet M4 (2) of Building Regulations, in accordance with PSP37. The affordable housing officer originally raised a number of concerns in relation to the clustering and design of the properties (this is set out in detail in section 4.6 of this report). Following additional information and amendments having been received, these issues are now rectified.

- 5.42 The provision of wheelchair accommodation is in accordance with the S106 (8% of the affordable homes). It is proposed that 2no. 2-bedroom flats and 1no. 3-bedroom house would be provided. Through consultation, the affordable housing officer and the Council's occupational therapist raised concerns regarding the lack of private amenity space for the 2no. flats. It was previously proposed that this would comprise a strip of land to the front of the flat block which would be bound by railings and adjacent to the road, at a prominent point in the streetscene. Officers considered that this failed to provide any private amenity space and as such requested revised plans were provided. Through negotiation, it is now proposed that an area to the rear of the flat block would now be provided for each of the units, which would be bound by railings and hedging. The flats would also retain the areas to the front of the block.
- 5.43 It has not been confirmed that this is acceptable to the affordable housing consultee. Officers have considered the arrangements. Whilst it is appreciated that the revised arrangements are not preferable, it is considered that this is the best option given the parameters which have been set at outline stage. The hedging and railings would provide some privacy without the space becoming enclosed. In terms of area, both flats would exceed the minimum standard expected as part of the Council's Wheelchair Specification for a flat (10m<sup>2</sup>). As such, on balance, it is considered that the proposed private amenity space for these units is acceptable.
- 5.44 Residential Amenity  
Policy PSP43 sets out private amenity standards for residential dwellings, which is based on the number of bedrooms. Having said this, it is noted that the supporting text of PSP43 does state that, '*The space standards are a guide...They should also be applied as an average across a development*'. A garden size matrix was submitted alongside the application. It is noted that a number of garden sizes do not meet these standards, and a number of garden sizes also exceed the standard. The matrix demonstrates that over the entire site the amenity space provision exceeds the private amenity space standards by 933m<sup>2</sup>. As such, it is considered that the development, as a whole, does comply with PSP43. In coming to this conclusion, Officers note that the majority of rear gardens are of a reasonable size and that all properties would be located close to public open space.
- 5.45 The nearest dwelling to the site is Warners Court which sits on the existing farm complex towards the south of the site. This dwelling would be approximately 60 metres from the nearest proposed dwelling. As such, it is considered that there would not be any detrimental overbearing or overlooking impacts. Clearly the introduction of the access road near to this dwelling would change the levels of activity/noise experienced. Nevertheless, Warners Court is already adjacent to Wotton Road and it is considered that the introduction of

this would not be unacceptably harmful to the residential amenity of these occupiers.

- 5.46 The eastern boundary of the site is bounded by a railway line and it is noted that an acoustic fence is proposed at this point. As part of the outline consent a condition was imposed (No.18) to ensure that noise mitigation was carried out prior to occupation of any dwelling on the site. A discharge of condition application has been submitted (ref. DOC18/0461) to discharge this condition. This is supported by an Acoustic Report and accompanying letter. Consideration of noise mitigation will be carried out through the discharge of condition application, which is currently under consideration.

5.47 Public Rights of Way

There is a public right of way which crosses near to the northern boundary of the site. The legally defined route is currently closed due to safety concerns and a permissive alternative has been made available by Network Rail for a number of years. The public rights of way officer originally raised concerns that there was no link proposed to enable residents of the proposed dwellings to access this public right of way. The Access, Roads and Movement plan shows that a pedestrian route would run through the public open space and would link with this public right of way along the northern boundary. This is considered to be acceptable.

5.48 Avon Fire and Rescue

As part of their consultation response Avon Fire and Rescue stated that additional fire hydrants will be required to be installed as well as appropriately sized water mains to be provided for fire-fighting purposes. They go on to state that this additional infrastructure is required as a direct result of the development and therefore the costs of such will need to be borne by the developers. This could be through them fitting suitable mains and fire hydrants themselves or through developer contributions. They have calculated the cost of installation and five years maintenance of each fire hydrant to be £1,500.

- 5.49 In respect of a developer contributions towards the fire hydrant, this is considered outside of the scope of matters to be considered as part of this reserved matters. Developer contribution would be secured through the outline application and the cost of fire hydrants specifically would need to be robustly costed and justified in order to meet Regulation 122 of the Community Infrastructure Levy Regs 2010. As such fire hydrants will not be secured through this reserved matters.

5.50 Other matters from local residents and the parish council

A number of comments were received in relation to associated traffic generation resulting from the development and concerns regarding the lack of infrastructure being in place. Comments were also raised in relation to an alternate use for the site and queried the timescale for a train station to open in Charfield. A number of representations raised that housing should be located elsewhere and that this development would turn Charfield into a small town rather than a village. Further, that there is already two large sites in Charfield being developed and that the Joint Spatial Plan also proposed 1200 homes in Charfield. These principle matters were assessed and considered as part of



the outline stage. This application relates solely to consideration of detailed layout, design, scale and landscape matters.

- 5.51 In respect of concerns in relation to the provision of health services and school places, the developer will be required to make a Community Infrastructure Levy (CIL) payment as part of this development. The provision of these services is on the list of services that could be potentially funded by the Community Infrastructure Levy if considered necessary through the Council's Regulation 123 List. However, it is outside the scope of these reserved matters to consider this.
- 5.52 A number of representations made comments in relation to the condition of the existing road network, and that this would worsen the situation. Whilst these may be entirely legitimate concerns, it is considered that these matters go beyond the scope of this RM which relates to the detailed submission for this application site only. As above, the traffic generated by this development would have been considered in full at Outline stage.
- 5.53 Comments received stated that conditions should be imposed in relation to dust suppression, wheel washing facilities for vehicles/plant, working hours/delivery times as well as a traffic management plan. These matters are considered to be covered by the CEMP, which has been approved as part of ref. DOC18/0461.
- 5.54 Comments submitted raised concerns that pedestrian crossing lights would result in light pollution to 50 and 52 Wotton Road. It is noted that there are already a number of streetlights along Wotton Road at this point, and it is considered that any lights to the pedestrian crossing would be akin to such, and would not result in an unacceptable light pollution impact to these occupiers.
- 5.55 Comments were received which stated that a community liaison group should be introduced and a condition should be imposed to this effect. These matters would have been considered as part of the outline application and would have been included within the subsequent S106. As such, these considerations go beyond the scope of this reserved matters application.
- 5.56 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.
- 5.57 With regards to the above this planning application is considered to have a neutral impact on equality.

#### 5.58 Planning Balance

This reserved matters relates directly to an extant outline planning permission. Therefore it is acceptable in principle and consideration of this reserved matters relates to the detailed design of the layout, scale, appearance, and landscaping of the development only.

5.59 As set out in this report, the development is considered to comply with the Design and Access Statement and parameter plans. There are some matters that do detract from the scheme, most notably the lack of street trees and other trees within plots, sub-standard garden sizes to a number of plots and lack of design individuality. Nevertheless, for the most part these concerns have been mitigated as set out in this report. Accordingly, it is considered that these matters would not carry sufficient weight to outweigh the benefits of the development. Therefore, this reserved matters application is recommended for approval, subject to conditions.

### 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 following conditions:

**Contact Officer:** Lucy Paffett  
**Tel. No.** 01454 863436

#### CONDITIONS

##### 1. Plans

This decision relates only to the plans below:

Site Location Plan 0609-100 Rev A  
Topographical Survey Sheet 1 0609-101-1 Rev -  
Topographical Survey Sheet 2 0609-101-2 Rev -  
Planning Layout 0609-102 Rev I  
Street Scenes 0609-103 Rev H  
Street Scenes 0609-103-2 Rev C  
External Works Sheet 1 0609-104-1 Rev H  
External Works Sheet 2 0609-104-2 Rev H

External Works Sheet 3 0609-104-3 Rev H  
 External Works Sheet 4 0609-104-4 Rev F  
 Vehicle Tracking 0609-105 Rev H  
 Vehicle Tracking - Tractor and haybob 0609-105-2 Rev F  
 Vehicle Tracking - Tractor and trailer 0609-105-3 Rev E  
 External Detailing 0609-106-1 Rev E  
 External Detailing 0609-106-2 Rev C  
 Adoption Plan 0609-107 Rev H  
 Materials Layout 0609-108 Rev I  
 Garages and Bin Stores 0609-109-1 Rev A  
 Access, Roads and Movement 0609-111 Rev H  
 Building Heights Plan 0609-112 Rev H  
 Density Plan 0609-113 Rev H  
 Land Use Plan 0609-114 Rev H  
 Open Space and Ecological Mitigation 0609-115 Rev G  
 Phasing Plan 0609-116 Rev I  
 Refuse Strategy 0609-117 Rev H  
 Garden Areas Plan 0609-118 Rev H  
 Elevational Details 0609-119 Rev C  
 Meter Box Location Plan 0609-120 Rev G  
 Section 0609-124 Rev C  
 Housetypes Booklet 0609 Issue 7  
 3D Visual 3 Rev B  
 Path View (1) Rev A  
 Path View (2) Rev A  
 Photo 1 - Acoustic Fence (Rear) Rev -  
 Photo 2 - Acoustic Fence (Front) Rev -  
 Detailed Engineering Layout 0609-1301-1 Rev I  
 Detailed Engineering Layout 0609-1301-2 Rev I  
 Detailed Engineering Layout 0609-1301-3 Rev H  
 Road and Long Sewer Sections 1 0609-302-1 Rev G  
 Road and Long Sewer Sections 2 0609-302-2 Rev D  
 Manhole Schedule 0609-1305 Rev B  
 Proposed Levels 0609-1307 Rev I  
 Composite Landscape, Drainage and Lighting Plan 0609-1308 Rev I  
 Drainage Strategy 0609-1320 Rev I  
 Pond Sections (Engineering) 0609-1321 Rev A  
 Overland Flood Route Plan 0609-1322 Rev I  
 Section (Plot 10) 0609-1324 Rev A  
 Footpath by the Pumping Station 0609-1325 Rev D  
 Detailed Landscape Proposals Sheet 1 GL0671 02 Rev L  
 Detailed Landscape Proposals Sheet 2 GL0671 03 Rev L  
 Detailed Landscape Proposals Sheet 3 GL0671 04 Rev K  
 Detailed Landscape Proposals Sheet 4 GL0671 05 Rev H  
 Detailed Landscape Proposals Sheet 5 GL0671 06 Rev H  
 Detailed Landscape Proposals Sheet 6 GL0671 07 Rev H  
 Central LAP Proposals GL0671 09 Rev E  
 Tree Pit Detail GL0671 10 Rev -  
 Soil Volumes GL0671 11 Rev B  
 Pond Landscape Section GL0671 14 Rev -  
 Hedgerow Planting Detail GL0671 15 Rev -

Tree Reference Plan (Sheet 1) BDWB20597 01 Rev C  
Tree Reference Plan (Sheet 2) BDWB20597 01 Rev C  
Tree Protection Plan (Sheet 1) BDWB20597-03 Rev J  
Tree Protection Plan (Sheet 2) BDWB20597-03 Rev J  
Substation Elevation EKV0015 Rev -  
Indicative Sketch Layout of Self-Build Area 0609-SB Rev A  
Rootlok Retaining Wall General Arrangement SK-19-5352-01 Rev 0  
Siteplan showing PV locations 09/10/2019

Reason: To clarify the plans forming this consent.

2. Landscaping

All hard and soft landscape works hereby approved shall be carried out in accordance with the details hereby approved. The works shall be carried out in the first planting season prior to the occupation of the 100th dwelling approved 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. Parking

The off-street parking facilities for all vehicles, including cycles, shown on the plans 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 interests of the amenities of the site and to accord with policy CS1 of the South Gloucestershire Core Strategy (adopted) December 2013; policy PSP16 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017; and the Residential Parking SPD.

4. Bin Storage

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 interests of the amenities of the site and to accord with policy CS1 of the South Gloucestershire Core Strategy (adopted) December 2013 and the Waste Collection: Guidance for New Developments SPD.

5. Affordable Dwellings

All Affordable Dwellings as shown on the approved Planning Layout (Dwg. 0609-102 Rev.I) shall be constructed to meet Part M of the Building Regulations accessibility

standard M4(2) with the exception of any self-contained accommodation built above ground floor level and those affordable homes on plots 102, 103 & 54 which are required to be built to meet the Council's Wheelchair Unit Design Specification.

Reason: To ensure inclusive design access for all in accordance with Policy PSP37 of the adopted South Gloucestershire Local Plan: Policies, Sites and Places Plan

6. Ecology

The development hereby permitted shall proceed in strict accordance with the Landscape and Ecological Management Plan (LEMP) Revision B, dated 16th September 2019 (ref. GL0671).

Reason

To ensure the protection of species and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; PSP19 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.