

# 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. 39/19

**Date to Members: 27/09/2019**

**Member's Deadline: 03/10/2019 (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:**

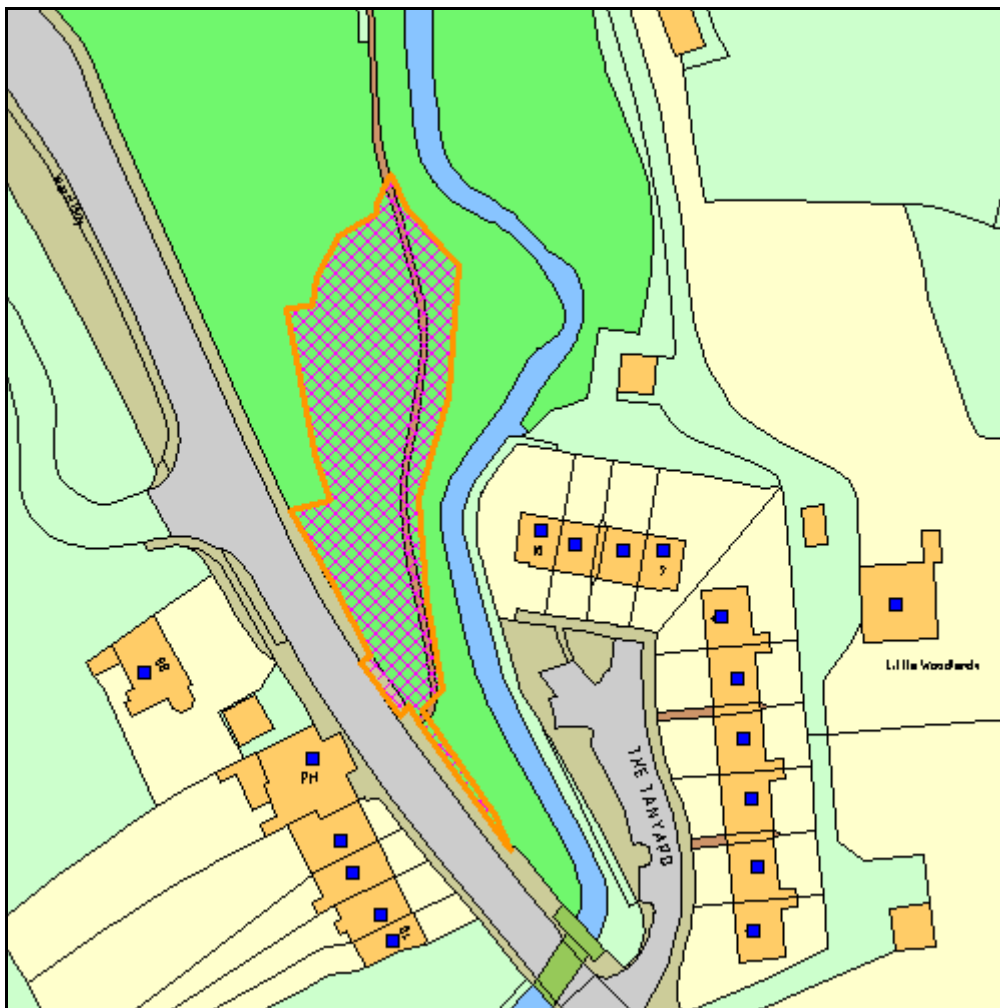
To be emailed to [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk)

# CIRCULATED SCHEDULE - 27 September 2019

| ITEM NO. | APPLICATION NO       | RECOMMENDATION          | LOCATION   | WARD                               | PARISH                           |
|----------|----------------------|-------------------------|--|------------------------------------|----------------------------------|
| 1        | <b>P18/6741/R3F</b>  | Approve with Conditions | Land At Willsbridge Mill Willsbridge Hill Willsbridge South Gloucestershire BS30 6EX | Longwell Green                     | Oldland Parish Council           |
| 2        | <b>P19/0579/F</b>    | Approve with Conditions | Angers Farm Earthcott Green Alveston South Gloucestershire BS35 3TD                  | Severn Vale                        | Alveston Parish Council          |
| 3        | <b>P19/0581/LB</b>   | Approve with Conditions | Angers Farm Earthcott Green Alveston South Gloucestershire BS35 3TD                  | Severn Vale                        | Alveston Parish Council          |
| 4        | <b>P19/09987/F</b>   | Approve with Conditions | 14 Pilkington Close Filton South Gloucestershire BS34 8JU                            | Filton                             | Filton Town Council              |
| 5        | <b>P19/10005/F</b>   | Approve with Conditions | 39 Shortwood Road Pucklechurch South Gloucestershire BS16 9PL                        | Boyd Valley                        | Pucklechurch Parish Council      |
| 6        | <b>P19/10144/F</b>   | Approve with Conditions | 23 Stirling Close Yate South Gloucestershire BS37 5UH                                | Yate North                         | Yate Town Council                |
| 7        | <b>P19/10233/TRE</b> | Approve with Conditions | 28 Firgrove Crescent Yate South Gloucestershire BS37 7AQ                             | Yate Central                       | Yate Town Council                |
| 8        | <b>P19/3117/F</b>    | Refusal                 | Boyd Brook House Upper Street Dyrham Chippenham South Gloucestershire SN14 8HN       | Boyd Valley                        | Dyrham And Hinton Parish Council |
| 9        | <b>P19/3374/F</b>    | Approve with Conditions | 11 - 15 Station Road Yate South Gloucestershire BS37 5HT                             | Yate North                         | Yate Town Council                |
| 10       | <b>P19/3928/RM</b>   | Approve with Conditions | Heneage Farm Moorlode Lane Falfield Wotton Under Edge South Gloucestershire GL12 8DJ | Charfield                          | Falfield Parish Council          |
| 11       | <b>P19/4006/F</b>    | Approve with Conditions | The Gables Portway Lane Chipping Sodbury South Gloucestershire BS37 6QA              | Chipping Sodbury And Cotswold Edge | Little Sodbury Parish Council    |
| 12       | <b>P19/4766/F</b>    | Approve with Conditions | 55 Spring Hill Kingswood South Gloucestershire BS15 1XW                              | New Cheltenham                     | None                             |
| 13       | <b>P19/7264/F</b>    | Approve with Conditions | 20 Court Road Frampton Cotterell South Gloucestershire BS36 2DE                      | Winterbourne                       | Winterbourne Parish Council      |

## CIRCULATED SCHEDULE NO. 39/19 – 27 SEPTEMBER 2019

|                              |   |                     |                               |
|------------------------------|---|---------------------|-------------------------------|
| <b>App No.:</b>              | P18/6741/R3F  | <b>Applicant:</b>   | South Gloucestershire Council |
| <b>Site:</b>                 | Land At Willsbridge Mill Willsbridge Hill<br>Willsbridge Bristol South<br>Gloucestershire<br>BS30 6EX | <b>Date Reg:</b>    | 14th February 2019            |
| <b>Proposal:</b>             | Creation of a 20 No. space car park with access, landscaping and associated works.                    | <b>Parish:</b>      | Oldland Parish Council        |
| <b>Map Ref:</b>              | 366436 170743   | <b>Ward:</b>        | Longwell Green                |
| <b>Application Category:</b> | Minor   | <b>Target Date:</b> | 11th April 2019               |



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N.T.S.

P18/6741/R3F

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

The application is referred to the Circulated Schedule as there are in excess of three objections from members of the public, and both Bitton and Oldland Parish Council have raised objection. These objections are received contrary to the officer recommendation to approve the planning application.

It should also be noted that support has been expressed by members of the public.

## **1. THE PROPOSAL**

1.1 The site is located to the East of Willsbridge Hill and is made up of existing woodland and recreational space associated with the Willsbridge Mill community facilities. It is possible to access and walk through the site from Willsbridge Hill and the Willsbridge Mill, itself. The site is located within the Green Belt and is beyond the settlement boundaries associated with Willsbridge, Bitton and Oldland.

1.2 The proposed development consists of the construction of a new car park to provide parking for the users of Willsbridge Mill and associated area as a community facility. The car park would provide 20 spaces including 3 spaces for disabled users. Vehicular access would be from the lowest part of Willsbridge Hill (opposite number 60, Willsbridge Hill). Pedestrian access to the area would be retained with some minor realignment of the pathway to allow for new parking spaces on the East side of the site.

### **1.3 Background**

Willsbridge Mill is owned by South Gloucestershire Council. It is leased and managed by Community Refresh; a local community group. Whilst there is some disabled access parking close to the Willsbridge Mill buildings (accessed to the North from Willsbridge Hill) the current car parking for the community facility is located on Long Beach Road, some 500 metres North. However, it is not proposed to remove the current parking area as part of this application. The existing disabled user spaces close to the mill complex are also to be retained.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework March 2012

### **2.2 Development Plans**

South Gloucestershire Local Plan Core Strategy Adopted December 2013

|     |                                       |
|-----|---------------------------------------|
| CS1 | High Quality Design                   |
| CS2 | Green Infrastructure                  |
| CS5 | Location of Development               |
| CS8 | Improving Accessibility               |
| CS9 | Managing the Environment and Heritage |

|      |  |
|------|--|
| CS23 | Community Infrastructure and Cultural Activity |
| 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                        |
| PSP7  | Development in the Green Belt                        |
| 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                  |
| PSP28 | Rural Economy  |
| PSP44 | Open Space, Sport and Recreation                     |

- 2.3 Supplementary Planning Guidance  
 Development in the Green Belt SPD  
 South Gloucestershire Parking Standards  
 South Gloucestershire Design Guide

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

- 3.1 None

### **4. CONSULTATION RESPONSES**

- 4.1 Oldland Parish Council  
 Objects to the proposed development on the following grounds;
- i) Traffic, access and road safety concerns had not been adequately addressed. Serious concerns remain regarding the traffic hazard of such a potential number of traffic movements into and out of the site at such a pinch point on Willsbridge Hill.
  - ii) The area is in the Greenbelt and also an AONB. This status will be lost if the car park is constructed.
  - iii) Loss of trees and the environmental damage to the area is a real concern. Efforts should be made to increase biodiversity not reduce it.
  - iv) The site was given by the developer of the California Farm estate for the enjoyment of local people and as such restrictions to access of the site should be avoided.
- 4.2 Bitton Parish Council  
 Objects to the proposed development on the following grounds;



- i) This is in an area of natural beauty and within greenbelt. The area should be kept natural and the creation of the car park would ruin the environment and the wildlife habitat.
  - ii) The creation of car parking spaces will take away the greenery and will go against the whole ethos of Willsbridge Mill.
  - iii) Concern is raised regarding the exit and entrance coming out on what is already a very busy road.
- 4.3 Highway Authority  
No objection in principle. Conditions are suggested to secure access visibility splays, pedestrian access and construction standards.
- 4.4 Public Rights of Way Officer  
No objection in principle. Advisory notes/Informatives are suggested in the event of the approval of this application setting out management and legislative obligations affecting definitive public rights of way.
- 4.5 Arboricultural Officer  
No objection provided that trees to be retained are protected in accordance with the submitted Arboricultural report. The arboricultural officer notes that there is tree removal proposed as part of the development and these are low quality (category C) trees and that there would be appropriate buffer planting to address any loss of amenity.
- 4.6 Ecology Officer  
No objection subject to conditions securing the provision and appropriate management of the proposed Ecological Compensation Area, and a Method Statement for Sensitive Ecological Features
- 4.7 Conservation Officer  
No objection. The Conservation Officer requests that conditions are applied to any consent to secure details of walling materials and the design of the access barrier.
- 4.8 Archaeology Officer  
Offers no comment
- 4.9 Lead Local Flood Authority  
No objection in principle. An informative is suggested to highlight the proximity of the site to Siston Brook and the obligation to notify the Environment Agency.
- 4.10 Environment Agency  
An initial holding objection was made in respect of site levels and access to Siston Brook which is a 'main river' and the responsibility of the Environment Agency.

Further clarifying information was submitted for consideration by the Environment Agency who have confirmed that the initial objection is withdrawn.

Accordingly, the Environment Agency raise no objection subject to a condition allowing year round and 24 hour access to the site; and an informative noting the obligation of the developer to secure a Flood Activity Permit (Environmental Permitting Regulations) prior to working in the area

4.11 Coal Authority  
No Objection

**Other Representations**

4.12 Local Community

87 sets of comments have been received. 56 comments have been made in objection and 29 in support. 2 comments expressed neutrality, however the issues noted are covered below. The comments are summarised as follows;

*Support*

Residents acknowledge the work done by Willsbridge Mill Community Refresh (WMCR) to secure grant funding and renovate the neglected buildings and provide an enhanced visitor experience and ecological value around the Mill. The site is now a well-managed space.

The existing car park on Long Beach Road is too far away and is not suitable for persons with disabilities and/or the elderly.

The proposed parking will allow more people to enjoy the facilities whilst at the same time preserving the local land mark.

The proposed car park will ensure the continued viability and income of the Mill and make the site more attractive to the visiting community.

Failure to secure the proposals will make the future of WMCR uncertain and risk the site falling into neglect

The existing situation severely limits the potential of the site.

Access from the existing car park is challenging during inclement weather and low light levels during the winter months.

The development would relieve potential congestion on the access road to the Mill and surrounding area.

The proposed access would improve the highway safety in the locality.

The planning application addresses the ecological and highway safety issues

There is plenty of space for much needed car parking.

Mitigation for the loss of woodland and associated 'forest school' is being provided

The location of the development is a small proportion of the whole nature reserve and would have limited significance.

WMCR are considerate and balances ecological matters with the access and leisure needs of the community.

*Objection*

The site is located within the Green Belt and this development should only be approved in exceptional circumstances.

On sites within the Green Belt there is a requirement to retain attractive landscapes and forestry land and to provide opportunities for outdoor recreation.

The site is a Conservation Area

There is overwhelming evidence that additional car parking is not required.

The site has grown and established well with the current parking in place so it is not required to make the site otherwise viable.

The site (café) is not open to the public enough to justify the proposed car parking, and it would not likely increase customers.

There is no need for the car park as the car park on Long Beech Road is often empty; and people are unaware that it exists.

There is alternative parking in the surrounding residential areas and in the nearby layby on Willsbridge Hill.

There is not a high level of demand for parking at the site.

Alternative parking within the site is suggested.

There is public transport available in the locality which the public should be encouraged to use.

People should be encouraged to walk and not drive their cars.

Concern is raised that the encouragement of more visitors to the site will increase litter pollution in the vegetation and in the water courses.

The existing car park is not far away and there is parking for disabled users adjacent to the Mill.

Walking through the site from the existing car park is part of the experience of the facility.

The proposed development is dangerous for pedestrians

The road safety assessment for the development was carried out when volumes of traffic are at their lowest.

The development would create an access onto Willsbridge Hill to the detriment of highway safety.

The development would prevent existing residents from parking on Bath Road.

The proposed left turn only arrangement would be ignored by drivers causing highway safety issues.

Increased vehicle emissions.

Increased noise pollution to nearby residential properties.

Pollution to the water courses.

Potential flooding issues resulting from increased surface water.

The site is located within a Site of Nature Conservation Interest (SNCI).

The development would result in the loss of the children's wild play area and woodland class room.

The proposed development would have a detrimental impact upon ecological habitat and wildlife, trees, planting and will result in the permanent loss of a green space.

The proposed development does not comply with the South Gloucestershire Biodiversity Action Plan 2016 – 2026.

There would be a loss out outdoor recreation space enjoyed by residents and their children.

The car park could become a free car park facility for people who are not visiting the Mill.

The car park could be used for anti-social behaviour or crime.

The proposal is not in the public interest.

Concern is raised that it is the intentions of the owners of the site to open a restaurant at the café

The area of land was given to the community by Wimpey and never intended to allow individuals to make a profit.

## **5. ANALYSIS OF PROPOSAL**

- 5.1 The proposed development consists of the construction of a new car park and access.

5.2 Principle of Development

Policy CS23 of the South Gloucestershire Local Plan, Core Strategy is relevant to this application. The policy is supportive of the provision of additional, extended or enhanced community infrastructure. It also requires the retention of existing community infrastructure subject to certain justification over loss.

- 5.3 The proposed development seeks to make positive accessibility enhancements to the existing community facilities associated with Willsbridge Mill. An objective of this is to bring more viability to the community facility and so preserve it as an opportunity for future generations. This is consistent with the scope of Policy CS23. Accordingly, the proposed development is acceptable in principle. Substantial weight is attributed to this factor.

5.4 Green Belt Considerations

The site is located within the Green Belt and is outside of any settlement boundary. The proposed development does not include buildings. The development would provide a flat engineered surface and the provision of a new access (including a realigned stone wall). For the purposes of this assessment, officers are satisfied that the proposed development consists of engineering operations.

- 5.5 Paragraph 146 of the National Planning Policy Framework provides limited categories of development that are not inappropriate within the Green Belt, provided that they preserve openness and do not conflict with the purposes of including land within it. The categories include 'engineering operations'.

- 5.6 In Green Belt terms, it is necessary to consider whether or not the proposed engineering operations would preserve openness and whether or not it would conflict with the purposes of including the land in the Green Belt.

- 5.7 A key characteristic of the proposed car park is that it is flat and would not introduce above ground level structures that would be visible from outside of the site. The site is also well enclosed by an existing stone wall and includes relatively dense vegetation. The proposed development would require some vegetation to be removed, and would require the realignment and opening up of the wall to provide a new vehicular access. Officers acknowledge that this would alter the existing visual character of this part of Willsbridge Hill. However, it is of particular note that the immediate context of the site is built up and there are relatively wide road accesses onto Willsbridge Hill already in existence, close by.

- 5.8 This has the effect of considerably reducing the impact of the development in terms of the openness of the Green Belt. The creation of the hard surface for the car parking area would not interfere with openness as it would be well screened by existing features. On this basis, officers are satisfied that the proposed development would preserve openness and would not conflict with the purposes of including the land within the Green Belt.

5.9 Landscape, Arboricultural and Visual Impact

The site is located at the lowest point of Willsbridge Valley adjacent to Siston Brook. The site is made up of relatively dense woodland and contains recreational/educational features amongst the tree cover. Although in a rural location, the character of the immediate context is built up and occupied by a number of buildings at the back edge of Willsbridge Hill. The site is also enclosed along its Western elevation by a stone wall.

5.10 The proposed development will result in the loss of several smaller semi-mature trees and some scrub. These trees have been categorised as grade C and are considered to have a tendency to fail as they reach maturity. As such this is not considered to be an obstacle to the development of the site. However, the proposal includes comprehensive new barrier planting that will provide a strong buffer that will shield the view of the car park from Willsbridge Hill and from the footway along the bank of Siston Brook.

5.11 High grade trees within the site will be retained and protected during the construction of the proposed car parking facility. The nature of the of the car park surfacing and its construction is designed to be sympathetic to the preservation of the trees to be retained and new planting as it matures. The car park will be constructed by 'no-dig' methods and would be surfaced in compacted limestone. This would facilitate minimal impact upon the roots of the trees whilst maintaining a suitable surface to allow the trees and new planting to thrive. A compliance condition will act to secure the use of this method of construction.

5.12 The proposed development would alter the alignment of the existing stone wall (approximately 1.2 metres in height). This is to create the new access onto Willsbridge Hill to the proposed car park and to provide adequate visibility. This would result in a gap of approximately 8 metres, and would introduce a new junction where there is currently none. However, given the overall length of the wall and the presence of road junctions close by, officers do not consider that this element would have a significantly negative impact; and is a factor that should be weighed carefully against the benefits of the proposal. Furthermore, it is proposed to introduce comprehensive barrier planting which will provide appropriate mitigation of the visual/landscape impact. Officers also consider that the use of an appropriate vehicle barrier for a rural location will be appropriate; and the careful use of materials and coursing for the new stone walling. This is a matter adequately addressed through condition in the event that the application is approved.

5.13 Accordingly, officers are satisfied that the landscape/visual impact and the impact upon trees on the site is adequately mitigated.

5.14 Impact upon Heritage Assets

Willsbridge Mill and associated buildings are Grade II Listed and as such are a designated heritage asset. The application site is positioned lower within Willsbridge Valley. It is not within the curtilage of the Listed Buildings, however, it is an area that contributes to its setting.

- 5.15 The visual and landscape impact of the development has been considered and the assessment set out earlier in this report. In this instance, it is considered that there is appropriate mitigation of those impacts, and it therefore stands to reason that the setting of the Listed Buildings would not be significantly harmed. Again, it is appropriate to condition the design of the carpark barrier and materials and coursing of the new elements of stone wall proposed to be introduced. As such the proposal is acceptable in this regard.
- 5.16 Ecological Impact  
The site lies within the Willsbridge Valley Site of Nature Conservation Interest (SNCI) and is closely linked to the South of Queens Head SNCI. The proposed development will result in the loss of 0.1 hectares of woodland within the Willsbridge Valley SNCI. However, the proposed development is supported by the provision of an Ecological Compensation Area and additional planting along Siston Brook. Additional broad leaf woodland and species rich grassland is to be planted in the area of open-space approximately 350 metres to the North.
- 5.17 It is also proposed to place an Ecological Buffer Zone covering land surrounding the site between The Tanyard and The Willsbridge Mill buildings. This would be either side of Siston Brook.
- 5.18 The Ecology Officer has carefully considered the above mitigation and considers that it is appropriate. However, in order that the mitigation can be secured in perpetuity, the areas providing it will be required to be included within an extended Willsbridge Valley SNCI. This can be secured by appropriately worded condition. The Ecologist has also suggested the use of a condition to secure an ecological method statement for the construction phase of the development. Subject to the use of these conditions, officers are satisfied that the ecological impact is adequately mitigated.
- 5.19 Flood Risk  
The majority of the application site is located within Flood Zone 1. The proposed car parking area itself is within Flood Zone 1. Part of the foot way and landscaping are within Flood 2 and 3 which are at risk of flooding. However, given the nature, use and amount of the development outside flood zone 1, it is considered that the development is compatible with the risk.
- 5.20 The development has been designed to accommodate appropriate surface water management and includes a small SWALE to allow surface water to be released into the water environment at a natural rate.
- 5.21 The Lead Local Flood Authority and the Environment Agency have been consulted in respect of this application. Following confirmation of the methods of drainage and surface water treatment, both agencies have confirmed that they have no objection. The methods for water management agreed by them can be conditioned appropriately in the event that this application is approved. Accordingly officers are satisfied that flood risk and drainage matters are adequately addressed.

5.22 Transportation and Highway Safety

The development includes the creation of a new access off Willsbridge Hill. This would be in a position opposite 60 Willsbridge Hill. The existing access to site area would be adjusted to accommodate pedestrian users only.

5.23 The Highway Authority has considered the proposed development in the context of highway safety concerns raised by the local community. It is of note that an independent Road Safety Audit has been carried out in respect of this proposal. This made a number of recommendations which include the provision of tactile paving and advisory 'left in and left out' signs at the access point. These measures are included within the submission and considered to adequately mitigate against highway impact, and reduce potential congestion issues.

5.24 The Highway Authority is satisfied that the access point has been designed to provide adequate visibility splays in line with the Manual for Streets and is satisfied that this makes the proposed development acceptable in Highway Safety terms. The Highway Authority also notes that the development would facilitate to the reduced use of the existing access (to the South) off Willsbridge Hill, and attributes a safety gain to this factor.

5.25 Appropriately worded conditions are sufficient to ensure that the visibility splays and general layout of the access is implemented in accordance with the agreed details. Likewise, the provision of the advisory signs can be conditioned as part of any approval. Subject to the use of these conditions, officers are satisfied that the proposed development is acceptable in Transportation and Highway Safety Terms.

5.26 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.

5.27 With regards to the above this planning application it is considered to have a positive impact on equality as it would provide more accessible parking benefiting disabled users.

5.28 The Planning Balance

All potential harm identified can be adequately mitigated through appropriate measures and those measures can be secured by appropriately worded planning conditions in the event that the planning application is approved.



- 5.29 The proposed development would provide facilities that will improve the wider accessibility to the community function on offer at Willsbridge Mill. This will benefit the local and wider community and is consistent with the objectives of Policy CS23 of the South Gloucestershire Local Plan; Core Strategy (adopted) December 2013. This would improve the viability of the community use and the prospects of Willsbridge Mill and the surrounding open space. This is a public benefit that officers attribute substantial weight.
- 5.30 Accordingly, officers consider that the public benefit of the proposal significantly outweighs any potential harm. Approval is therefore recommended.

## **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 following conditions;

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

### **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. Plans List

The development hereby permitted shall be implemented strictly in accordance with the following plans and documents and thereafter retained as such;

Drawing Number 202/SK/01 Rev E

Ecological Management Plan (prepared by Davies Ecology Ltd December 2017)

Arboricultural Impact Assessment, Method Statement and Tree Protection Plan (Rev A) (Prepared by Hillside Trees Ltd)

as received by the Local Planning Authority on 28th December 2018

## Reason

For the avoidance of doubt and to comply with Policies CS1, CS9 and CS23 of South Gloucestershire Local Plan Core Strategy Adopted December 2013; Policies PSP1, PSP2, PSP3, PSP17, PSP19 and PSP44 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017

### 3. Retain Pedestrian Access

The Pedestrian Access shown upon drawing number 202/SK/01 (as received by the Local Planning Authority on 28th December 2018) shall not be used for motorised vehicles access at any time.

## Reason

In the interest of Highway Safety and to accord with Policy CS8 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013; and Policies PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017

### 4. Implement Access

Prior to the first use of the development hereby approved, the junction of the access onto Willsbridge Hill as shown upon drawing number 202/SK/01 (as received by the Local Planning Authority on 28th December 2018) shall be implemented. Thereafter the development shall be retained as such.

## Reason

In the interest of Highway Safety and to accord with Policy CS8 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013; and Policies PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017

### 5. Signage

Prior to the first use of the development hereby approved, the direction signage as shown upon drawing number 202/SK/01 (as received by the Local Planning Authority on 28th December 2018) shall be implemented. Thereafter the development shall be retained as such.

## Reason

In the interest of Highway Safety and to accord with Policy CS8 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013; and Policies PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017

## 6. Barrier Design

Prior to the first use of the development hereby approved, details of the design of and the materials to be used for the vehicle barrier as shown upon drawing number 202/SK/01 (as received by the Local Planning Authority on 28th December 2018) shall be submitted to and agreed by the Local Planning Authority. Thereafter the development shall be retained as such.

### Reason

In the interests of the character and visual amenity of the site, the surrounding landscape and setting of Willsbridge Mill (Grade II Listed Building) and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and Policies PSP1, PSP2 and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017

## 7. Walling Materials

Prior to the demolition and/or opening up of the proposed access hereby approved, details of the construction and walling materials, including mortar joints to be used in the construction of the realigned stone wall (as shown upon drawing number 202/SK/01 (as received by the Local Planning Authority on 28th December 2018)) shall be submitted to the Local Planning for agreement in writing. Thereafter the development shall be implemented in accordance with the agreed details and retained as such.

### Reason

In the interests of the character and visual amenity of the site, the surrounding landscape and setting of Willsbridge Mill (Grade II Listed Building) and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and Policies PSP1, PSP2 and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017

## 8. Ecology Compensation Area

The Ecological Compensation Area shall be provided, the Ecological Buffer and the development site shall be managed strictly in accordance with the Ecological Management Plan (prepared by Davies Ecology, December 2017).

### Reason

In order to achieve net gain in biodiversity and the objectives of Policy CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017

## 9. Ecological Method Statement

No development shall commence (including any demolition, ground works, site clearance) until a method statement for working around sensitive ecological features

has been submitted to and approved in writing by the local planning authority. The works shall be carried out strictly in accordance with the approved details and retained as such.

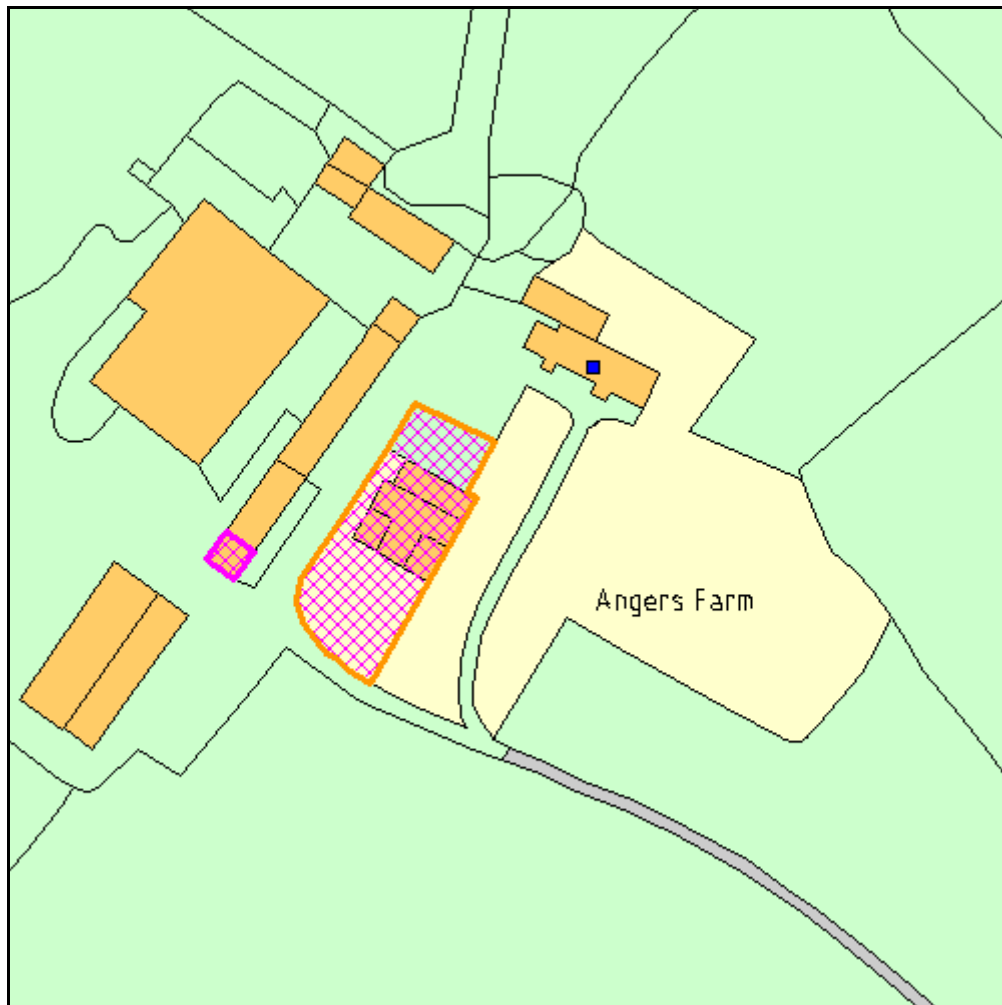
#### Reason

In order to achieve net gain in biodiversity and the objectives of Policy CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017

This must be a pre-commencement condition to avoid the need to remedial action.

CIRCULATED SCHEDULE NO. 39/19 – 27 SEPTEMBER 2019

|                                  |   |                         |                            |
|----------------------------------|---|-------------------------|----------------------------|
| <b>App No.:</b>                  | P19/0579/F  | <b>Applicant:</b>       | Mr Andrew Hendy            |
| <b>Site:</b>                     | Angers Farm Earthcott Green Alveston<br>Bristol South Gloucestershire<br>BS35 3TD           | <b>Date Reg:</b>        | 23rd January 2019          |
| <b>Proposal:</b>                 | Conversion of existing agricultural<br>building to 1 no. dwelling with<br>associated works. | <b>Parish:</b>          | Alveston Parish<br>Council |
| <b>Map Ref:</b>                  | 364139 185506   | <b>Ward:</b>            | Severn Vale                |
| <b>Application<br/>Category:</b> | Minor   | <b>Target<br/>Date:</b> | 19th March 2019            |



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N.T.S.

P19/0579/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 CIRCULATED SCHEDULE**

This application is referred to the circulated schedule due to an objection received from the Parish Council which is contrary to the Officers recommendation.

## **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the conversion of an existing agricultural building to form 1no. new dwelling with associated works.
- 1.2 The application site relates to a curtilage listed building (gII) at Angers Farm, Earthcott Green. It lies outside a settlement boundary, therefore in the open countryside and in the Green Belt. It is also within an area of archaeological interest and there is a public way of way adjacent the west/south site boundaries.
- 1.3 The application should be read in conjunction with P19/0581/LB.
- 1.4 During the course of the application revised plans were sent in for assessment.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

Planning (Listed Buildings and Conservation Areas) Act 1990  
Planning (Listed Buildings and Conservation Areas) Regulations 1990  
(as amended)  
National Planning Policy Framework 2019  
National Planning Practice Guidance  
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                              |
| 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  | Green Belt  |
| PSP8  | Residential Amenity                                   |
| PSP10 | Active Travel Routes                                  |
| 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 |
| PSP21 | Environmental Pollution and Impacts                   |
| PSP40 | Residential Development in the Countryside            |
| PSP43 | Private Amenity Space Standards                       |

- 2.3 Supplementary Planning Guidance  
Design Checklist SPD (Adopted) 2007  
Green Belt SPD (Adopted) 2007  
Residential Parking Standards SPD (Adopted) 2013  
CIL & S106 SPD (Adopted) 2015  
Waste Collection SPD (Adopted) Updated 2017

**3. RELEVANT PLANNING HISTORY**

- 3.1 None relevant.

**4. CONSULTATION RESPONSES**

- 4.1 Alveston Parish Council  
Objection as current concerns require clarification.

4.2 Other Consultees

Environmental Protection  
No objection subject to a standard informative.

Highway Structures  
No objection

Lead Local Flood Authority  
No objection

Sustainable Transport  
No objection

Conservation Officer  
No objection subject to 5x conditions

#### Ecology Officer

No objection subject to conditioning the works to be in accordance with submitted ecological report and to secure the installation of proposed bat boxes.

### **Other Representations**

#### **4.3 Local Residents**

1 local resident has supported the scheme:

- premises in need of modernisation to allow it to continue to be a viable agricultural unit.

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

#### **5.1 Principle of Development – Green Belt**

The proposal would convert an existing barn at Angers Farm into a detached dwelling. The 2019 NPPF states that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to any harm to the Green Belt. Certain forms of development are not inappropriate in the Green Belt, provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. These include the re-use of buildings provided that the buildings are of permanent and substantial construction. In such situations, a detailed structural survey and method statement is required to demonstrate the building is capable of conversion without major or complete re-construction that would detract from its original character.

- 5.2 The existing barn is traditional stone building with metal trusses clad in asbestos sheeting. The structural survey concludes that it is of permanent and substantial construction. It sets out how the building would be converted without major or complete reconstruction. The resulting building would reflect its original character.

- 5.3 The proposal would include provision of parking to the rear of the site. This would be located in the existing yard area and would be necessary to enable the conversion of the building to residential use. A garden would be provided to the rear, within an existing enclosure between the barn and yard area. Residential paraphernalia and planting within this area is likely, although would remain essentially open and garden areas would be provided as part of any development proposal. In the circumstances, these matters would not materially affect the openness of the Green Belt or reasons for including land within it.

- 5.4 For these reasons, Officers conclude that the proposed development would comprise the re-use of a building that is of permanent and substantial construction, would preserve the openness of the Green Belt and would not conflict with the purposes of including land within the Green Belt. As a result, it would not be inappropriate development within the Green Belt as defined by the NPPF and would comply with policy PSP7.



5.5 Design

- The historic farmstead associated with the farmhouse appears to be subject to a wider and gradual scheme of residential conversion, as the substantial linear range adjacent which historically comprised of pigsties (but now a shelter shed for cattle) and a milking parlour has already been subject to a withdrawn application for residential conversion.
- 5.6 It is also understood that the agricultural use of the existing farmstead is not ceasing but to enable its residential conversion, the agricultural uses or functions will be transferred to a new complex of buildings elsewhere within the locality. Consequently, with the loss of original function, the character of the existing farmstead will inevitably change in due course as it becomes a cluster of residential units.
- 5.7 This places greater emphasis of ensuring that the visual and functional relationship between the farmhouse and its associated complex of buildings should be preserved as much as possible in the interests of the setting and in turn significance of the Grade II listed farmhouse. Therefore, as in the consideration of the linear range adjacent, there is a need to restrain the domestic influences in terms of external treatment of the elevations of existing buildings and ensure the domestic appurtenances of new residential units – washing lines, gardens, parking etc. are also controlled in the wider interests of landscape setting, as the most sensitive conversion of any building can be completely undermined by a poorly conceived landscape approach.
- 5.8 The subject building is considered to be a stone built threshing barn with its typical opening double doors located within full height porch or midstre. As identified within the supporting information, this would have given the original building a distinctive “T-plan” footprint. The single winnowing door to the rear has been somewhat lost due to the addition of a lean-to extension on the NE facing elevation. A site inspection confirmed that along with the main roof structure being asbestos sheeting supported by metal trusses, there are no roof structure present in the other parts of the building that could be considered to be historic. Therefore, overall the roof structure can be considered to be of no tangible historic significance.
- 5.9 Overall, the subject building can be considered to represent a good example of a vernacular farmstead building that is in harmony with its rural landscape surroundings. Buildings like this and the historic farmsteads that they form part of can be considered an integral part of the rural landscape, as they reflect how the land has developed over the centuries. The scale and form of buildings such as the subject buildings therefore directly relate to the historic land use of the area and so could be considered to be of illustrative and arguably communal value which adds further to the historic interest of the building and the group it forms part of.
- 5.10 Moreover, although the building has been clearly subject to alterations and extension, it retains clear evidence of its agricultural origins and although a casement window has been inserted at first floor level to the NW elevation, the solidity and simplicity of the building which makes a significant and positive contribution to its special interest survives intact. In particular it is the predominance of “solid” compared to void which is evident in both its walls and

roof which can be considered to significantly contribute to the aesthetic character of the building and allows the historic use to remain legible.

- 5.11 As referred to above, along with considering the impact of any conversion on the building itself, its relationship to the wider landscape setting also needs to be understood as part of any consideration of a scheme of conversion. In particular, the relationship with the principal heritage asset needs to be understood.
- 5.12 From visiting the site it is clear that the building individually and collectively (as part of the farmstead) can be considered to make an important contribution to the setting and in turn significance of the listed farmhouse. The relationship of any farmhouse and its farmstead is important as it helps maintain a physical narrative of its historic use and function.
- 5.13 The prominence of the barn within the setting of the listed building is in this case unusually high, as the barn is in effect directly located adjacent to the front garden of the farmhouse. Views of the barn are therefore extremely prominent in the approach to the farmhouse from the east and undoubtedly in views out from the farmhouse itself. This usually high level of direct inter-visibility and co-visibility therefore requires an even higher level of consideration as the potential impact of any conversion could be significant. The key concern here is one of loss of prominence, as despite the position of the barn in relation to the farmhouse, there is a clear hierarchy within the farmstead. If, for example, the barn was allowed to become overtly domestic in character both in regards to the building itself and its curtilage, this could potentially disrupt the hierarchy of the farmstead, where from its earliest origins, the main farmhouse has been the only domestic building on this site. Maintaining this hierarchy through design of external alterations and landscape treatment is therefore considered an important part of preserving the farmstead setting of the listed building.
- 5.14 In terms of the external areas, the submitted drawings show a rear curtilage fully enclosed by a high stone boundary wall and parking within the existing farmyard. Permitted development rights will therefore be removed for hardstanding, boundary treatments and extensions to ensure landscape character in this extremely sensitive location is not further eroded or compromised beyond what is agreed now.
- 5.15 In regards to the building itself, the submitted structural report appears to be a reasonable appraisal and from an external inspection, Officers would have no reason to dispute its findings and conclusions. The full scope and specification of repairs identified will though have to be clarified post-decision via condition.
- 5.16 In respect of external treatment or proposed alterations to facilitate the conversion, the following amendments have been negotiated: the number of rooflights has been reduced; the design of an opening in the west elevation has been revised; the new shutters will be inserted using the existing hinges; details of floor construction and internal finishes (including insulation) have been provided; the staircase has been moved to the rear wall of the barn; a new internal layout introduced; and some large scale details submitted for consideration.

- 5.17 Subject to a number of conditions, it is considered the application can be approved as the significance of this curtilage listed barn and the contribution it makes to the setting of the adjacent listed building would be safeguarded.
- 5.18 Amenity  
Development should not be permitted that has an adverse impact on residential amenity. This application relates to a large site with few neighbours. As a result, it is not considered that there would be a notable impact on residential amenity and future occupiers would have more than satisfactory living conditions. Furthermore, sufficient outdoor space would meet any needs arising from the development.
- 5.19 No objection is raised to this application on the basis of its impact on residential amenity.
- 5.20 Transport  
The application site is located in the open countryside. However, as it is for a single dwelling, it would not lead to an increase in the rural population to the detriment of sustainability (it is recognised that the most sustainable form of new development is locating it close to existing services and facilities). Furthermore, there is sufficient parking ((for 2 vehicles), turning facilities and a safe access.
- 5.21 No objection is raised to this application on the basis of its impact on highway safety.
- 5.22 Ecology  
A Bat and Bird Survey Report (Burrows Ecological, September 2018) has been submitted alongside the application. The report includes surveys for four buildings on site, although the application is just for Building 4 and part of Building 3. Its findings are below:
- 5.23 *Designated Sites*  
There are no designated sites that will be affected by this development.
- 5.24 *Great Crested Newt*  
A pond lies approximately 150m south of the proposed development. An eDNA survey was completed and returned a positive result suggesting GCN are present. No newts or eggs were recorded during torching or egg searching.
- 5.25 As the development lies in largely unsuitable habitat for GCN, the report recommends that mitigation is employed to avoid any impacts. The most effective and least expensive being timing the works to occur during spring when any GCN are most likely to be in the pond, away from the development site. A draft method statement has been provided.
- 5.26 *Birds*  
Swallows were recorded flying in and out of Building 3 and approximately 10 nests were recorded in Building 4, however these appeared to be inactive.

- Gaps within the walls of Building 4 also appeared suitable for nesting passerines. No evidence of barn owl was recorded within Building 3 or 4.
- 5.27 The report recommends avoiding carrying out works within the nesting season, or if not possible, netting the building prior to works commencing to prevent netting. It also provides a number of recommendations for replacing the nesting resource, either in new or existing buildings. The locations and number of replacement nests shall be secured by condition.
- 5.28 *Bats*  
Building 3 is a long single-storey barn used for sheltering livestock. It is completely open along the eastern elevation. No evidence of bats was recorded during the survey and it was assessed as offering low bat roost potential.
- 5.29 Building 4 is described as a large double height building with single storey extensions to the west and east and a mezzanine. Potential roost features included gaps in the stonework potentially leading to the cavities and gaps between the walls and fascia. The barn was considered to offer high bat roost potential.
- 5.30 The emergence/re-entry surveys and eDNA surveys identified the presence of common pipistrelle and brown long-eared bats. The report states that the droppings were deposited between two weeks summer 2018 and that it represents the presence of a night roost. There is no explanation why it is considered a night roost; there appears to be no evidence to prove it isn't a day roost.
- 5.31 A common pipistrelle was recorded re-entering the building, between the wall and the wooden fascia.
- 5.32 Commuting and foraging bat activity was generally low during the surveys with noctules the only other bats recorded.
- 5.33 In Britain, all bats are protected under the Wildlife & Countryside Act 1981 (as amended by the CROW Act 2000) and the EC Habitats Directive 1992, implemented in Britain by the Habitat Regulations 2010. Furthermore, some bats are priority species nationally, being listed on the UK Biodiversity Action Plan and under Section 41 of the NERC Act 2006 as a species of principal importance for biological diversity in Britain; as well as being included on South Gloucestershire's own Biodiversity Action Plan.
- 5.34 As European Protected Species (EPS), a licence under Regulation 53/56 of the 2010 Habitat Regulations is required for development to be lawful.
- 5.35 Judicial reviews have directed that surveys for bats cannot be left to planning Conditions; and that where bats are present, planning authorities should be applying the same 'tests' to which licence applications are subject to under Regulation 53/56 of the Habitat Regulations 2010.

- 5.36 Satisfying these ‘tests’ necessitates providing the detail of a mitigation strategy prior to determining the application.
- 5.37 The three ‘tests’ are:-
- *For the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment;*
  - *There is no satisfactory alternative to the work specification;*
  - *The action authorised will not be detrimental to the maintenance of the population of the species at a favourable status in their natural range.*
- 5.38 The first ‘test’ is satisfied in that development is regarded as being of ‘*overriding public interest of an economic nature*’.
- 5.39 Regarding the second ‘*no satisfactory alternative*’ test, the building subject to the conversion is underused due to poor original design, and the proposal will bring it back in to use and avoid its dereliction. Therefore, this ‘test’ is considered to be satisfied.
- 5.40 Regarding the third ‘*favourable status*’ test, it is considered that the replacement provisions described in Chapter 5 of the Bat and Bird Survey Report dated September 2018 should enable brown long-eared and common pipistrelle bats to continue to roost on site; and that, subject to the mitigation, compensation and enhancement measures being implemented in full (including monitoring), it is considered that development would not be ‘detrimental to the maintenance of the species at a favourable status in their natural range’.
- 5.41 Subject to conditions securing the mitigation measures set out in the report (chapter 5) and a couple of bat boxes, Officers are satisfied the development would not harm ecological interests.
- 5.42 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.
- 5.43 With regards to the above this planning application is considered to have a neutral impact on equality.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

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

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

### **CONDITIONS**

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

Reason

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

2. The development shall proceed in strict accordance with the Mitigation Measures provided in Chapter 5 and Appendix 4 of the Bat and Bird Survey Report (Burrows Ecological, September 2018).

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 2019 National Planning Policy Framework.

3. The development hereby permitted shall not be occupied until the bat boxes have been installed in accordance with details shown on submitted Proposed Drawing plan Dwg. No. 50965/06/101 Rev. D.

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 2019 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

In the interests of protecting the openness of the green belt, the character of the curtilage listed barn and the setting of the principal listed building of Angers Farmhouse, and to accord with policy CS1, CS9 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013; policy PSP1, PSP7, PSP17 and PSP40 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017; and the 2019 National Planning Policy Framework.

5. Prior to the commencement of any relevant works on site, a detailed specification for the repairs, including any stonework repairs, any proposed structural works (in respect of which approval is expressly reserved), shall be submitted to the council for approval. The specification shall include details of the extent of proposed replacement of historic fabric, and all new materials to be used. The works shall be completed strictly in accordance with the agreed details.

Reason

To maintain and enhance the character of the curtilage listed barn and setting of the principal listed building of Angers Farmhouse, and to accord with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the national guidance set out at the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

6. Prior to the commencement of the relevant works, the detailed design of the following items shall be submitted and approved in writing by the local planning authority.
- a. New windows and fixed glazing (including cill, head, reveal and finishes) for
    - First floor opening to west elevation;
    - Doors and framing to south elevation cart entrance;
    - Other doors to north elevation and south elevations
  - b. Rooflights
  - c. Shutters for the south elevation cart entrance
  - d. Typical detail for the shutters to be used on the west elevation
  - e. Soil vent pipe including finish

The details shall be submitted via elevation and section drawings at a scale of 1:10, and the development shall be completed strictly in accordance with the agreed details.

Reason

To maintain and enhance the character of the curtilage listed barn and setting of the principal listed building of Angers Farmhouse, and to accord with Sections 16(2) and

66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the national guidance set out at the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

7. Prior to the commencement of the relevant works, a representative sample of the following materials shall be submitted to and approved in writing by the local planning authority. The development shall be completed strictly in accordance with the agreed samples.
  - a. Clay pantile
  - b. Clay roof tile vent

Reason

To maintain and enhance the character of the curtilage listed barn and setting of the principal listed building of Angers Farmhouse, and to accord with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the national guidance set out at the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

8. The development shall be implemented strictly in accordance with the following plans:  
Received 14.8.2019:  
Window and Door Details (50965-06-102 Rev B)  
Combined Existing Plans (50965-06-001 Rev B)  
Combined Proposed Plans (50965-06-101 Rev D)  
Windows, Doors and Eaves Details (50965-06-103 Rev B)

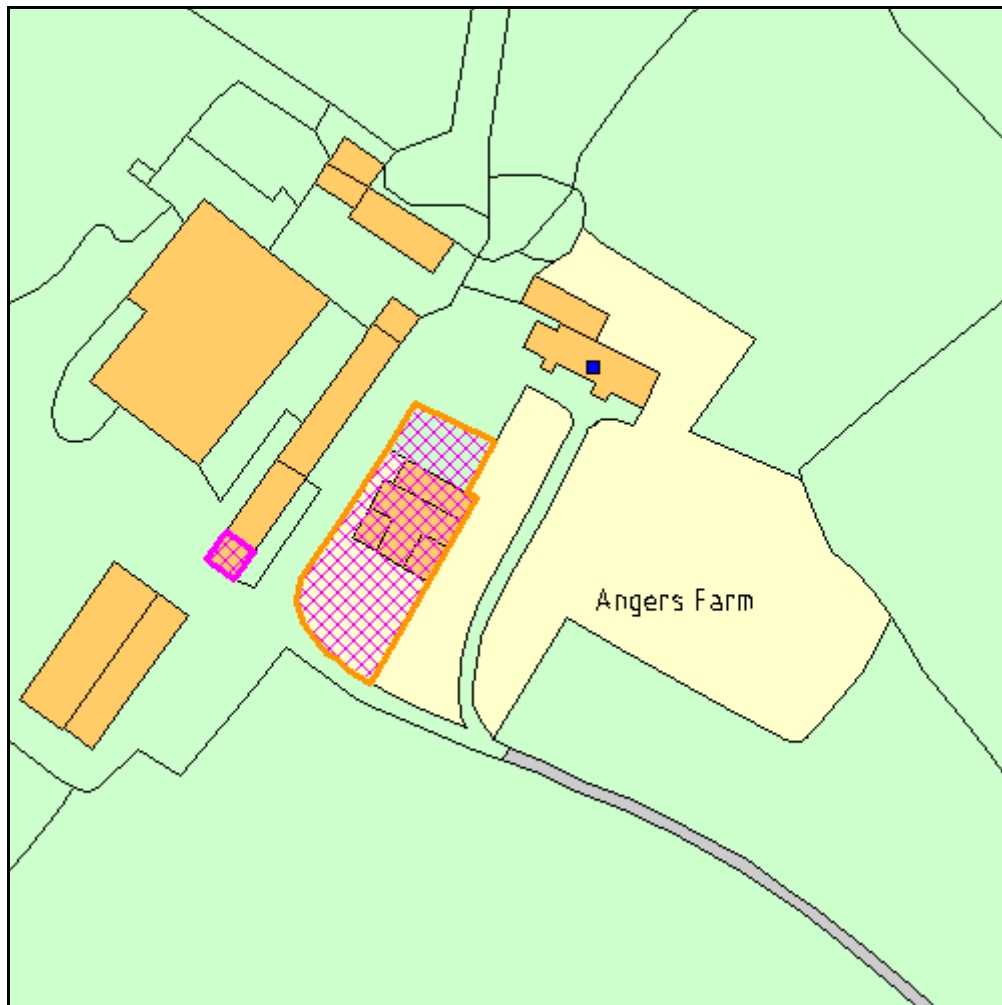
Reason

For the avoidance of doubt.



CIRCULATED SCHEDULE NO. 39/19 – 27 SEPTEMBER 2019

|                                  |   |                         |                            |
|----------------------------------|---|-------------------------|----------------------------|
| <b>App No.:</b>                  | P19/0581/LB   | <b>Applicant:</b>       | Mr Andrew Hendy            |
| <b>Site:</b>                     | Angers Farm Earthcott Green Alveston<br>Bristol South Gloucestershire<br>BS35 3TD           | <b>Date Reg:</b>        | 23rd January 2019          |
| <b>Proposal:</b>                 | Conversion of existing agricultural<br>building to 1 no. dwelling with<br>associated works. | <b>Parish:</b>          | Alveston Parish<br>Council |
| <b>Map Ref:</b>                  | 364139 185506   | <b>Ward:</b>            | Severn Vale                |
| <b>Application<br/>Category:</b> | Minor   | <b>Target<br/>Date:</b> | 19th March 2019            |



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P19/0581/LB

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 the circulated schedule due to an objection received from the Council for British Archaeology which is contrary to the Officers recommendation.

## **1. THE PROPOSAL**

- 1.1 This application seeks listed building consent for works required in connection with the conversion of the building. This application is accompanied by an application for planning permission P19/0579/F.
- 1.2 The application site relates to a curtilage listed building (gII) at Angers Farm, Earthcott Green. It lies outside a settlement boundary, therefore in the open countryside and in the Green Belt. It is also within an area of archaeological interest and there is a public way of way adjacent the west/south site boundaries.
- 1.3 During the course of the application revised plans were sent in for assessment.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

Planning (Listed Buildings and Conservation Areas) Act 1990  
Planning (Listed Buildings and Conservation Areas) Regulations 1990  
(as amended)  
National Planning Policy Framework 2019  
National Planning Practice Guidance  
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                   |
| CS9 | Managing the Environment and Heritage |

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

|       |  |
|-------|--|
| PSP17 | Heritage Assets and the Historic Environment |
|-------|--|

## **3. RELEVANT PLANNING HISTORY**

- 3.1 None relevant.

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

4.1 Alveston Parish Council

No comment

4.2 Other Consultees

Conservation Officer

No objection subject to 5x conditions

Council for British Archaeology

Objection as the application lacks consideration of many important components in the adaptive re-use of historic agricultural buildings. It conflicts with NPPF section 16.

#### **Other Representations**

4.3 Local Residents

None received

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

5.1 This application seeks listed building consent for works to a curtilage listed building in Alveston to facilitate its conversion

5.2 Principle of Development

This is an application for listed building consent. As such, the only consideration is what impact the proposed development would have on the special historic or architectural features of the property.

5.3 Assessment of Heritage Impact

The historic farmstead associated with the farmhouse appears to be subject to a wider and gradual scheme of residential conversion, as the substantial linear range adjacent which historically comprised of pigsties (but now a shelter shed for cattle) and a milking parlour has already been subject to a withdrawn application for residential conversion.

5.4 It is also understood that the agricultural use of the existing farmstead is not ceasing but to enable its residential conversion, the agricultural uses or functions will be transferred to a new complex of buildings elsewhere within the locality. Consequently, with the loss of original function, the character of the existing farmstead will inevitably change in due course as it becomes a cluster of residential units.

5.5 This places greater emphasis of ensuring that the visual and functional relationship between the farmhouse and its associated complex of buildings should be preserved as much as possible in the interests of the setting and in turn significance of the Grade II listed farmhouse. Therefore, as in the consideration of the linear range adjacent, there is a need to restrain the domestic influences in terms of external treatment of the elevations of existing buildings and ensure the domestic appurtenances of new residential units – washing lines, gardens, parking etc. are also controlled in the wider interests of

landscape setting, as the most sensitive conversion of any building can be completely undermined by a poorly conceived landscape approach.

- 5.6 The subject building is considered to be a stone built threshing barn with its typical opening double doors located within full height porch or midstrey. As identified within the supporting information, this would have given the original building a distinctive “T-plan” footprint. The single winnowing door to the rear has been somewhat lost due to the addition of a lean-to extension on the NE facing elevation. A site inspection confirmed that along with the main roof structure being asbestos sheeting supported by metal trusses, there are no roof structure present in the other parts of the building that could be considered to be historic. Therefore, overall the roof structure can be considered to be of no tangible historic significance.
- 5.7 Overall, the subject building can be considered to represent a good example of a vernacular farmstead building that is in harmony with its rural landscape surroundings. Buildings like this and the historic farmsteads that they form part of can be considered an integral part of the rural landscape, as they reflect how the land has developed over the centuries. The scale and form of buildings such as the subject buildings therefore directly relate to the historic land use of the area and so could be considered to be of illustrative and arguably communal value which adds further to the historic interest of the building and the group it forms part of.
- 5.8 Moreover, although the building has been clearly subject to alterations and extension, it retains clear evidence of its agricultural origins and although a casement window has been inserted at first floor level to the NW elevation, the solidity and simplicity of the building which makes a significant and positive contribution to its special interest survives intact. In particular it is the predominance of “solid” compared to void which is evident in both its walls and roof which can be considered to significantly contribute to the aesthetic character of the building and allows the historic use to remain legible.
- 5.9 As referred to above, along with considering the impact of any conversion on the building itself, its relationship to the wider landscape setting also needs to be understood as part of any consideration of a scheme of conversion. In particular, the relationship with the principal heritage asset needs to be understood.
- 5.10 From visiting the site it is clear that the building individually and collectively (as part of the farmstead) can be considered to make an important contribution to the setting and in turn significance of the listed farmhouse. The relationship of any farmhouse and its farmstead is important as it helps maintain a physical narrative of its historic use and function.
- 5.11 The prominence of the barn within the setting of the listed building is in this case unusually high, as the barn is in effect directly located adjacent to the front garden of the farmhouse. Views of the barn are therefore extremely prominent in the approach to the farmhouse from the east and undoubtedly in views out from the farmhouse itself. This usually high level of direct inter-visibility and co-visibility therefore requires an even higher level of consideration as the

potential impact of any conversion could be significant. The key concern here is one of loss of prominence, as despite the position of the barn in relation to the farmhouse, there is a clear hierarchy within the farmstead. If, for example, the barn was allowed to become overtly domestic in character both in regards to the building itself and its curtilage, this could potentially disrupt the hierarchy of the farmstead, where from its earliest origins, the main farmhouse has been the only domestic building on this site. Maintaining this hierarchy through design of external alterations and landscape treatment is therefore considered an important part of preserving the farmstead setting of the listed building.

- 5.12 In terms of the external areas, the submitted drawings show a rear curtilage fully enclosed by a high stone boundary wall and parking within the existing farmyard. Permitted development rights will therefore be removed for hardstanding, boundary treatments and extensions to ensure landscape character in this extremely sensitive location is not further eroded or compromised beyond what is agreed now.
- 5.13 In regards to the building itself, the submitted structural report appears to be a reasonable appraisal and from an external inspection, Officers would have no reason to dispute its findings and conclusions. The full scope and specification of repairs identified will though have to be clarified post-decision via condition.
- 5.14 In respect of external treatment or proposed alterations to facilitate the conversion, the following amendments have been negotiated: the number of rooflights has been reduced; the design of an opening in the west elevation has been revised; the new shutters will be inserted using the existing hinges; details of floor construction and internal finishes (including insulation) have been provided; the staircase has been moved to the rear wall of the barn; a new internal layout introduced; and some large scale details submitted for consideration.
- 5.15 Subject to a number of conditions, it is considered the application can be approved as the significance of this curtilage listed barn and the contribution it makes to the setting of the adjacent listed building would be safeguarded.
- 5.16 Other Matters  
The proposals have evolved considerably since the first round of consultation and are now considered acceptable.

## **6. RECOMMENDATION**

- 6.1 It is recommended that listed building consent is GRANTED subject to the conditions listed below.

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

## **CONDITIONS**

1. The works hereby permitted shall be begun before the expiration of three years from the date of the consent.

### **Reason**

As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to avoid the accumulation of Listed Building Consents.

2. Prior to the commencement of any relevant works on site, a detailed specification for the repairs, including any stonework repairs, any proposed structural works (in respect of which approval is expressly reserved), shall be submitted to the council for approval. The specification shall include details of the extent of proposed replacement of historic fabric, and all new materials to be used. The works shall be completed strictly in accordance with the agreed details.

### **Reason**

To maintain and enhance the character of the curtilage listed barn and setting of the principal listed building of Angers Farmhouse, and to accord with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the national guidance set out at the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

3. Prior to the commencement of the relevant works, the detailed design of the following items shall be submitted and approved in writing by the local planning authority.
  - a. New windows and fixed glazing (including cill, head, reveal and finishes) for
    - First floor opening to west elevation;
    - Doors and framing to south elevation cart entrance;
    - Other doors to north elevation and south elevations
  - b. Rooflights
  - c. Shutters for the south elevation cart entrance
  - d. Typical detail for the shutters to be used on the west elevation
  - e. Soil vent pipe including finish

The details shall be submitted via elevation and section drawings at a scale of 1:10, and the development shall be completed strictly in accordance with the agreed details.

### **Reason**

To maintain and enhance the character of the curtilage listed barn and setting of the principal listed building of Angers Farmhouse, and to accord with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the national guidance set out at the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

4. Prior to the commencement of the relevant works, a representative sample of the following materials shall be submitted to and approved in writing by the local planning authority. The development shall be completed strictly in accordance with the agreed samples.
  - a. Clay pantile
  - b. Clay roof tile vent

Reason

To maintain and enhance the character of the curtilage listed barn and setting of the principal listed building of Angers Farmhouse, and to accord with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the national guidance set out at the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

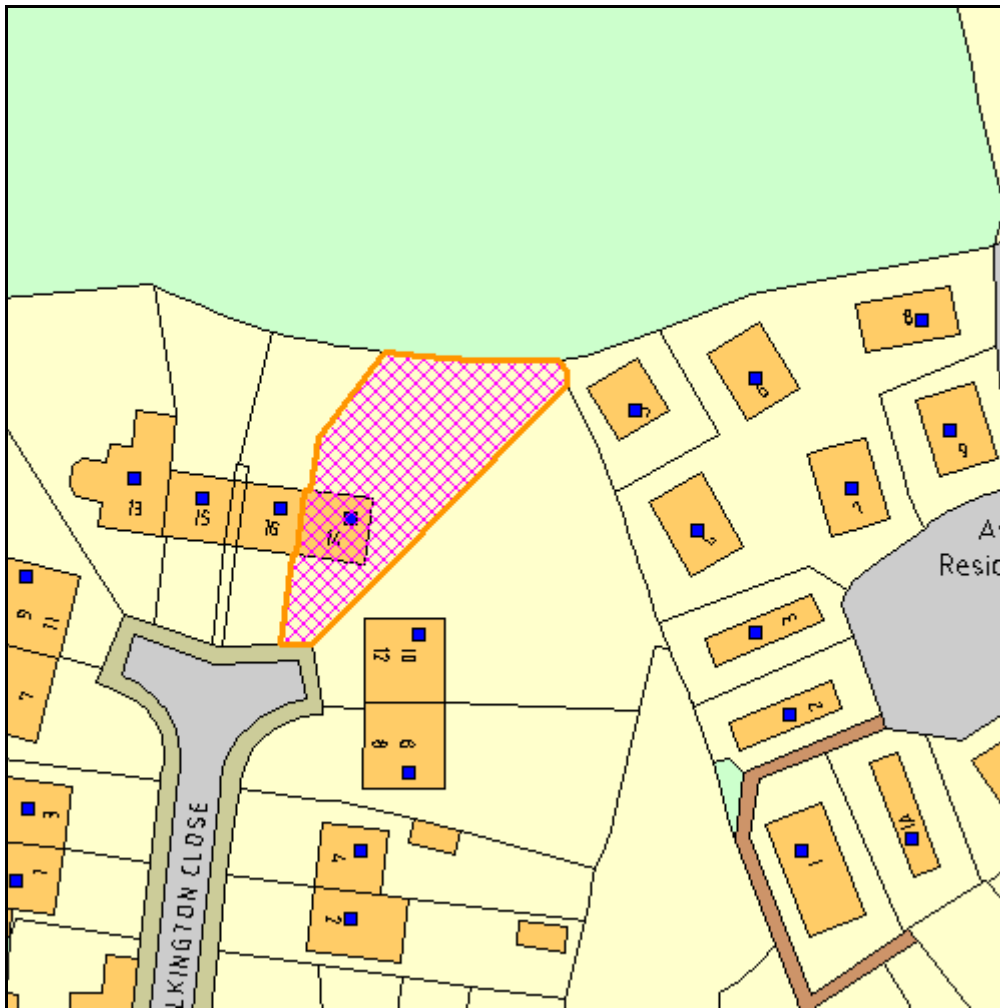
5. The development shall be implemented strictly in accordance with the following plans:  
Received 14.8.2019:  
Combined Existing Plans (50965-06-001 Rev B)  
Combined Proposed Plans (50965-06-101 Rev D)  
Window and Door Details (50965-06-102 Rev B)  
Windows, Doors and Eaves Details (50965-06-103 Rev B)

Reason

For the avoidance of doubt.

## CIRCULATED SCHEDULE NO. 39/19 – 27 SEPTEMBER 2019

|                                  |  |                         |                        |
|----------------------------------|--|-------------------------|------------------------|
| <b>App No.:</b>                  | P19/09987/F  | <b>Applicant:</b>       | Mr Julian Faiello      |
| <b>Site:</b>                     | 14 Pilkington Close Filton South<br>Gloucestershire BS34 8JU   | <b>Date Reg:</b>        | 7th August 2019        |
| <b>Proposal:</b>                 | Erection of detached annexe ancillary<br>to the main dwelling. | <b>Parish:</b>          | Filton Town<br>Council |
| <b>Map Ref:</b>                  | 361245 178954  | <b>Ward:</b>            | Filton                 |
| <b>Application<br/>Category:</b> | Householder  | <b>Target<br/>Date:</b> | 30th September<br>2019 |



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100023410, 2008. N.T.S. P19/09987/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 appears on the Circulated Schedule as a result of objections responses received, contrary to Officer recommendation.

## **THE PROPOSAL**

- 1.1 This application seeks planning permission for the construction of an annexe ancillary to the main dwelling within the rear curtilage.
- 1.2 The application site and host dwelling comprises an end of terrace dwelling and associated front, side and rear curtilage, on a small residential cul de sac road containing similar, within the urban area of Filton.
- 1.3 A Flood Risk Assessment has been submitted with the application.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework  
National Planning Policy Guidance
- 2.2 South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS5 Location of Development  
  
South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017  
PSP1 Local Distinctiveness  
PSP8 Residential amenity
- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Checklist SPD (adopted)  
SGC Parking Standards

## **3. RELEVANT PLANNING HISTORY**

- 3.1 None relevant

## **4. CONSULTATION RESPONSES**

- 4.1 Filton Town Council  
No comments received  
  
Sustainable Transportation  
There were initial concerns raised as to the level of information provided with regards to detail on the layout of the existing host dwelling is provided and detail on existing or proposed vehicular access and parking is shown.

Upon further assessment of the existing and proposed situation and the parking and transportation section of the planning submission, there is no current off-street parking provision for the site, it is also agreed that the proposed annexe, in accordance with the Councils adopted parking standards, would not increase the vehicular parking requirements of the site. The development would also not reduce any parking provision, and on this basis therefore there is no transportation objection.

#### Lead Local Flood Authority

The site is within Flood Risk Zone 2 as defined by the Environment Agency Flood Risk Map. Clarity was initially sought regarding detail for the proposed site levels in comparison with existing site levels

After reviewing the submitted Flood Risk Assessment, and following confirmation of levels, there is no objection to the proposals.

### **Other Representations**

#### 4.3 Local Residents

Five letters of objection have been received, covering the following issues:

- there is adopted minimum provision for parking – what provisions will be made
- The parking situation is at breaking point and another residence with 1 to 2 parking spaces would worsen this
- there are currently not enough parking spaces within the street, we cannot have more cars
- emergency vehicles struggle to get into the street due to parking, more cars will make this worse
- we feel that the building will block the light and cause noise
- it is close to the rear/side of our property
- also concerns over fire regulations and proximity to their structure as there are compulsory space issues within fire regulations.

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

#### 5.1 Principle of Development

Policy CS1 of the South Gloucestershire Local Plan (Adopted) 2013 advises that proposals should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area. In addition there are policies to ensure that they shall not prejudice the amenities of nearby occupiers, and shall not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space. Extensions to dwellings within residential curtilages are acceptable in principle subject to detailed development control considerations in respect of local amenity, design and transportation; as set out in policy PSP38.

#### 5.2 Residential Amenity

The comments above regards amenity and proximity to adjacent properties are noted. The proposed annexe would be located at the bottom of the rear curtilage of the existing dwelling. The proposed building would be single storey with a shallow single pitch roof. To the north are allotment gardens whilst to the east is a residential park. The proposals are located wholly within the curtilage of the dwelling and are located/set back off the boundary. Further to this no windows are proposed in the eastern elevation. The plot is considered to be of sufficient size to accommodate the proposals adequately within its boundary and sufficient private curtilage space would remain to serve the property. The Building Regulations process would ensure all relevant building regulations are met. Given the overall scale of the proposals and their relationship with the existing dwelling and surrounding properties, it is not considered that it would give rise to a significant or material amenity impact upon neighbouring properties such as to warrant and sustain objection and refusal of the proposals on this basis. It is considered therefore that the proposals would be acceptable in terms of residential amenity.

### 5.3 Design

The proposals are for a single storey building with a shallow single pitch roof. Given the nature, shape and orientation of the plot, it would be difficult to add the level of accommodation as an extension to the existing dwelling. The proposals being within the rear curtilage would not be visible or materially impact the wider streetscene and would be surrounded by the properties own curtilage. The residential park to the east of the site contains single storey park accommodation. Materials, incorporating timber weatherboard would give a garden outbuilding, ancillary feel to the design of building and are considered to be acceptable given the context and location of the site. The proposals are therefore considered to be of an appropriate standard in design and are not out of keeping with the character of the main dwelling house or the area in general. The annexe is of an acceptable size in comparison to the existing dwelling, the plot available and the site and surroundings.

### 5.4 Sustainable Transportation

The comments regarding parking, and the lack of provision for the street as a whole are noted. There is currently no off street parking provision for the existing property. This situation would not change under the proposed scheme. The proposal is ancillary to the main dwelling and would add one further bedroom, i.e. from 3 to 4. The Councils parking requirements would be the same for a 3 or 4 bed house. However in this instance there is no change in the existing situation and any perceived parking shortfall or additional demand would not be materially different or altered by this proposal. Therefore the proposals, in accordance with adopted Council policy would not add additional parking requirements to the property on the basis of this individual proposal. There are no highways objections on this basis and it is not considered therefore that a highway objection could be sustained such as to warrant refusal of the application on this basis.

### 5.5 Drainage

The relative levels of the existing and proposed site have been considered acceptable in flood risk terms, and there are no objections on this basis.

## 5.6 Equalities

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

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

## 6. CONCLUSION

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

## 7. RECOMMENDATION

- 7.1 Planning permission is GRANTED subject to the conditions recommended.

**Contact Officer: Simon Ford**  
**Tel. No. 01454 863714**

## 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 annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 14 Pilkington Close.

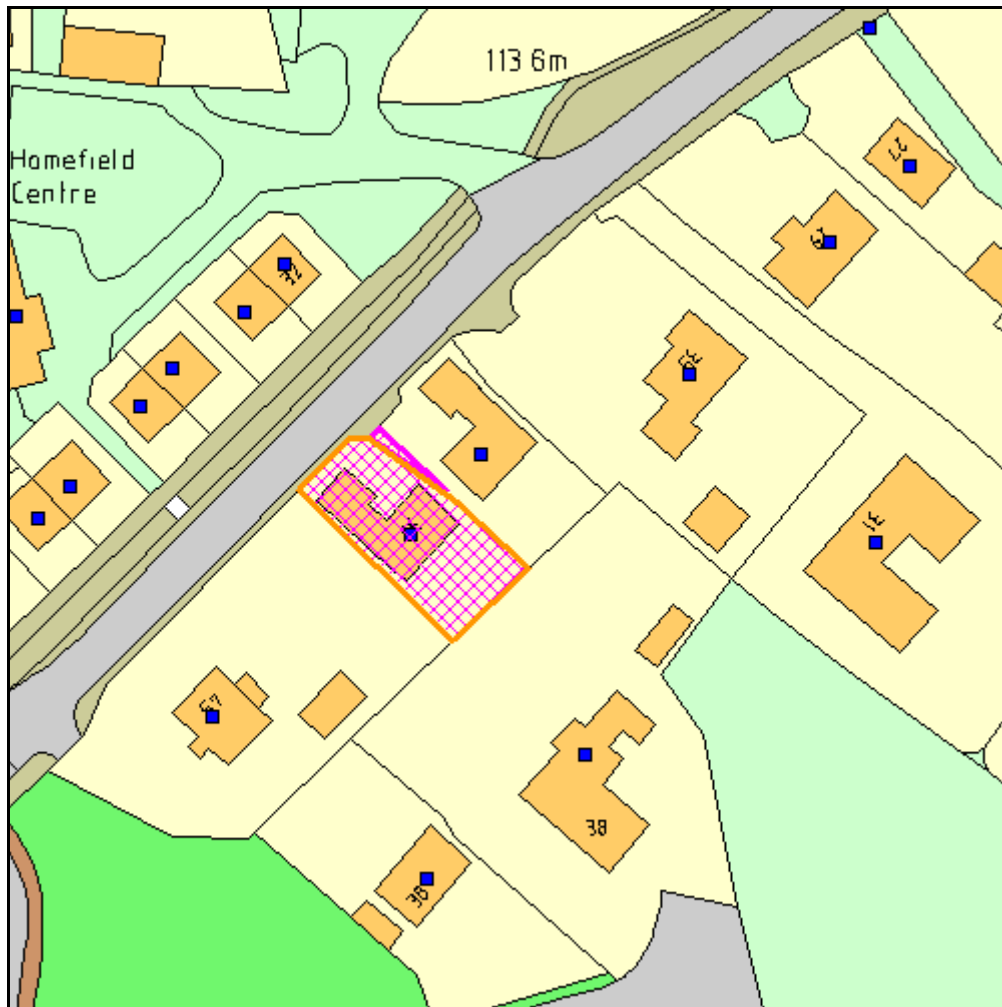
Reason:

The use of the extension as a separate residential unit would require separate and further planning consent which would require to be considered afresh, in accordance with Policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted

December 2013 and Policies PSP8 and PSP38 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017.

**CIRCULATED SCHEDULE NO. 39/19 – 27 SEPTEMBER**

|                              |  |                     |                                |
|------------------------------|--|---------------------|--------------------------------|
| <b>App No.:</b>              | P19/10005/F  | <b>Applicant:</b>   | Kuldeep Singh                  |
| <b>Site:</b>                 | 39 Shortwood Road Pucklechurch<br>Bristol South Gloucestershire BS16<br>9PL  | <b>Date Reg:</b>    | 9th August 2019                |
| <b>Proposal:</b>             | Erection of single storey rear extension<br>and front porch. Installation of electric<br>gates and 1m high boundary fence. | <b>Parish:</b>      | Pucklechurch<br>Parish Council |
| <b>Map Ref:</b>              | 369801 176269  | <b>Ward:</b>        | Boyd Valley                    |
| <b>Application Category:</b> | Householder  | <b>Target Date:</b> | 1st October 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.

## **INTRODUCTION**

This application appears on the Circulated Schedule, as a result of comments received from the Parish Council, contrary to Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application is for the erection of single storey rear extension and front porch, installation of electric gates and 1m high boundary fence. The proposed boundary fence and gates would also serve the neighbouring property, no 37, which shares the access.
- 1.2 The property is a detached dwelling, located on Shortwood Road, within the residential area of Pucklechurch.

### **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  
CS8 Access/Transport

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

PSP1 Parking Standards  
PSP8 Residential Amenity  
PSP38 Development within Existing Residential Curtilages

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007.  
South Gloucestershire Parking Standards SPD

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

- 3.1 None relevant

### **4. CONSULTATION RESPONSES**

#### 4.1 Pucklechurch Parish Council

Objection - No documentation has been made available about the nature of the proposed extension or porch (no dimensions, elevations, no site plans, no materials listed), equally there is no information on the electric gates, what they

look like, how they open and a fence is mentioned but not illustrated so we cannot make comments on how this may or may not affect the local street scene. Therefore, due to the lack of information provided, we are bound to object to this planning application in its current form.

### **Other Representations**

#### **4.2 Local Residents**

No comments received

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Extensions to dwellings within residential curtilages are acceptable in principle subject to detailed development control considerations in respect of local amenity, design and transportation; as set out in policy PSP38. The issues for consideration in this respect therefore are whether the proposals have an adverse impact on the amenities of nearby occupiers and whether the design of the proposal is sufficiently in keeping with the site and surroundings.

### **5.2 Design**

The comments regarding the proposals, from the Parish above, are noted. Notwithstanding this it is considered that sufficient information to enable assessment of the various elements of the application have been provided on the scaled plans and within the planning application. The porch would be a small infill area, between the existing garage and the front door, single storey and approximately 2.5 x 2.5 metres in size. The rear extension would be a flat roof, single storey, 3 metres in depth and partially replace an existing conservatory. Materials in the extensions would match the existing dwelling. The fencing would be 1 metre high and would be set over an existing dwarf stone wall which fronts the roadside pavement area. The proposed electronic gates would be set back from the highway at the point where the gravelled driveway commences. These are illustrated as sliding gates that, that would slide sideways within the curtilage of the property. The applicants confirm that the gates and fencing illustrated on the plans is of a timber construction. The proposals are therefore considered to be of an acceptable standard in design and would be an acceptable addition, taking into account the main dwelling house and surrounding area.

- 5.3 The proposals, in terms of the fencing and gates, would also serve the neighbouring property, no 37. Certificate B has been served upon the owners/occupiers of this property and they have been further consulted for the purposes of this of this planning application. Notwithstanding this any planning permission would not grant rights to access, develop or carry out work not within the applicant's control, without agreement.

### **5.4 Residential Amenity**

The length, size, location and orientation of the proposals at single storey level and the relationship with other properties in the area, are not considered to give rise to any additional significant or material overbearing or overlooking impacts on adjacent properties in this instance.



### 5.5 Transportation.

The proposals as submitted would not impact upon existing or required levels of parking. The gates would slide sideways and remain within the property. There is other similar and higher fencing and walling in the area and gated accesses, and the gates would be set back to where the gravelled driveway commences.

### 5.6 Equalities

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

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

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

7.1 That planning permission is granted.

**Contact Officer: Simon Ford**  
**Tel. No. 01454 863714**

## 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).

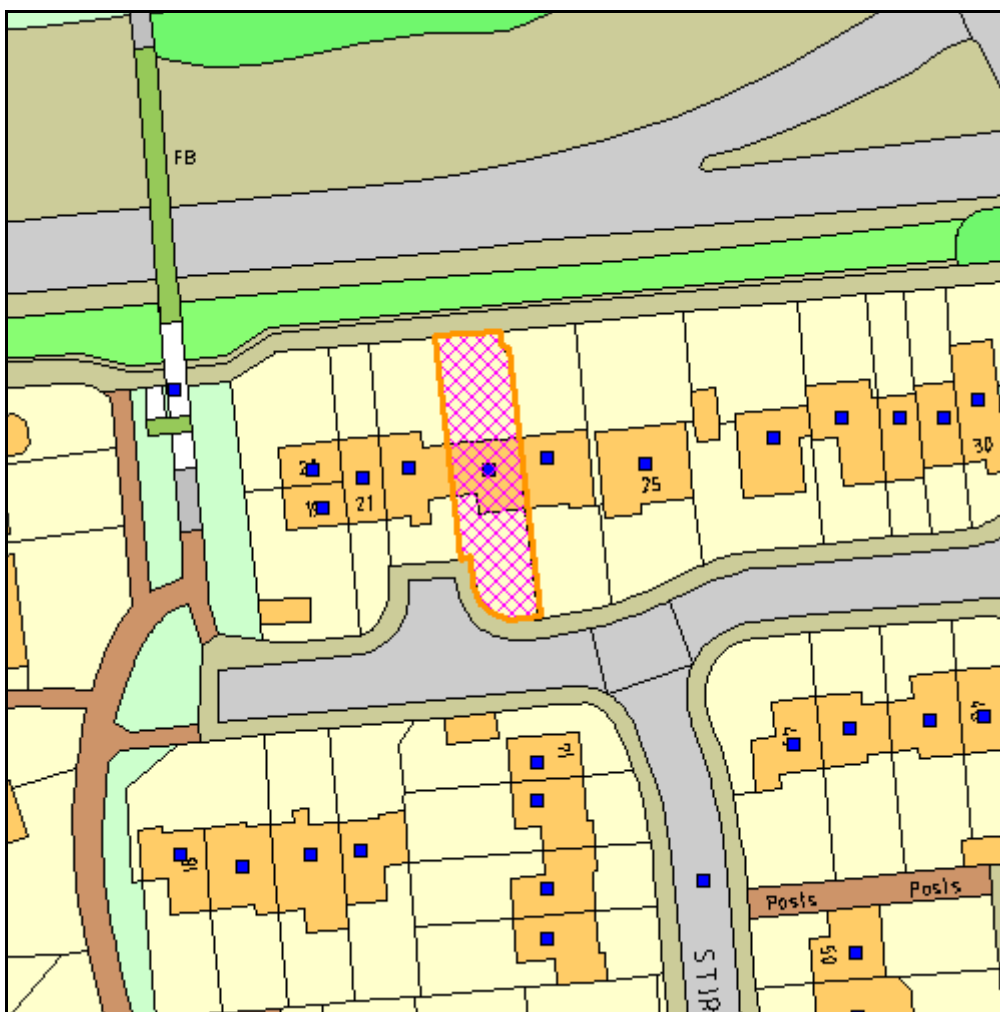
2. The bricks to be used externally in the development hereby permitted shall match those of the existing building in colour and texture.

Reason

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

## CIRCULATED SCHEDULE NO. 3919 – 27 SEPTEMBER 2019

|                              |   |                     |                     |
|------------------------------|---|---------------------|---------------------|
| <b>App No.:</b>              | P19/10144/F   | <b>Applicant:</b>   | Mr Timothy Allen    |
| <b>Site:</b>                 | 23 Stirling Close Yate Bristol South<br>Gloucestershire BS37 5UH  | <b>Date Reg:</b>    | 5th August 2019     |
| <b>Proposal:</b>             | Erection of single storey rear extension,<br>first floor side extension to form<br>additional living accommodation.<br>Erection of front porch. | <b>Parish:</b>      | Yate Town Council   |
| <b>Map Ref:</b>              | 370942 183662   | <b>Ward:</b>        | Yate North          |
| <b>Application Category:</b> | Householder   | <b>Target Date:</b> | 26th September 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 REFERRING TO CIRCULATED SCHEDULE**

This application is referred to the circulated schedule due to an objection received from the Town Council which is contrary to the Officers recommendation.

## **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a single storey rear extension, first floor side extension and a front porch at 23 Stirling Close, Yate.
- 1.2 The application site relates to a semi-detached, two storey dwelling which is located in a residential area of Yate. A public footpath runs adjacent the north boundary.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework February 2019  
National Planning Policy Guidance

### **2.2 Development Plans**

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

|      |  |
|------|--|
| CS1  | High Quality Design                              |
| CS4a | Presumption in Favour of Sustainable Development |
| CS5  | Location of Development                          |

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

|       |  |
|-------|--|
| PSP1  | Local Distinctiveness                              |
| PSP8  | Residential Amenity                                |
| PSP11 | Transport  |
| PSP16 | Parking Standards                                  |
| PSP38 | Development within Existing Residential Curtilages |
| PSP34 | 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 None relevant.

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

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

###### **Objection**

1. The application includes very little detail. eg. there are no dimensions on the drawing.
2. We are concerned that the application is not going to meet building regulations.
3. The wall between the garages may not be strong enough to support a second floor in which case, this will need to be demolished and rebuilt to meet regulations.
4. Any alterations required to the party wall will also have an impact on immediate neighbours.
5. Not in keeping with the current street scene.

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

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

No objection

###### **Public Rights of Way**

No objection

###### **Open Spaces Society**

No comment

###### **Commons Stewardship Officer**

No comment

##### **Other Representations**

##### **4.3 Local Residents**

None received.

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

##### **5.1 Principle of Development**

Policy PSP38 of the PSP Plan is generally supportive of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. The proposal therefore accords with the principle of development subject to the assessment below.

##### **5.2 Design and Visual Amenity**

Policy CS1 of the Core Strategy and policy PSP38 of the Policies, Sites and Places Plan seek to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

5.3 *First floor side extension*

The first floor side extension will be constructed above the existing attached garage. It is set down to appear subservient to the host.

5.4 *Single storey rear extension*

The proposed single storey rear element will span the entire width of the existing dwellinghouse. It will feature a lean-to roof with bi-fold doors onto the garden. Being to the rear, there will be limited visibility of this element from the street scene.

5.5 *Front porch*

The porch is modest in scale and there are other examples of its selected form in the street scene.

5.6 Subject to matching materials, the proposal is not considered to have a detrimental impact on the character of the existing dwelling, nor the locality and as such is considered to comply with policies CS1 and PSP38.

5.7 Residential Amenity

Policies PSP8 and PSP38 of the PSP Plan sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; overshadowing; overlooking; loss of light; loss of outlook; and loss of privacy of neighbouring occupiers.

5.7 Given the scale and location of the proposed extensions, it is not considered that there would be any significant loss of amenity to neighbouring occupiers. As such, officers consider that the scheme is compliant with policies PSP8 and PSP38.

5.8 Transport

The proposal will result in 3 bedrooms at the property. As such, 1 parking spaces is required. The site has 1 driveway parking space and a garage parking space and is therefore compliant in this regard.

5.9 Consideration of likely impact on Equalities

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

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

#### 5.11 Other Matters

The submitted drawings are sufficiently detailed to allow determination of the application and matters relating to Building Regulations and party walls lie outside planning control.

### 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 listed below.

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

### CONDITIONS

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

Reason

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

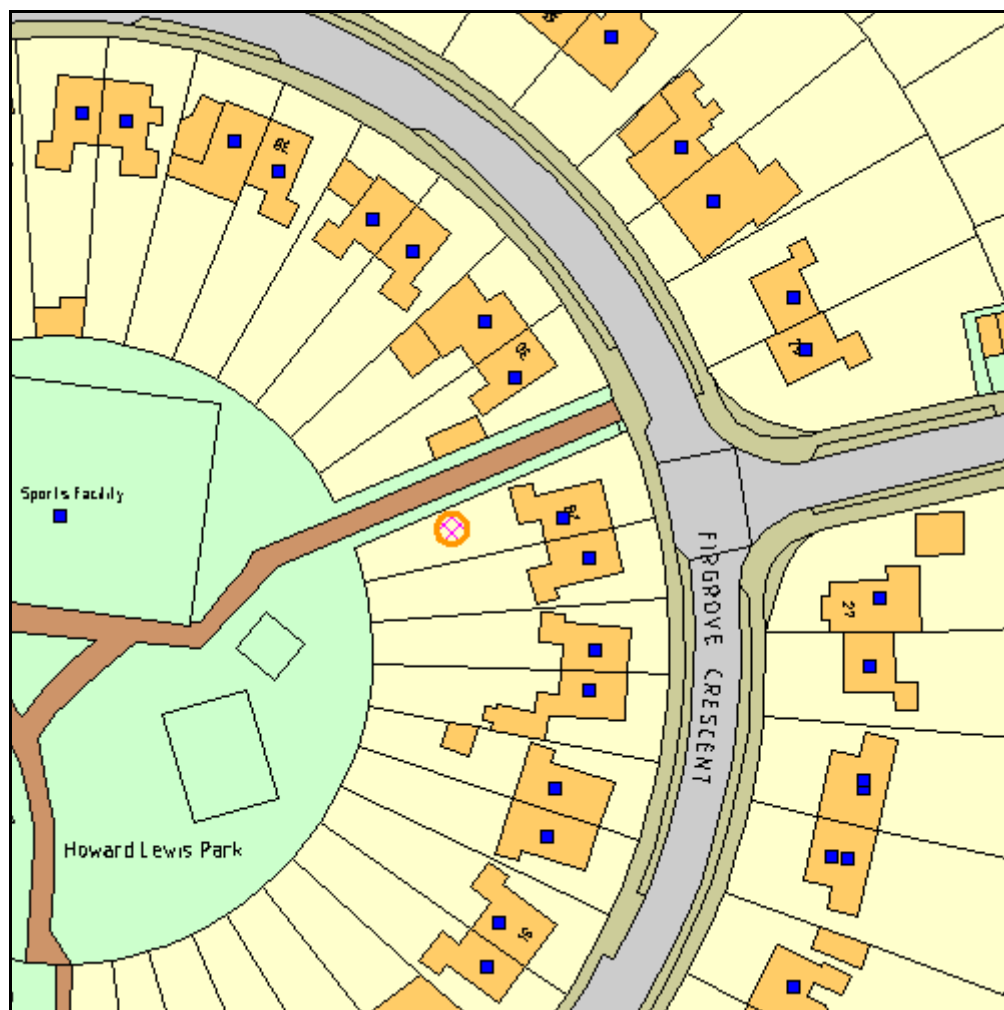
2. The development shall be implemented strictly in accordance with the following plans:  
Received 01.08.2019:  
Existing Elevations  
Existing Floor Plan  
Location Plan  
Proposed Elevations  
Proposed Floor Plan  
Site Plan

Reason

For the avoidance of doubt.

**CIRCULATED SCHEDULE NO. 39/19 – 27 SEPTEMBER 2019**

|                                  |   |                         |                        |
|----------------------------------|---|-------------------------|------------------------|
| <b>App No.:</b>                  | P19/10233/TRE   | <b>Applicant:</b>       | Mrs Stokes             |
| <b>Site:</b>                     | 28 Firgrove Crescent Yate Bristol<br>South Gloucestershire BS37 7AQ   | <b>Date Reg:</b>        | 6th August 2019        |
| <b>Proposal:</b>                 | Works to 1 no. Walnut tree to Crown<br>thin by 10-20% , and reduce lowest<br>branches by 1-2m covered by TPO 301<br>dated 2nd November 1977 | <b>Parish:</b>          | Yate Town Council      |
| <b>Map Ref:</b>                  | 372097 182780   | <b>Ward:</b>            | Yate Central           |
| <b>Application<br/>Category:</b> |   | <b>Target<br/>Date:</b> | 27th September<br>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.

## **1. THE PROPOSAL**

- 1.1 Works to 1 no. Walnut tree to Crown thin by 10-20% , and reduce lowest branches by 1-2m covered by TPO 301 dated 2nd November 1977.
- 1.2 The tree is in the rear garden of no.28 Firgrove Crescent, Yate, Bristol, South Gloucestershire, BS37 7AQ.

## **2. POLICY CONTEXT**

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

## **3. RELEVANT PLANNING HISTORY**

- 3.1 PK01/2530/TRE, Site Address: 28 Firgrove Crescent, Yate, South Gloucestershire, BS37 7AQ, Decision: COND, Date of Decision: 18-SEP-01, Proposal: Works to Walnut tree (T11) covered by the South Gloucestershire Tree Preservation Order TPO301. Remove lower branches to lift crown to 3-4 metres; reduce side branches by 2 metres and thin crown by 15%., CIL Liable:
- 3.2 PK09/0018/TRE, Site Address: 28 Firgrove Crescent, Yate, South Gloucestershire, BS37 7AQ, Decision: COND, Date of Decision: 03-FEB-09, Proposal: Works to reduce by 30% 1no. Walnut tree covered by Tree Preservation Order TPO301 dated 2 November 1977., CIL Liable:

## **4. CONSULTATION RESPONSES**

- 4.1 Yate Town Council have submitted comments objecting to the application on the grounds that they have not seen the Tree Officer's report.

### **Other Representations**

- 4.2 Local Residents  
Comments have been received from a local resident in support of the application.

## **5. ANALYSIS OF PROPOSAL**

- 5.1 Proposed Work  
Works to 1 no. Walnut tree to Crown thin by 10-20% , and reduce lowest branches by 1-2m.

5.2 Principle of Development

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

5.3 Consideration of Proposal

The objection from the Town Council is on the grounds that they have not seen the comments of the Tree Officer. It has been brought to the attention of the Town Council that the Tree Officer's report is not written until the consultation period has expired. This enables the officer to assess all comments received and to provide a considered response within the report.

5.4 The proposed works are minimal, involving the thinning of the outer crown to reduce end weight and, therefore, stresses on branch unions. Additionally it is the intention to reduce the length of the lowest branches for the same reason.

5.5 Part of the work will also be the removal of deadwood although this is exempt from the legislation.

5.6 It is not considered that the proposed work will have a negative impact on the long term health of the tree nor on the amenity that it provides.

6. RECOMMENDATION

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

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

CONDITIONS

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

Reason

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

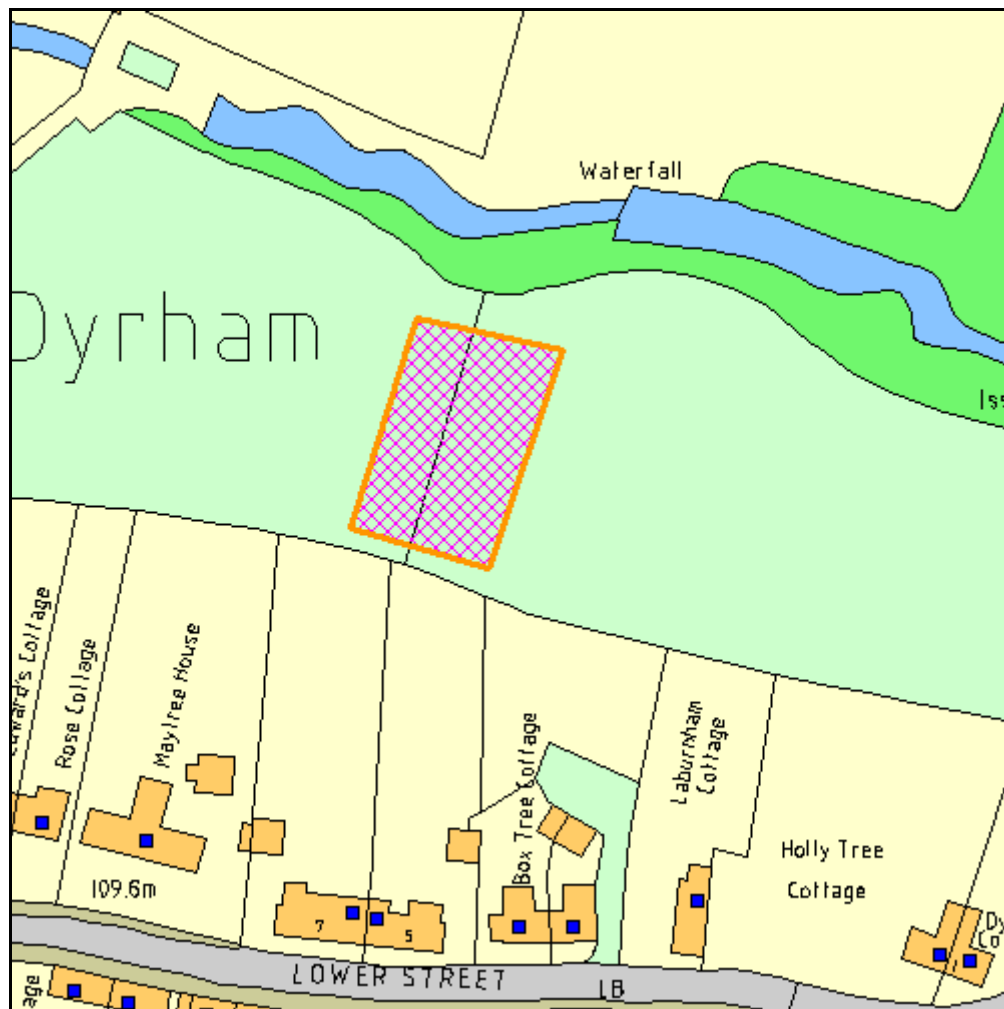
2. The works hereby authorised shall comply with British Standard 3998: 2010 - Recommendations for Tree Work.

Reason

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

## CIRCULATED SCHEDULE NO. 39/19 – 27 SEPTEMBER 2019

|                    |   |                   |  |
|--------------------|---|-------------------|--|
| <b>App No.:</b>    | P19/3117/F  | <b>Applicant:</b> | Ms K Lockey                            |
| <b>Site:</b>       | Boyd Brook House Upper Street<br>Dyrham Chippenham South<br>Gloucestershire<br>SN14 8HN | <b>Date Reg:</b>  | 26th March 2019                        |
| <b>Proposal:</b>   | Formation of a menage (Resubmission<br>of PK18/3955/F).                                 | <b>Parish:</b>    | Dyrham And<br>Hinton Parish<br>Council |
| <b>Map Ref:</b>    | 373888 175856   | <b>Ward:</b>      | Boyd Valley                            |
| <b>Application</b> | Minor   | <b>Target</b>     | 21st May 2019                          |
| <b>Category:</b>   |   | <b>Date:</b>      |  |



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P19/3117/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 REPORTING TO CIRCULATED SCHEDULE**

This application has been referred to the Circulated Schedule due to the receipt of comments which are contrary to the officers' recommendation.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission the formation of a ménage at Boyd Brook House, Dyrham. It is a resubmission application following the withdrawal of previous application, PK18/3955/F.
- 1.2 The site is situated within the Bristol / Bath Green, outside the settlement boundary in the open countryside, within the setting of listed buildings (Dyrham Park) and the Cotswolds Area of Outstanding Natural Beauty. A Landscape and Visual Appraisal has been submitted as part of the application.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework February 2019  
National Planning Practice Guidance

- 2.2 Development Plans

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

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

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

|       |  |
|-------|--|
| PSP1  | Local Distinctiveness                        |
| PSP2  | Landscape                                    |
| PSP7  | Development in the Green Belt                |
| PSP8  | Residential Development                      |
| PSP11 | Transport Impact Management                  |
| PSP16 | Parking Standards                            |
| PSP17 | Heritage Assets and the Historic Environment |
| PSP19 | Wider Biodiversity                           |
| PSP20 | Flood Risk, Surface Water and Watercourse    |
| PSP21 | Environmental Pollution and Impacts          |
| PSP30 | Horse Related Development                    |

## 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)

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

## 3. RELEVANT PLANNING HISTORY

- 3.1 PK11/2467/TCA Works to fell and pollard various trees as schedule all situated within Dyrham Conservation Area.

## 4. CONSULTATION RESPONSES

### 4.1 Parish Council

Objection - Several Dyrham residents have contacted the PC expressing concerns about this application. If approved the manège will be bordering their gardens and will lead to increased noise and loss of privacy. For this reason the PC object to this application and respectfully ask the planning committee to consider the comments from residents when deciding the matter.

### 4.2 Other Consultees

Historic England – Advised to seek the views of [the Council's specialist conservation and archaeological advisers as relevant

Sustainable Transport: No objection subject to conditions

The Conservation Officer: Objection, recommended Refusal

The Landscape Officer: Objection, recommended Refusal

The Drainage and Flood Risk Management Team: No objection

The Highway Structure Team: No objection

### Other Representations

### 4.3 Local Residents

7 letters of objection, residents' concerns are summarised as follows (Full comments are available in the Council's website)

- Equestrian use risks fundamental damage to the conservation nature of its peaceful countryside core
- Artificial nature of the proposed land surface, the proposed contouring of the field
- The proximity to neighbouring properties
- The risk of future of the site, including the potential stables, floodlights
- Increased traffic, extra traffic would affect the narrow lanes of the area.
- Noise, nuisance
- invasion of privacy, peace
- smell
- activity
- visually change the characteristics of the central green field of the village
- very close to important water courses, likely to have an impact on the drainage of this field and potentially the springs

- the proposed extra planting will not mitigate the visual impact from the Cotswold Way
- already in breach of what is permitted on the land
- Although the development is for the sole use of the owner, this would be impossible to police in practice
- It is suggested that there are limited suitable local places to exercise horses, this is simply not the case. There are already excellent riding stables in Hinton and Doynton
- Excavations could cause damage to joining boundary tree roots
- Cause ponding during periods of heavy rain which may ultimately find its way into the adjoining gardens
- The field intermittently used for the training of horses and young riders, a ménage would intensify this use

5 letters of support have been received and residents' comments are summarised (Full comments are available in the Council's website):

- The land is already in equine / equestrian use
- cannot see how the proposed ménage would impact on the village
- The ménage is only for personal use it appears to be a safe option in order to avoid riding in Dyrham's busy roads, especially during the winter months.
- Should be possible to mitigate these concerns by applying conditions to a planning approval.
- The equine activity in the field enhances rather than detracts from our enjoyment of the village.
- We understand from Mrs Lockey that it is not her intention to floodlight the ménage, nor to use it for anything other than personal enjoyment.
- The applicant has two stables, two ponies and the land has been used to graze and exercise those animals. I do not see two ponies (and the tuition of them) causing excessive/unreasonably lengthy disruption in terms of noise.
- A number of steps are or have been taken to protect this area of outstanding natural beauty.
- This is a rural area in close proximity to Badminton and the Beaufort hunt. Horses and the things connected with them are very much in keeping with the area.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

In the first instance, the proposal must be considered in the light of current Green Belt policy as the land lies within the Bristol/Bath Green Belt. The primary policy consideration is guidance contained in the NPPF. The design and siting of the ménage will be covered by policies CS1 and CS5 of the Core Strategy and the impact on the surrounding landscape and character of the site will be covered by Policy PSP2 of the adopted Policies, Sites and Place Plans 'PSPP'.

### **5.2 Horse related development policy is also relevant to this proposal and is covered in this report by Policy PSP30 of the adopted PSPP. The proposal must also satisfy policy CS8 and PSP11 which seek to prevent highway safety**

issues as a result of the proposed use. If the proposal is in accordance with these policies the development should be approved unless other material considerations indicate otherwise

### 5.3 Impact on the Green Belt

This application seeks planning permission for the formation of ménage on a parcel of land between Upper Street and Lower Street of Dyrham. Whilst no new buildings are proposed, the application does seek permission to carry out operational development in the Green Belt in the form of a ménage. Paragraph 145 of the NPPF states that development in the Green Belt is inappropriate, subject to several exceptions including:

*(b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.*

5.4 The provision of a ménage would fall within this category. Given its nature and design, it is considered that the impact on the openness of the Green Belt would be minimal.

5.5 It is proposed to remove the existing post and rail fence and to install a new post and rail fence with 3.6 metres five bar gate. Given that there is already an existing post and rail fence dividing the land, it is not considered that the proposed boundary treatment would have material impact upon the openness of the green belt.

5.6 Regarding the use of the land (and the remaining part of the land owned by the applicant), the residents' comments and the applicant's supporting statement have been considered. Whilst the applicant's claim that the land to the east is already in equestrian use, no planning history shows that planning permission was granted for such use in the past. More importantly, the lawfulness of the site cannot be confirmed in this type of application. If the applicant wishes to demonstrate that the use has been continuous since 2009 then the correct procedure would be to apply for a Certificate of Lawfulness for an existing use.

5.7 In reaching an overall balance substantial weight is afforded to the fundamental aim of the Green Belt as reinforced by the NPPF. It is considered that the harm generated by the proposed ménage would be negligible and it is considered that the proposal would be an appropriate development in the green belt. As such, It would not conflict with the fundamental aim of the Green Belt.

### 5.8 Design and Impact on Heritage Asset

#### *Siting and Heritage Asset*

The site lies in the very centre of the Dyrham Conservation Area and comprises a set of fields running along the watercourse that separates the village into Upper and Lower Street. The fields are generally screened from the north and south but in the 1840s were recorded in the tithe map and apportionment as gardens to the cottages to the south. By the 1st edition OS map (c1880),

however, the gardens had been shortened and squared off, leaving an area of field running along the river with a footpath and a series of bridges leading to the properties to the north. The southern boundary appears to have been realigned in the mid-late 20th century creating a slightly wider frontage to the road. Despite the recent planting of evergreen holly along the east boundary beneath the existing tree canopy, the set of fields in the centre of the village are an important part of its quiet, rural charm and character and provide a pleasant, undeveloped green space between the cottages to the south and the more gentrified residences located along Upper Street. The trees to the north and south provide a strong sense of enclosure but there are views to the hills in the distance which help contribute to a sense of openness at the heart of the village, immediately west of the grounds to Dyrham Park. The fields are seen from the Cotswold Way which runs along the road at this point.

#### 5.9 *Impact upon the historic asset*

This proposal is to regrade an area of the field closest to the lane with spoil taken from the excavation for the ménage. This may partially obscure some views of the new surface from the entrance gate, but the likelihood is that it will create a contrived, manmade landform in the field and will not overcome the concerns regarding the introduction and intensification of horse-related uses and development in a sensitive location, drawing the paraphernalia and clutter associated with such use (which is already visible to the west of the fence line) closer to the observer. The associated knock on-effect of access to the ménage, storage of equipment and general intensification of active use of the field may be difficult to precisely quantify, but it has the potential to further impact on the character and appearance of the site, and its contribution to the visual amenity and distinctiveness of the locality and the character of the conservation area.

#### 5.10 *Summary*

Policy PSP17 of the adopted PSPP requires development proposals to demonstrate that...existing green spaces...which contribute to the character or appearance of the conservation area will be retained and protected. Officers therefore consider that the proposal development would be contrary to PSP17 on the basis that the change and intensification of use and the introduction of active equestrian use of the field as opposed to occasional, informal, grazing, will erode the simple rural character and appearance of the conservation area, with the ménage and bund being large, incongruous, and man-made features in a sensitive location in the centre of this historic village.

#### 5.11 Landscape Impact

The site is low lying meadow adjacent to the water course that flows westwards from Dyrham Park and is divided by a post and rail timber fence. The unspoiled pasture land is idyllically situated and enclosed round by mature parkland/garden and hedgerow trees and mature hedges. The site is also visible from the Cotswold Way, a major recreational route that runs along Upper Street - a contained view seen through a field gateway. The far pasture is currently littered with jumps and other horse paraphernalia which rather detracts from the unspoiled bucolic scene. Given the sensitivity of the site, which is protected by multiple landscape and conservation designations, officers consider that the proposed ménage would have an unacceptable



adverse impact on the landscape character of this particular and special location. The proposal is therefore contrary to the related SGC landscape policies and strategies and those of the Cotswolds AONB.

- 5.12 Regarding the potential impact upon the tree roots, the submitted plans show the existing and proposed contours of the site. Given the reasonable distance, subject to appropriate conditions seeking details of proposed works, it is considered that the proposal would cause an adverse impact upon the existing trees.

5.13 Horse Policy and Animal Well-Being

The proposed ménage would be located on a parcel of land between Upper Street and Lower Street and this field is surrounded by hedges and trees. The submitted block plan shows the applicant's ownership and the proposed ménage. Policy PSP30 of the adopted PSPP states that development proposals for horse related development outside the defined urban areas and rural settlement boundaries will be accepted subject to a number of criteria.

- 5.14 The general guidelines from the British Horse Society are that each horse should have at least 1 acre of land. Although it is unclear that how many horses would be kept on site, a planning condition could be imposed to restrict the number of horses to safeguard the well-being of the horses.

- 5.15 The site is surrounded by residential properties, officers noted the residents' concerns regarding the potential noise, nuisance, disturbance, floodlighting. Whilst the proposed ménage would be adjacent to neighbouring gardens, there would be a reasonable distance between the proposed ménage and the nearby dwelling houses. It is therefore considered that the potential adverse impact would not be so significant to be detrimental to the living conditions or amenity of the neighbouring residents. Also, planning conditions could be imposed to restrict no floodlighting, limit the hours of use, to minimise the adverse impact upon the amenity of the nearby residents.

5.16 Highway Safety

This planning application seeks permission to construct a ménage at Boyd Brook House which is situated in Upper Street, Dyrham. The Highway Officer advised that this proposal is unlikely greatly change local travel demand. As such, subject to conditions to restrict the use of the site and access, there is no highway objection in principle to the scheme.

5.17 Drainage

The concerns regarding the drainage of the proposal were noted. The Council's Drainage Engineer has reviewed the scheme and raised no objection to the proposal. Therefore there is no drainage objection to the proposal.

## 6. CONCLUSION

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

- 6.2 The recommendation to refuse permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

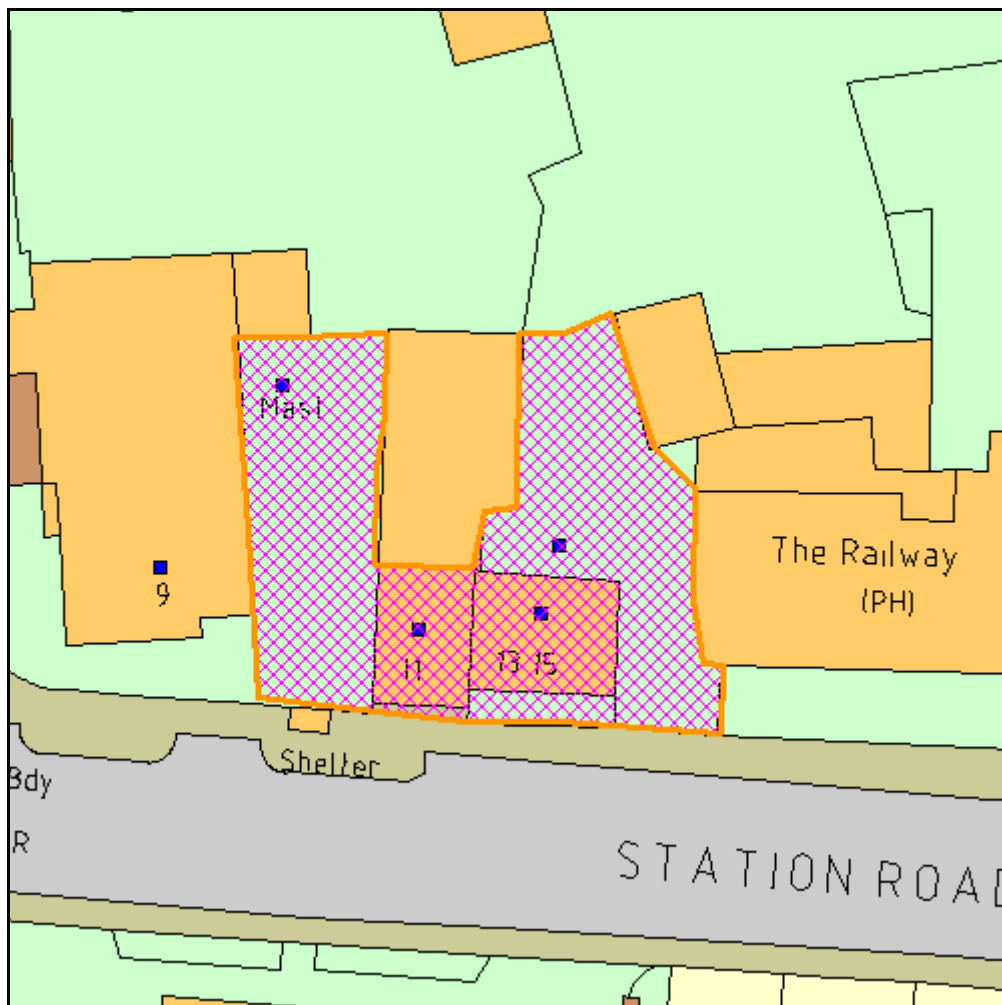
- 7.1 That planning permission is **REFUSED** for the following reasons:

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

1. The proposed menage lies in the very centre of the Dyrham Conservation Area and comprises a set of fields running along the watercourse that separates the village into Upper and Lower Street Dyrham. By virtue of its location, nature and scale, the proposal would create a contrived, manmade landform to introduce and intensify of horse-related uses and development in this very sensitive location. It would also draw the paraphernalia and clutter associated with such use. It is therefore considered that the proposal would have an adverse impact on the character and appearance of the site, and its contribution to the visual amenity and distinctiveness of the locality and the character of the conservation area. The proposal would therefore fail to preserve and enhance the special character and appearance of the Dyrham Conservation Area, contrary to Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017) and the National Planning Policy Framework.
2. The site lies within the Cotswold Area of Outstanding Natural Beauty. By virtue of its nature and scale, it is considered that the siting of the proposed menage in this location would result in harm to the visual amenity of the landscape and will prejudice the natural beauty of the landscape of the Cotswold Area of Outstanding Natural Beauty and as such is contrary to Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013), PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017), and the National Planning Policy Framework.

## CIRCULATED SCHEDULE NO. 39/19 – 27 SEPTEMBER 2019

|                              |  |                     |                   |
|------------------------------|--|---------------------|-------------------|
| <b>App No.:</b>              | P19/3374/F   | <b>Applicant:</b>   | Mr Brendan Kelly  |
| <b>Site:</b>                 | 11 - 15 Station Road Yate South Gloucestershire BS37 5HT   | <b>Date Reg:</b>    | 1st April 2019    |
| <b>Proposal:</b>             | Demolition of existing shop and warehouse annexe. Erection of a two storey building to form 2no retail units (Class A1) and 2no. flats (Class C3) above each unit, car parking and associated works, as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). (Resubmission of PK18/1965/F). | <b>Parish:</b>      | Yate Town Council |
| <b>Map Ref:</b>              | 370279 182539  | <b>Ward:</b>        | Yate North        |
| <b>Application Category:</b> | Minor  | <b>Target Date:</b> | 22nd May 2019     |



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P19/3374/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 REFERRAL TO CIRCULATED SCHEDULE**

This application is referred to circulated schedule due to an objection having been received from Yate Town Council which is contrary to the Officers recommendation.

## **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the demolition of an existing shop and warehouse annexe, and the erection of a two storey building to form 2no. retail units (Class A1) with 2no. flats (Class C3), car parking and associated works (as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)), at the site known as 11-15 Station Road in Yate. This is a re-submission of a previously withdrawn application.
- 1.2 The existing site relates to a single storey retail unit and associated yard. It sits between a vets and an office. The surrounding area has a highly mixed character, albeit the buildings either side of the site are two storey with a pitched roof design and symmetrical nature. The site is within the defined Town Centre of Yate and is along part of the Secondary Shopping frontage.
- 1.3 Throughout the course of the application revised plans have been received, and a re-consultation carried out for 14 days.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework Feb 2019  
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                          |
| CS14 | Town centres and retail                          |
| CS15 | Distribution of Housing                          |
| CS16 | Housing Density                                  |
| CS17 | Housing Diversity                                |
| CS30 | Yate and Chipping Sodbury                        |

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

|       |                             |
|-------|-----------------------------|
| PSP1  | Local Distinctiveness       |
| PSP8  | Residential Amenity         |
| PSP11 | Transport Impact Management |

|       |  |
|-------|--|
| PSP16 | Parking Standards                                    |
| PSP20 | Flood Risk, Surface Water and Watercourse Management |
| PSP31 | Town Centre Uses                                     |
| PSP33 | Shopping Frontages                                   |
| PSP43 | Private Amenity Space Standards                      |

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

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

- 3.1 PK18/1965/F Withdrawn 09.01.2019  
Demolition of existing shop and warehouse annexe. Erection of a two storey building to form 2no retail units with a one bed flat above each unit, car parking and associated works.

### **4. CONSULTATION RESPONSES**

- 4.1 Yate Town Council  
Objection. Comments summarised as follows:  
- no amenity space for flats  
- boundary between site and vets needs to remain secure, a gate needs to be installed.  
- extractor fans not shown on plans, unclear whether pedestrian access as well as bin stores can be provided.  
- loss of current off-street parking to western area of site, and no replacement parking proposed. Inadequate parking proposed.
- 4.2 Sustainable Transport  
No objection subject to conditions.
- 4.3 Lead Local Flood Authority  
No objection
- 4.4 Highway Structures  
No comment
- 4.5 Environmental Protection  
Development with the potential to be affected by land contamination, conditions recommended.

#### **Other Representations**

- 4.6 Local Residents  
No comments received.

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

- 5.1 Principle of Development

This application involves the demolition of an existing shop and the erection of a two storey building to form 2no. retail units and 2no. flats.

5.2 *Retail Development*

The site is within Yate Town Centre, as defined by CS14, it is also within a defined secondary shopping frontage. CS14 seeks to protect and enhance the vitality and viability of town centres. The development would increase the number of retail units from 1 to 2. This represents a benefit to the scheme. PSP31 sets out policy for all town centre uses, the development is considered to comply with the general criteria as set out in this policy. It would represent and improvement to the existing situation. The development is considered to be acceptable in principle.

5.3 *Residential Development*

Policy CS5 directs development to established urban areas and defined settlement boundaries. As such, based solely on the location of the site, the principle of the development is acceptable.

5.4 Whilst the principle of the proposed development is acceptable under the provisions of the policies outlined above, the impacts of the development require further assessment. These detailed matters are discussed below.

5.5 Design and Visual Amenity

Policy CS1 only permits new development where the “highest standards” of site planning and design are achieved. This policy requires that siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.

5.6 The development would involve the demolition of an existing single storey shop. This has a flat roof with a fairly traditional shop front. It is painted in vibrant colours. The development would involve the erection of a two storey building with a simple pitched roof design. It would adjoin to the side elevation of an existing office building. In this way it would reflect the buildings either side. It would have a symmetrical design with two traditional shopfronts at ground floor and 4no. windows above. Revised plans show that the front elevation would be formed of natural stone with the side and rear elevations formed of render. To the rear would be 6no. windows and rooflights. Each of the shops would have a small canopied bin store.

5.7 The existing shop is set forward of the existing buildings either side. The proposed building would be set back in line with the existing offices. This is considered a design improvement. The shopfronts would be accessed directly off the footpath and cycle parking would be provided to the front. This is considered a positive contribution to the public realm.

5.8 Given all of the above, it is considered that the development complies with CS1 and PSP1. It is acceptable with regards to design.

5.9 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.

5.10 In terms of the building itself, it would be located between an existing office and vets. There is not likely to be any detrimental impacts to nearby occupiers. In terms of future occupants of the flats, plans show that sufficient outlook and natural light would be provided. PSP43 sets out private amenity space standards for all residential units, which is based on the number of bedrooms at a property. In this instance, the development involves 2no. 1-bedroom flats. PSP43 sets out that a 1 bedroom flat should be provided with at least 5m<sup>2</sup> of private amenity space.

5.11 Plans show that the flats would not have any private amenity space. This has formed part of the objection from Yate Town Council. Whilst these concerns are noted, Officers are mindful that the supporting text of PSP43 sets out that relaxation of these standards will be acceptable in some locations. In this instance, the flats are located in a defined town centre location, where higher densities are encouraged. As such, on balance, it is felt that the lack of private amenity space is acceptable in this instance. In coming to this conclusion, Officers are mindful that Westerleigh Common is in easy walking distance from the site and would provide alternative outdoor green space.

5.12 Parking and Highway Safety

This application proposes 2no. retail units and 2no. 1-bedroom flats. The existing shop does have an informal parking area to the side. This would be lost as part of the development, and it is noted that the Town Council have raised a concern in this respect. Plans show that that 4no. parking spaces would be provided to the rear; 1no. for each of the flats and 1no. for each of the shops. There are no parking standards for retail units, however, PSP16 sets out parking standards for residential units. In this instance, the development would involve 2no. 1-bedroom flats. PSP16 sets out that each flat would need to be provided with 1no. off-street parking space.

5.13 Given the above, the development complies with PSP16. The Highways Authority have reviewed the proposal and have not raised an objection. It is recommended that a condition is imposed to ensure car and cycle parking spaces are provided prior to occupation.

5.14 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.

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

5.16 Other matters

The Town Council raised concerns that a pedestrian access between the proposed building and the adjacent vets need to be secured with a gate. Plans submitted show a gate a place.

5.17 There was also concerns whether pedestrian access could actually be provided in this location. The pedestrain access is within the site boundary, and from evidence before officers there appears to be sufficient space to accommodate such.

## 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 conditions.**

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

### CONDITIONS

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

Reason

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

2. The off-street parking facilities (for all vehicles, including cycles) shown on the Proposed Block Plan/Roof Plan (dwg no. 1746-03 B) hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.



## 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.

3. Intrusive Investigation/Remediation Strategy - The Wesson Environmental Phase 1 site Investigation dated April 2018 has identified potential sources of contamination which could pose unacceptable risks to the proposed development. Following demolition of the buildings/infrastructure from the site, no further development shall take place until detailed site investigations of the areas potentially affected have been carried out. The investigation shall include surveys/sampling and/or monitoring, to identify the extent, scale and nature of contamination. A report shall be submitted for the written approval of the local planning authority and include a conceptual model of the potential risks to human health; property/buildings and service pipes; adjoining land; ground waters and surface waters; and ecological systems. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175 Investigation of potentially contaminated sites and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site.

Where unacceptable risks are identified, the report submitted shall include an appraisal of available remediation options; the proposed remediation objectives or criteria and identification of the preferred remediation option(s). The programme of the works to be undertaken should be described in detail and the methodology that will be applied to verify the works have been satisfactorily completed.

The approved remediation scheme shall be carried out before the development (or relevant phase of development) is occupied.

## Reason

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

4. Verification Strategy - Prior to first occupation, where works have been required to mitigate contaminants (under condition 3) a report providing details of the verification demonstrating that all necessary remediation works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

## Reason

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

5. Any contamination found during the course of construction of the development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk

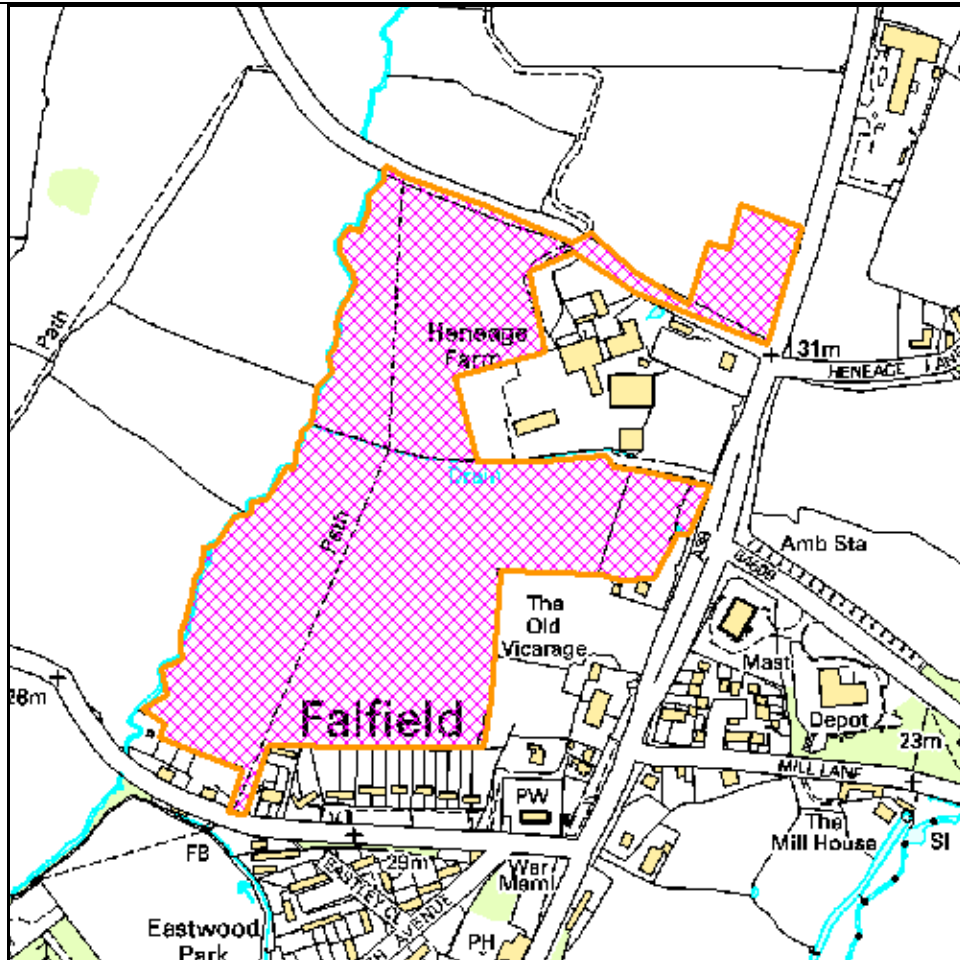
assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found additional remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

#### Reason

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

## CIRCULATED SCHEDULE NO. 39/19 – 27 SEPTEMBER 2019

|                                  |   |                         |  |
|----------------------------------|---|-------------------------|--|
| <b>App No.:</b>                  | P19/3928/RM   | <b>Applicant:</b>       | Linden Limited<br>(Trading As Linden<br>Homes Western) |
| <b>Site:</b>                     | Heneage Farm Moorslade Lane Falfield<br>Wotton Under Edge South Gloucestershire<br>GL12 8DJ   | <b>Date Reg:</b>        | 29th April 2019  |
| <b>Proposal:</b>                 | Change of use and development of<br>agricultural land to provide 85 No.<br>Dwellings with associated access, parking,<br>hard/soft landscape works, public open<br>space, and drainage, together with<br>development of a 'Park and Share' facility<br>for 25 cars and new Community Hub with<br>appearance, landscaping, layout and scale<br>to be determined. (Approval of Reserved<br>matters to be read in conjunction with<br>outline permission PT17/4800/O). | <b>Parish:</b>          | Falfield Parish<br>Council                             |
| <b>Map Ref:</b>                  | 368336 193676   | <b>Ward:</b>            | Charfield  |
| <b>Application<br/>Category:</b> | Major   | <b>Target<br/>Date:</b> | 26th July 2019   |



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P19/3928/RM

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

## **INTRODUCTION**

This application is referred to the Circulated Schedule in accord with procedure as objections have been received that are contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 This application is for the approval of the matters reserved from outline consent PT17/4800/O. This application approved the principle of development and the access, for a development of up to 85 dwellings. The development also included a “Park and Share” facility for up to 100 cars, a village green, equipped natural play area, community allotments and orchard, landscaping and sustainable drainage features. The development also proposed a Community Hub building.
- 1.2 The reserved matters to be considered therefore relates to the scale of the development, appearance, layout and landscaping. An indicative layout was submitted with the outline application and with one exception the detailed layout submitted for approval largely follows that plan. The field to the south of Heneage Farm is largely allocated for housing with the field to the west of the farm being allocated for community allotments and an orchard. An area to the west of the site between the western boundary and a public right of way will be retained as public open space with a variety of different functions proposed on the land. Vehicular access will be from Moorslade Lane at a point approximately 185 metres from the junction with the A38. The exception relates to the siting of the proposed Community building, originally shown on the western side of the “urban area” but now shown to the east of the site. The applicant indicates that the provision of this building will be the subject of a separate application as negotiations for its use are ongoing.
- 1.3 The south-eastern corner of the field immediately to the north of Moorslade Lane will be allocated to a “Park and Share” facility as indicated on the outline consent (indicated on the outline consent as having up to 100 spaces and following negotiations 50 spaces are now shown with space for future expansion). The proposal will largely ensure the retention of all existing planting aside from at the entrance to the park and share and supplement this with new planting where needed particularly around the farm complex.
- 1.4 The application site, which in terms of its topography is relatively flat, covers an area of approximately 11.3 hectares of arable land comprising two fields immediately to the north, (but outside of the settlement boundary), of Falfield and south of Moorslade Lane and in addition a plot of land at the south-eastern corner of the field immediately to the north of Moorslade Lane close to the junction with the A38.

The two fields to the south of Moorslade Lane are bounded to the south and east by hedgerows. Beyond the southern boundary lie residential properties along Sundayshill Lane and those in Orchard View while to the east lies agricultural land/open space beyond which lie a number of properties fronting onto the A38 including the Village Hall. The western boundary of the site is marked by a stream with trees/hedgerows along its western bank within the application site. A public right of way (PROW) runs through the site from the north to the south (Sundayshill Lane to Moorslade Lane). The indicative layout refers to a footpath/cycle path link along the route of the PROW and a proposed similar facility running east to west exiting onto the footway alongside the A38 to the north of Cherry Tree Cottage. The northernmost field (to the south of Moorslade Lane) is much narrower than that to the south given that the agricultural buildings associated with Heneage Farm are all retained. The area to the north of Moorslade Lane allocated for the “park and share facility” is bounded by a hedge to the south (along the road frontage) and east.

- 1.5 The site is located in the open countryside but not within the Green Belt. Information submitted with the outline consent confirmed that the Agricultural Land is classified as Grade 3b. The site is largely within Flood Zone 1 but an area adjacent to the stream on its western side falls within Flood Zone 3 (this roughly corresponds to the area of the development set aside as open space/play space). The site is not within a Conservation Area and has no special landscape or ecological designations. Heneage Farmhouse is Grade II Listed.
- 1.6 As part of the outline consent, the applicant signed a Section 106 legal agreement to secure off-site highway works, a travel plan, a financial contribution towards school travel, provision of open space and its maintenance. The applicant also signed a legal agreement to provide affordable housing on site at a rate of 35% which equates to 30 units (22 for Social Rent and 8 as immediate housing).
- 1.7 In support of the application alongside plans the following documentation has been provided: A design compliance statement; energy statement; management and maintenance scheme; information relating to the community hub; a public art commissioning plan, aboricultural impact assessment.
- 1.8 An application to discharge various conditions attached to the outline planning consent is being considered at the same time as this application (DOC19/0149). These conditions (relating to ecology, archaeology, landscaping, environmental protection) are required to be discharged either prior to the commencement of development or prior to the first occupation of the development. As such they are not specifically material to the determination of this application but reference to this application will be made in the report below where relevant.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework (NPPF) February 2019  
National Planning Policy guidance (NPPG) 2014

## 2.2 Development Plans

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

|      |  |
|------|--|
| CS1  | High Quality Design                            |
| CS2  | Green Infrastructure                           |
| CS5  | Location of Development                        |
| CS6  | Infrastructure and developer contributions     |
| CS7  | Strategic Transport Infrastructure             |
| CS9  | Heritage and the natural environment           |
| CS16 | Housing Density                                |
| CS17 | Housing Diversity                              |
| CS18 | Affordable Housing                             |
| CS20 | Extra Care Housing                             |
| CS23 | Community Infrastructure and Cultural Activity |
| CS24 | Sport and recreation standards                 |
| CS34 | Rural Areas                                    |

### South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted 8<sup>th</sup> November 2017

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

## 2.3 Supplementary Planning Guidance

Residential Parking Standards SPD (Adopted 2013)  
Affordable Housing and Extra Care Housing SPD (Adopted May 2014)  
South Gloucestershire Biodiversity Action Plan (Adopted)  
The South Gloucestershire Design Check List SPD (Adopted August 2007)  
Trees on Development Sites SPD Adopted Nov. 2005  
Waste Collection Guidance for new developments January 2015 SPD  
South Gloucestershire Council Community Infrastructure Levy (CIL) and  
Section 106 Planning Obligations Guide Adopted March 2015

## 3. **RELEVANT PLANNING HISTORY**

PT17/4800/O Change of use and development of agricultural land to provide up to 85no. dwellings with associated access, parking, hard/soft landscape works, public open space, and drainage, together with development of a 'Park and

Share' facility for up to 100 cars and new Community Hub (Outline) with access to be determined. All other matters reserved. Approved with Conditions 19<sup>th</sup> December 2017.

PT16/001/SCR (SCREENING OPINION) Residential development for up to 120 units and park/ share facility. Decision: An Environmental Impact Assessment is not required (26<sup>th</sup> January 2016)

PT16/0770/O The change of use and development of agricultural land to provide up to 115 dwellings with associated access, parking, hard/soft landscape works, public open space, and drainage, together with development of a 'Park and Share' facility for up to 100 cars (Outline) with access to be determined. Refused at the Development Control (West Committee) on 9<sup>th</sup> February 2017.

The application was refused for the following reasons:

- 1) The proposed development is unsustainable due to the location of the site and its distance to available services, facilities and employment and the high reliance on the use of the private motor car. As such the adverse impact of granting planning permission would significantly and demonstrably outweigh the benefits contrary to Policy CS5 and CS34 of the South Gloucestershire Local Plan Core Strategy 2013 and the provisions of the paragraph 14 of the National Planning Policy Framework.
- 2) In the absence of a Section 106 legal agreement to secure contributions towards on and off-site Open Space and Sports Facilities the proposal fails to provide sufficient mitigation to address the impact of the development and is contrary to Policy CS24 of the adopted South Gloucestershire Local Plan Core Strategy 2013.
- 3) In the absence of a Section 106 legal agreement to secure contributions towards the cost of school transport for secondary and primary school pupils the proposal fails to provide sufficient mitigation to address the impact of the development and is contrary to Policy LC4 of South Gloucestershire Local Plan (Adopted 2006 - Saved Policy) and South Gloucestershire Local Plan Core Strategy (Adopted) 2013.
- 4) In the absence of a Section 106 legal agreement to secure affordable housing of a suitable tenure mix and unit types the proposal fails to make adequate provision in relation to the mix of housing required and is contrary to Policy CS18 of the Local Plan Core Strategy adopted 2013 and the Affordable Housing and Extra Care SPD 2014
- 5) In the absence of a Section 106 legal agreement to secure works and measures in relation to the highway network , the proposal fails to provide sufficient mitigation to address the impact of the development and is contrary to Policy T12 of the South Gloucestershire Local Plan Adopted) saved policy 2006 and Policy CS1 and CS8 of the South Gloucestershire Local Plan Core Strategy 2013

## 4. **CONSULTATION RESPONSES**

### 4.1 Falfield Parish Council

In response to the initial consultation, the following comments were received

- The height of housing and privacy in relation to existing properties in Orchard View. There is a risk that three storey properties may overlook the private rear gardens of the existing houses
- The appearance and combination of brick, render and colours to be used in a rural environment. Some house types e.g. Fletcher, Colcutt have a front facade in one material e.g. render or recon stone but this is changed to brickwork on the side and rear elevations. This is not typical of the area and creates visually awkward side elevations where two different material types abut.
- The ecology survey reports a badger set and their foraging routes in the area of the Community Hub. This is a constraint on the hub and could result in the hub building needing to be positioned closer to the site boundary and Cherry Tree Cottage and or restricting its building and locating external activity areas, unless the badgers were removed and/or prohibitive costs to license and relocate the badgers.
- The lack of seating/benches around the development. Will seating actually be provided through the artwork scheme?
- The access into Moorslade Lane – it is not clear whether priority will remain with Moorslade Lane or via the development.
- It is quoted that flooding is not an issue which Cllrs felt was debatable. The SGC drainage teams request for further detailed information is noted.
- Cllrs raised concerns that there is no intention to connect the properties in Orchard View to the proposed main sewerage system. Removal of the current plant serving the Orchard View properties would reduce water into the stream and help and would remove the safety risk of sewage tanks near play areas.
- If the current sewerage treatment plant was to remain there is no evidence on how access would be gained to undertake any major work on the plant.
- Right of access should be established and agreed in respect of the boundary hedge between the properties in Orchard View and the development.
- Overhead power cables are shown above the house rooftops on some plans but not on others. Are the cables to be buried or relocated?



Following the submission of revised proposals, the following response has been received from Falfield Parish Council. For clarity the report will respond to the points that have been made at this point.

The height of housing and privacy in relation to existing properties in Orchard View. There is a risk that three storey properties may overlook the private rear gardens of the existing houses. Consideration should be given that a condition be put in place to restrict future householders from installing additional windows in their roofs.

The distance between the rear elevation of the proposed properties on the southern boundary and the nearest properties in Orchard View is approximately 40 metres (taking into account the proposed gardens, maintenance strip and long north facing gardens of the properties in Orchard View). Traditionally a distance of 21 metres was deemed a benchmark figure to avoid loss of privacy. With respect to the overlooking of garden areas the distance would be approximately 13 to 15m with some intervening landscaping. This relationship is considered appropriate. Some rear windows are in any case obscure glazed. The removal of permitted development rights to avoid possible overlooking from possible roof extensions is considered unnecessary and would fail the tests of a planning condition.

*The appearance and combination of brick render and colours to be used in a rural environment. Some house types e.g. Fletcher, Colcutt have a front facade in one material e.g. render or recon stone but this is changed to brickwork on the side and rear elevations. This is not typical of the area and creates visually awkward side elevations where two different material types abut.*

Design is a subjective matter to an extent however the elevational treatments of the proposed buildings has been considered carefully by officers and the use of contrasting materials is considered to add interest. The use of brick on side elevations is a common feature in rural settings often showing the presence of a chimney. Officers are aware of examples in the wider Gloucestershire area where these features have been used to very good effect on modern properties.

*The Council considers that affordable housing type A24W was lacking in the provision of adequate natural lighting due to the non-existence of windows at the rear and side elevations of the property.*

The scheme has been considered in detail by the Council's Housing Enabling Team and complies with the relevant housing standards.

*The ecology survey reports a badger set and their foraging routes in the area of the Community Hub. This is a constraint on the hub and could result in the hub building needing to be positioned closer to the site boundary and Cherry Tree Cottage and/or restricting its building and locating external activity areas, unless the badgers were removed and/ or prohibitive costs to license and relocate the badgers.*

An original phase 1 survey at the outline application stage identified foraging rather than a badger setts. A new survey submitted (as required by a condition on the outline consent – condition 6) identifies a sett within the area set aside for a Community Hub. If an application is submitted as a Reserved Matter for the Hub this is a matter that would have to be considered at that time as a material planning consideration.

*The access into Moorslade Lane – it is not clear whether priority will remain with Moorslade Lane or via the development.*

The normal rules of the highway would apply, if leaving the site at the junction onto Moorslade Lane you would give priority to cars traveling along the lane.

*It is quoted that flooding is not an issue which Cllrs felt was debatable. The SGC drainage teams request for further detailed information is noted.*

This issue is considered in detail in the drainage section below. Subject to conditions the site with its associated sustainable drainage features (Suds) including on site attenuation, Officers are satisfied that the development will not result in any impact on the surrounding area.

*Cllrs raised concerns that there is no intention to connect the properties in Orchard View to the proposed main sewerage system. Removal of the current plant serving the Orchard View properties would reducing water into the stream and help and would remove the safety risk of sewage tanks near play areas.*

*If the current sewerage treatment plant was to remain there is no evidence on how access would be gained to undertake any major work on the plant.*

Any agreement to connect existing properties on Orchard View to the proposed new sewerage system would be a private matter between the service provider and those occupiers. Agreement to secure access to the current plant (in lieu of an agreement to connect to the new system) that lies outside of the site but accessible through it would again be a private matter between the future management company and those who maintain the facility. The Case Officer has raised this with the developer who has indicated they will make this provision if needed.

*Right of access should be established and agreed in respect of the boundary hedge between the properties in Orchard View and the development.*

The hedge would be maintained on the application site side by the private management company. Any right of access to that land would be a private matter between the applicant and the neighbouring occupiers.

*Overhead power cables are shown above the house rooftops on some plans but not on others. Are the cables to be buried or relocated.*

The applicant has indicated that these will be buried.

## Stroud District Council

Having considered the details, Officers at Stroud District Council have no observations to make on the reserved matters details.

### 4.2 Other Consultees

#### **Environment Agency**

The Environment Agency has no objections to this application as its interests have been covered at the outline stage, and all of the "More Vulnerable" classified development has been located in Flood Zone 1.

#### **Lead Local Flood Authority**

##### Initial Comments

Additional information is requested in relation to micro drainage and foul water drainage. Further information is requested in relation to the Pond 1 and flow control, the park and share surface water drainage, cross-sections through the swales, details of the outfall to the watercourse, lining of the ponds and a section through them required, access arrangements to them and details of the freeboard for each pond.

Following the submission of this information the following comments have been received:

Additional information has been provided in response to the LLFA comments dated the 13<sup>th</sup> of August 2019.

I note from reviewing the latest versions of the 'Proposed Drainage Layout' drawings (Sheets 1 to 4) that proposed planting has been added to the drainage layouts as per one of my requests, which we welcome. However, it would appear that the 'Proposed Drainage Layout' drawings have been updated based on landscape proposals that have been superseded as these drawings show tree planting within the basin areas of which we had previously commented on asking that they be moved. The most recent revisions of the 'Detailed Landscape Proposals' (Revision D) show no trees within the basin areas, which we have accepted. However, we have no major issue with this as planting will be carried out in accordance with the latest versions of the landscape plans that show no tree planting within the basin areas.

I had also made mention of the need to ensure accessibility to basin inlet and outlet structures for maintenance and inspection purposes. Revision D of the 'Detailed Landscape Proposals' shows 'proposed pond edge shrub mix' of CORSA, SALPU and VIBOP close to/around some of these features. Again we have no major issue with this and am happy to defer to Wessex Water or other adopting body in relation to their needs in terms of accessibility to these type of structures and the proposed pond edge shrub mix planting.

Aside from the two points above that we have no major issue with we are satisfied with the information provided and are in acceptance of the proposed surface water drainage strategy for the site. Providing the development is

constructed in accordance with the approved plans and supporting documents, which are acceptable to the LLFA, we have *No Objection* to the development proceeding.

### **Avon Fire and Rescue**

Request a contribution of £1500 plus VAT towards the provision of fire hydrants at the site.

It should be noted that this cannot be secured at the reserved matters stage, contributions being secured at the outline stage. Notwithstanding this it is understood that the provision of hydrants would be covered by the Community Infrastructure Levy.

### **Transportation Development Control Team**

#### Initial Comments

The vehicle tracking for the refuse truck is a 4 axel option rather than the 3 axel version that the Council utilise and as such doesn't comply with the Waste SPD.

The tracking plan is also confusing in that all the tracking is on one plan, but without a clear key it is unclear and needs separating.

Details of the cycle parking for flats needs to be indicated.

Details of car parking for the proposed community use is also required.

The footpath along the access road needs to extend around the junction with the side road leading to the existing farm buildings to at least the tangent points.

Justification for the level of Park and Share is required, together with details of how it is proposed to be managed and made secure. A request for an amendment to this element is also made, it being preferable for the provision of 50 units and the potential for 100 spaces if this proves successful.

Following the submission of additional information to address the above points the following comments have been received, the scheme is deemed acceptable in highway terms

### **Arts and Development Officer**

#### Initial Comments (summary)

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

Principles of the submission accepted but not advanced enough and lacking in scope and vision. Reasonable budget not allocated to secure a quality scheme (expected to be around 50K) of scale and ambition. I would recommend that the developers engage with us and revise and resubmit the plan.

Following further engagement including the addition of an appropriate timetable for the implementation of a scheme there is no objection.

### **Avon and Somerset Police**

No objection in principle but the proposed development is not considered acceptable in its current form. Issues in summary are as follows: Parking areas in front of garages on some plots are dark depending on lighting levels. Surveillance from habitable rooms needed. Surveillance of some of open space. Site entrance to first dwellings has large area without natural surveillance. Concern over safety of users. Footpaths from the development into surrounding areas have limited natural surveillance (in particular path to Sundays Hill Lane). Also footpaths to gardens and to the rear of properties should meet set criteria (lighting, width, surveillance etc). Courtyard Barn Areas to the north of the site should all be included with appropriate street lighting including to footpaths and private courtyards should all have gates including affordable units.

Possible anti-social behaviour at car parking being provided for the allotments

Park and Share – Poor natural surveillance, isolated. After hours security needed. Better boundary treatment needed. Better lighting needed

### **Ecologist**

This reserved matters application has been submitted to discharge conditions 1, 2, 3, 5, 10, 12, 13, 15, 19 and 20 attached to the outline permission. Although none of these are the ecology conditions attached they do have some impacts on ecological features within the site.

#### **Condition 15 – Arboricultural Method Statement**

This plan details the trees to be removed as part of the scheme. One of the trees scheduled for removal is labelled as T14 in the Arboricultural Impact Assessment (Tyler Grange, April 2019) and TN1 within the Preliminary Ecological Appraisal (All Ecology, October 2017). This tree is a large dead oak tree with multiple limb fractures and as such was considered to offer potential for roosting bats.

The Preliminary Ecological Appraisal does consider T14 to offer low potential for roosting bats. No further surveys are required for trees of this potential, however they must be section felled under a strict methodology to ensure that bats are not harmed during the works in the unlikely event they are present.

#### **Badger**

No evidence of badger setts was recorded in the initial survey within the site, although they are known to use the site for foraging and travelling between

different areas of their territory. As large schemes such as these take time to commence and land is often left fallow between outline permission and the start of construction, a badger survey ahead of construction was conditioned under the outline permission. This will flag any badger activity ahead of construction and will avoid any harm to the badgers or illegal activities undertaken by the developer.

Conclusion: the felling of T14 must be completed under a strict method statement suitable to protect any bat interest that may be present. This must include the works being completed under supervision of a licenced bat ecologist as well as other provisions. The method statement should be completed by a suitably qualified ecologist and must be provided as a separate method statement or included within the CEMP.

Recommendation -That the above information is incorporated within the CEMP or provided as a separate method statement.

### **Highway Structures Team**

No objection. Applicant to be aware of their responsibilities in relation to highway structures and in relation to the use of any abnormal load during construction. An advice is recommended

### **Archaeologist**

As part of planning application PT16/0770/O the results of a programme of archaeological work comprising trial trenching was submitted for the site. Despite this being a different application, I remain satisfied from the results of the evaluation work that there are no remains of national significance on site and as such I no longer have an objection to this application. However, the evaluation did reveal the presence of archaeology, notably relating to a historic turnpike cottage along with medieval pottery sherds indicative of settlement in the nearby vicinity.

As such, this archaeology needs to be recorded as part of a condition attached to any consent granted.

This condition will require 1) Open excavation of the turnpike cottage with sufficient contingency to expand the area if it proves more extensive than anticipated; 2) Watching brief during all groundworks over the rest of the development area.

### **Waste Management Team**

No objection raised

### **Public Rights of Way Team**

Initial Comments

A footpath diversion order required as there will be building over footpath in a couple of places.

The new route must be upgraded to bridleway status to be genuine multi-user link and be 3 metres wide throughout and not on pavements or sharing road junctions. Users must be kept away from traffic.

Also surface material must be stone to dust.

Clarification of these points have been made and there is no objection to the proposal

### **Housing Enabling Team**

Initial Comments were received as follows:

No Objection subject to necessary changes/written confirmation of following:

1. Written confirmation required regarding design standards
2. Written justification regarding distribution of affordable housing
3. Recommended that plots 31 & 32 are re-sited.
4. Awaiting comments from Council's OT regarding proposed 2 x 2 bed wheelchair units.
5. Submit elevation & floor plans relating to Plots 32, 31 & 24 as they appear to be missing.
6. Rear private garden sizes

Following submission of addition information, the following comment has been received:

Recommendation: No Objection subject to the proposed affordable housing being delivered in accordance with submitted Affordable Housing layout AHL.021 Rev C and Housetype Dwgs.

### **Urban Design**

Initial Comments have been received as follows (key points):

- Lack of boundaries treatments, particularly to the front and sides of properties, this leads to the neglect of open space outside of the private realm
- Lighting levels are very low around the site (3 lux) – personal safety issues
- At various points through the site parking spaces and garages relate poorly to the host dwelling (indicated on supplied plan) also at particular locations such as Plot 82 gable windows should overlook driveways to provide overlooking
- Poor placement of Plots 8-11 to Plots 6-7
- Various back to back distances might be considered short for a low density development in a rural location
- A continuous street frontage should be considered from Unit 57 (plots 64-66 – faces south, this would be a safer and more robust arrangement)

- All garages should have a pitched gable facing onto the street to provide improved visual interest

Following the submission of revised details and ongoing negotiations, there is no objection. A condition is required to require details of external materials.

**New Communities Officer (summary re Community Hub)**

Condition 20 relates to Management of Community Hub: *“The RM details referred to in condition 1 shall include full details of the Management arrangements for the proposed community hub. For the avoidance of doubt this shall include details of the operator of the facility, hours of use and long term management and maintenance arrangements. The proposed development shall operate in accordance with the approved details.”*

This application (P19/3928/RM) shows an area of land to be made available for the community hub, the applicant indicates that the building will come forward as part of a separate reserved matters application. In the Planning Statement they indicate that as negotiations are ongoing to secure an operator they cannot give the information required to discharge the condition. Condition 20 will cover any reserved matters application that covers the Community building.

There is no objection to the location shown however any future reserved matters application must be accompanied by details of the operator/end users; hours of use; long term management and maintenance; sufficient and suitable parking; safe and good quality pedestrian access. In addition the new community hub should run as a viable operation without need of financial support from South Gloucestershire Council, and efforts should be made to ensure the facility compliments and doesn't detract from the existing Falfield Village Hall.

**Listed Building Officer**

On the basis that the development is as per that shown on the outline indicative plan there is no further comment.

**Environmental Protection**

In response to the information submitted to Discharge condition 11 attached to PT17/4800/O submitted through DOC19/0149, Parts A and B of the condition can be discharged

**Environmental Policy**

Initial Comments

Planning Condition 19 (Outline Consent)

*The reserved matters details referred to in condition 1 shall include a full Energy Statement. For the avoidance of doubt the submission shall include but not be limited to the following:*



*a) Demonstration that the design, orientation and location of buildings, roof pitches, windows, habitable rooms, lighting and soft landscaping help to achieve energy conservation*

This is partially addressed in the Energy Statement but we request that additional information and a more concise summary of how this is being met through the design is provided. An explanation of how green infrastructure/planting is being used to limit summer overheating would also be useful.

*b) Principles of development to maximise the number of roofs that face south, provide solar p.v to appropriate dwellings, homework spaces in dwellings, consideration of solar gain and internal layouts that promote health & wellbeing and compliance with new Nationally Described Space Standards.*

There is a reference to this in the Energy Statement, but drawings showing where PV systems are to be installed across the scheme, and the estimated output of each system, should be provided to demonstrate compliance with the condition.

*c) The promotion of access to high speed broadband*

The applicant should provide evidence to show that BT have confirmed the provision of high speed broadband to the site.

*d) Full details of Electric Charging Points for vehicles*

We consider that insufficient information has been provided in the Energy Statement to meet this condition. Transport colleagues will cover this issue in more detail, but we would suggest that drawings showing the location of each charge-point and the specification (including output) of each outlet should be provided.

#### Air Permeability

The energy calculations are based on an air permeability rate of  $5\text{m}^3/\text{h.m}^2$  @50 Pa which is welcomed as this will reduce energy consumption, and hence carbon emissions.

However, in order to demonstrate that the proposed energy standards set out in the Energy statement have been met in practice, post construction evidence will need to be provided. For example, as-built SAP certificates and air-leakage certificates showing that air permeability of  $5\text{m}^3/\text{h.m}^2$  @50 Pa has been achieved in each dwelling should be provided. In case the air permeability rate of  $5\text{m}^3/\text{h.m}^2$  @50 Pa is not achieved, we suggest that the Energy Statement is revised to include a series of 'fall back' positions setting out what action the applicant would take if the standard was not reached.

A revised scheme has been received that has largely addressed these issues

## **Wessex Water**

The drawings posted on the planning website with a date of 23<sup>rd</sup> August do not appear to affect our interests. The drawing L443-62A (contained within correspondence "Submitted Additional Drainage Information" of 4<sup>th</sup> June) showing foul sewers serving development draining to an on-site pumping station is in accordance with our discussions with the applicant. The rising main from the pumping station will discharge to an agreed point of connection on the public foul sewer network, the on-site network will be subject to a Section 104 adoption application and agreement. It is noted that surface water drains to a number of on-site SuDS features with discharge to land drainage requiring the approval of the LLFA. Elements of this system can be offered for adoption by Wessex Water.

## **Landscape Officer**

### Initial Comments

Lack of above grounds SuDS in the housing area (contrary to outline principles where swales and rain gardens shown)

A more varied planning scheme/design is required, in particular more use of native boundary hedge planting is expected with natural stone walls. Needs more significantly planted trees, structural planting, back garden planting. More detail of boundary planting is needed

Clarification of design and maintenance of the green corridor located to the north of the housing area. Is it have a solid boundary?

Southern and eastern boundaries are in places less than 3 metres while originally they were shown as 5 to 6.5m wide. Fencing proposals are not clear

Concerns regarding – surfacing of main path through the POS; cross sections needed through ponds; location of pumping station; need to use appropriate kerbing material; more detail of the planting around the park and share is needed.

General point – scheme appears very suburban and engineered.

Following the submission of revised details there is no objection raised subject to conditions to secure the implementation of the landscape scheme.

## **Tree Officer**

The information submitted with the application is sufficient to discharge Condition 15 attached to outline consent (PK17/4800/O) ie

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

## **Public Open Space Officer (Summary)**

Accurate details of the extent of the Public Open Space (POS) is needed; further information on plant surfacing, drainage and landscaping details need to concur. Some plan discrepancies with drainage and landscaping

LEAP – needs to cater for wider age ranges and those less abled; appropriate play fencing needed to rural setting. Planting needed

MUGA – Appropriate depth material needed, appropriate fencing, drainage and appropriate materials for goals to avoid noise nuisance

Allotments – Shed and fencing details needed with water provision.

Drainage – Landscape plans need to show extent of attenuation ponds and associated features including ditches in order to show there are no conflicts

Planting – inadequate details (plans unclear given and some plants not appropriate for their location ie hedging. Greater use of native species required. More consideration of types of trees in orchard needed. Some planting for the house plots is quite industrial rather than domestic in character, this will not create an appropriately distinctive development.

Car charging points should be relocated to a less incongruous location. Pumping station location not welcome. Seating require.

Confusion over whether track connecting to the green corridor is to remain also corridor now shown as fully planted.

More details of the management and maintenance scheme required.

These details have been submitted and deemed satisfactory.

## **Other Representations**

### **4.3 Local Residents**

There have been 11 letters of objection received in total (6 of these have been received as a result of the 2<sup>nd</sup> Public Consultation following the submission of revised details).

- The site is not sustainable, lacking facilities and requiring the majority of people to travel to work or shops by car
- The proposal will double the size of Falfield
- The Park and Share is in the wrong place
- No affordable housing not shown on advertisement
- The proposal will make congestion on at the motorway worse
- Narrow lanes are prone to flooding
- Travelling to school will not be safe
- Doubtful that the community hub will be built

- Local medical facilities in Thornbury are under pressure
- 3 storey affordable housing units should not be located on the southern boundary adjoining neighbouring properties.
- Views will be blocked
- Affordable Housing should be moved further way in the fields

A response from the Clerk to Ham and Stone Parish Council has been received making the following comments:

- Concern regarding congestion on the M5, A38 and Junct 14 and the impact of the development and park and share
- The development will result in flooding (this already takes place) in local narrow roads
- There are limited local services available to serve the development
- Only small developments should be allowed to retain rural community village life

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The proposal is for the erection of 85 residential dwellings (of which it is agreed that 35% shall be of affordable housing), with associated access, parking, hard/soft landscape and drainage works, public open space/children's play area and allotments, orchard and park and share facility.

The application is the Reserved Matters application that follows the approval of outline consent PT17/4800/O that was approved with conditions on 19<sup>th</sup> December 2017.

The site area is identical to that approved in the outline consent and the scale parameters are as per that consent. As noted above, the outline consent included the acceptance of a community building. Land is allocated to the east of the site for this facility and it is understood this will be the subject of a separate application.

The principle of development (along with the position of the access) is therefore acceptable having been established through the outline consent. The remainder of this report will consider in detail the outstanding material planning considerations.

### **5.2 Community Building**

At the outline stage, an area of land on the north-western edge of the site opposite the proposed multi-use games area was identified for the use of a community building. The provision of the hub is not a policy requirement and it is important to note that it could not be secured through a S106 legal agreement (the Council CIL Regulation 123 List specifically identifies Community Meeting Spaces and Youth Facilities as falling within the remit of CIL). For this reason the provision of such a facility, while theoretically improving the sustainability credentials of the development was given limited

weight in the planning balance in reaching a recommendation at the outline stage.

While the provision of the facility could not be secured however, in order to ensure that should a future reserved applications come forward with such a proposal, its management and maintenance arrangements were agreed the following condition was attached to the decision notice (Condition 20)

*The Reserved Matters details referred to in condition 1 shall include full details of the Management arrangements for the proposed community hub. For the avoidance of doubt this shall include details of the operator of the facility, hours of use and long term management and maintenance arrangements. The proposed development shall operate in accordance with the approved details.*

The applicant has indicated that at the time of the submission of the application discussions are on-going “exploring options for the future operation of the facility and the applicant is in discussion with interested parties. A final operator has yet to be confirmed. The detailed design, layout etc will therefore form part of a future application (reserved matter) and Condition 20 would apply to that application with the following details being required

- operator / end users
- hours of use
- long term management and maintenance arrangements
- sufficient and suitable parking for cars and cycles
- safe and good quality pedestrian access

In addition the application will need to be accompanied by information that demonstrates that community engagement has taken place with the existing and future occupiers as well as the operators of the existing community facilities in Falfield. The new community facility will need to run as a viable operation without financial support from the local authority nor should it detract from the existing village hall.

The applicant has identified an area of land at the north-east corner of the residential development for the new facility. Officers consider the location to have merit as this location ensures that it will be accessible from footpath/cycle path links. Open space can be provided around the facility and any associated parking can be kept separate from the residential elements of the scheme. In these respects the location has some merit over that shown on the illustrative masterplan submitted with the outline application. As indicated above a comment has been received that a badger set has been identified within the information submitted to discharge a relevant condition on the outline consent (Condition 6 – PT17/4800/O). Consideration of this matter would need to be taken into account when considering the future reserved matters application, but is not a matter that is material in considering the current proposal).

In summary, the location for the proposed community facility is considered acceptable and arrangements for its maintenance and management would be required to be submitted by the provisions of Condition 20 attached to the

outline consent. In the interim the management and maintenance of the land would fall within the overall arrangements for the wider site as a whole.

### 5.3 **Design/Layout**

In terms of the design of the development Policy CS1 requires new development to achieve the highest possible design and site planning.

#### Scale

At the outline stage scale parameters were set and these are met at the reserved matters stage. In terms of density across the whole site area the density of dwellings is approximately 8 dwellings per hectare. However on the developable area of 4.1 hectares (taking into account that a large part of the site is in Flood Zone 3 and accommodates the proposed green infrastructure and another part on the opposite side of Moorslade Lane incorporates the Park and Share site) the density is just under 21 dwellings per hectare. This density is considered acceptable.

#### Layout and Appearance

Considerable negotiations have taken place with the benefit of advice from the Urban Design Officer and Police ALO. Numerous changes to the scheme have been secured. These include:

- Clear boundary treatments to delineate public and private space
- Boundary treatments to reflect a rural character
- Improvements to garden sizes and outlooks to reflect rural character
- Ensuring that garages relate well to host dwelling
- Avoiding awkward and unsecure areas of open space
- Safe footpaths
- Inefficient use of land around vehicle access points
- Bringing areas of open space into private ownership to ensure future upkeep
- The creation of a proper street layout on the southern boundary replacing an original layout which was over complicated
- Appropriate use of materials and buildings appropriate to the rural setting
- The highest quality materials at the most important locations
- Supporting the courtyard arrangements at the north-east corner that reflect the rural setting

A condition will be added to the decision notice to require the submission of samples of materials or to allow viewing of materials in situ to ensure that these are appropriate to the setting.

#### *Public Art*

The applicant has submitted a detailed scheme of public art as required by condition 12 attached to the outline consent. :

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

A condition will be attached to the decision notice to ensure that the agreed scheme that identifies a budget of £15,000 is implemented in accordance with the submitted timetable.

### *Environmental Policy*

The following condition was attached to the outline consent (Condition 19)

*The reserved matters details referred to in condition 1 shall include a full Energy Statement. For the avoidance of doubt the submission shall include but not be limited to the following:*

- a) Demonstration that the design, orientation and location of buildings, roof pitches, windows, habitable rooms, lighting and soft landscaping help to achieve energy conservation*
- b) Principles of development to maximise the number of roofs that face south, provide solar p.v to appropriate dwellings, homework spaces in dwellings, consideration of solar gain and internal layouts that promote health & wellbeing and compliance with new Nationally Described Space Standards.*
- c) The promotion of access to high speed broadband*
- d) Full details of Electric Charging Points for vehicles*

The condition was attached to ensure that the scheme would be in accord with the aims and objectives of Policy CS1 (8) of the Core Strategy. This policy requires that developments ensure that the design, orientation and location of buildings, roof pitches, windows, habitable rooms, lighting and soft landscaping help to achieve energy conservation...schemes that can demonstrate that they can outperform the building regulations at the time of construction commencement will be considered a primary indicator of good design. The applicant has submitted an energy statement that has been revised through negotiation. The applicant has been encouraged to undertake the development to accord with Policy PSP6 which has more exacting standards including a precise target of 20% carbon reduction through the use of low carbon energy regeneration. The applicant has declined to do so. This is unfortunate but as indicated above at the time that the condition was applied the Policy had not been adopted and compliance with CS1 was the requirement.

Officers are generally happy with the submitted details and the fabric first approach which prioritises improvements to the fabric of the dwellings to avoid unnecessary energy demand and consequent CO2 reduction. The air permeability standard is set out and this will be conditioned. The development will secure an improvement over and above Part L of the Building Regulation of between 10 and 14%. Buildings within the development generally have a roof that is either south or south-west facing allowing future use of solar panels, although these are not being provided with the development. The Case Officer

has sought unsuccessfully to secure solar panels as per the condition above. Given the other benefits being secured through the development this is reluctantly agreed. Contracts have been signed to secure broadband by the developer. Furthermore a detailed plan indicates that electric charging points will be provided for each dwelling to allow the charging of electric vehicles. A condition will be included on the decision notice to ensure that all works proceed in accord with the submitted energy statement.

#### 5.4 **Ecology**

Policy CS9 of the Core Strategy (in line with the NPPF) indicates that development will be expected to conserve and enhance the natural environment, avoiding impacts on bio/geo diversity. PSP19 of the Policies, Sites and Places Plan supports this objective.

The impact upon biodiversity was considered in detail at the outline stage and formed part of the planning balance but it is useful to repeat the important considerations. In addition information has been submitted in order to discharge a number of conditions relating to ecology (DOC19/0149).

The application site comprises agricultural fields that are not covered by any statutory or non-statutory designations although a stream, 10 metres away to the north of Moorslade Lane is a site of nature conservation interest (SNCI). An ecological appraisal was submitted with the application and following a request by officers a survey report covering the potential for bat roosts.

*Hedgerow* - Two short sections of hedge, one in the middle of the site and one across the access to the Park and Share would be removed with all others being retained and some replacement planting provided. At the outline stage, the Landscape Plan was updated to show an area of hedgerow being relocated and in total the area of replacement hedging will be in excess of that being moved or relocated. The details in relation to the hedgerow assessment were viewed by the Council Ecologist and deemed acceptable.

Two conditions were attached to the outline consent. Condition 21 related to the submission of a Construction Environmental Management Plan prior to the commencement of works (with the commencement of works including ground works and vegetation clearance). Required information included identifying biodiversity protection zones, the location and timing of sensitive works and of particular relevance to the hedgerows the requirement that during construction the presence of a specialist ecologist to oversee works. In considering works to hedgerows, the Ecologist has identified two main concerns firstly if works take place in the spring/early summer it is illegal to disturb nesting birds. Secondly if works take place in the autumn/winter the works will harm dormice hibernation and that again would be illegal.

Following the discharge of Condition 21, works to the agreed areas have taken place in early June. As this is the birds nesting season, an ecologist has been present to ensure that all works comply with the law and has submitted details to the Local Authority Ecologist, who is satisfied that the works have been carried out correctly.



A further condition (22) covers the issue of the translocation of areas of hedgerow in agreed locations (the middle of the site and at the entrance to the proposed park and share). The date/timing for this work at the point that this report is being written has not yet been agreed. This condition has now been discharged.

*Badgers* – An indication has been made following public consultation that badgers have been seen on the site. It should be noted however that no evidence of badger setts was recorded in the initial survey within the site, although they are known to use the site for foraging and travelling between different areas of their territory. It was acknowledged at the outline application stage that as large schemes such as this one can take time to commence and land is often left fallow between outline permission and the start of construction, a badger survey ahead of construction was deemed necessary and was attached as condition 6.

Information has been submitted to discharge condition 6. A badger sett was recorded, but it is beyond the recommended buffer distances for disturbance during construction. There are risks to badgers associated with construction and these have been addressed and mitigated for with the report's recommendations. Condition 6 requires that all subsequent works take place in accord with these recommendations.

*Birds/Bats* – Condition 7 attached to the outline consent required the submission of bird and bat boxes details with their location throughout the development. This information has been submitted and agreed and the scheme is required to proceed in accord with the approved details. Tree works have been agreed that take account of the potential for bat roosts although it is considered that the chance of this is low, notwithstanding this it is illegal to destroy a bat roost. The CEMP approved by Condition 21 states that should any bats be discovered during the felling of tree T1 or any other trees, then works will cease and a suitably qualified and bat licensed ecologist contacted for further advice. It may then be necessary to obtain a development licence from NE before works can continue.

*Landscape and Ecological Management Plan* – This information was required by condition 8 attached to the outline consent. The details *submitted are satisfactory from an ecological perspective*.

*Lighting* – A scheme has been submitted (required by condition 9 on the outline consent) as this issue relates to the well-being of bats. As indicated elsewhere in the report a balance has had to be struck between design/layout considerations and ecological concerns, principally between ensuring a feeling of safety/security across the site while recognising the ecological issue and the rural location of the development. Negotiations have taken place to secure an appropriate balance between these two positions.

It is considered that the proposed development is acceptable in ecological terms, indeed as was indicated at the outline stage the development will through the provision of allotments, orchard and wetland enhance biodiversity.

## 5.5 **Heritage Issues**

Policy CS9 of the South Gloucestershire Local Plan Core Strategy both seek to ensure that heritage assets are conserved, respected and enhanced in a manner appropriate to their significance.

The heritage asset closest to the development site is Heneage Farmhouse, which is Grade II Listed. It is located at the north-east corner of the site facing onto Moorslade Lane and opposite the proposed Park and Share element of the proposal. The building, is a 17th century vernacular farmhouse built in the local stone and remodelled in the 18th century, is set back from the Lane and screened to a degree by the mature trees and planting within its front garden.

In considering the application at the outline stage it was identified that while there was not a concern relating to the residential element, there were concerns regarding the impact of the changes proposed to the north of the site, from the changes to Moorslade Lane and from the Park and Share. It was considered that these will individually and collectively have a harmful impact on the setting of the listed building contrary to Policy CS9 of the Core Strategy and PSP DPD Policy 17. Taking into account the guidance in the Framework, the level of harm was considered to be less than substantial but was harm nevertheless and as such as set out in the NPPF the harm to the significance of this designated heritage asset was weighed against the public benefits of the proposal, having special regard to the great weight given to the protection of heritage. It was considered that the benefits principally the provision of housing outweighed the harm.

As the detailed layout submitted for approval with this application is as per the indicative scheme shown at the outline stage, with residential development to the south, open space including a community orchard and allotments to the west and the works to the north (highlighted above), it is considered that the development is acceptable in Heritage terms.

## 5.6 **Trees**

A number of trees are located in positions around the perimeter of the site. The impact upon these trees was considered at the outline application stage and a condition (condition 15) was attached to the decision notice. The condition required the submission of an Arboricultural Implications Assessment, Arboricultural Method Statement and a Tree Protection Plan for approval with any subsequent reserved matters application

Officers have viewed the submitted information and consider that the details are sufficient to discharge the condition. A condition will be attached to the decision notice to require all works to take place in accord with the approved details and this will include full implementation of tree protection measures.

## 5.7 **Archaeology**

Policy CS9 of the South Gloucestershire Core Strategy seeks to ensure that heritage assets are conserved, respected and enhanced in a manner appropriate to their significance.

The applicant has undertaken a programme of work as part of the earlier Planning Application (PT16/0770/O). This programme revealed that there are no remains of national significance however a turnpike cottage and medieval pottery that are indicative of a nearby settlement have been found.

At outline stage the Council Archaeologist raised no objection to the current proposal subject to a condition to securing an archaeological excavation and watching brief and timetable for a post excavation assessment. The condition required that there shall be no ground works, including any exempt infrastructure works, geotechnical works or remediation works, within the agreed archaeological excavation area until the results of the archaeological excavation have been submitted to and approved by the Local Planning Authority. Thereafter, a detailed project programme for post-excavation analysis and publication, shall be submitted to and approved by the Local Planning Authority. Prior to occupation, this programme of post-excavation analysis and publication shall be completed in all respects, unless the LPA agrees to any variation in writing. The information submitted (DOC19/0149) has been sufficient to discharge the condition

## 5.8 **Public Rights of Way**

At present a single public right of way (public footpath OFA14), runs north/south across the site, linking Sundayshill Lane and Moorslade Lane (although it has been noted by the Case Officer that it appears that a route along the edge of the stream is often the preferred walking route).

The outline application showed on the illustrative masterplan the provision of a multi-user route that provides equestrian access as well as cycle/pedestrian access running from the north to the south and a condition was attached to the outline consent requiring full details of the route to be submitted with any subsequent application.

Details have been submitted. Initially there was a concern that the facility given its specification would not be to an appropriate standard both in terms of its width and surface material. The close proximity to the access roads would have also reduced the amenity value of the route. In addition to formally revise the route of the existing route, that legal process should be started (albeit a planning decision can be made prior to the conclusion).

Following the submission of revised details the Public Rights of Way Team are satisfied with the proposal. The dimensions of the route as shown on revised plans is satisfactory as is the use of stone to dust surfacing. This will give the route durability but also a “rural feel” more appropriate than say tarmac. The applicant has not chosen to submit a formal diversion order at this stage which is a little surprising, however as the proposed multi-user link does not impinge

upon the definitive right of way nor any part of the development no objection on these grounds is raised.

During the course of negotiations the new Multi-user link has been moved away from the vehicle access route to improve its amenity value. A concern was raised from a neighbouring occupier that unauthorised users (vehicles) may be able to use the link, the submitted plans show wooden bollards with a 2m gap at the southern end to restrict the use to pedestrians, cycles and horse riders. A condition will be attached to the decision notice to secure a sample of the proposed materials.

In summary the proposed development is considered acceptable and fully in accord with the aims and objectives of Policies CS8 of the Core Strategy and Policy PSP10 of the Policies, Sites and Places Plan.

## 5.9 **Affordable Housing**

Affordable Housing was sought in line with the policy CS18 of the Council's adopted Core Strategy Development Plan Document and the Affordable Housing and Extra Care Housing SPD and was secured in the S106 legal agreement associated with the outline application.

Briefly 35% of dwellings (30 units) will be delivered as affordable housing, as defined by the NPPF with a Tenure split of 73% social rent, 5% affordable rent and 22% intermediate housing, as identified by the West of England Strategic Housing Market Assessment (SHMA) 2015.

It is necessary in the assessment of the reserved matters application to determine whether the proposal as submitted accords with the provisions of the S106 agreement, in terms of numbers, clustering, design, amenity space and other details within the SPD.

Negotiations have taken place to secure an appropriate distribution of units, appropriate dimensions for wheelchair units, appropriate rear garden sizes and design standards.

Concerns are noted relating to the location of affordable housing units on the southern boundary, however this is part of an appropriate distribution across the site. There were initial concerns that the units were clustered such that they would not be policy compliant. It is considered inappropriate to assume any impact on existing occupiers from such tenancies and the registered social provider would manage this matter.

The proposed development is therefore acceptable in the above terms.

## 5.10 **Environmental Protection**

Policy CS9 of the Core Strategy indicates that new development should promote the re-use of contaminated land with appropriate remediation and protect land, air and aqueous environments, buildings and people from

pollution. These policies accord with the aims and objectives of Para 109 of the NPPF that states:

*The planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at risk from, or adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.*

Given the historical use of the land for agricultural purposes a condition (condition 11) was attached to the outline consent requiring that prior to the commencement of development requiring that prior to the commencement of development a detailed site investigation is undertaken to confirm whether contamination is present and then if that is the case the appropriate mitigation is undertaken. The condition also requires immediate action/remediation in the event of contamination being found once work has commenced.

Information has been submitted to discharge the condition and viewed by the Environmental Health Team. It is considered that the information supplied is sufficient to discharge condition 11.

It is important to note that the condition also requires that if unexpected contamination is found after the development is begun, then the development will immediately cease upon the part of the site affected. The applicant is then required to inform the Local Planning Authority immediately in writing. A further investigation and risk assessment will then be required to be undertaken and then where necessary an additional remediation scheme prepared. Those findings and report will then have to be submitted and agreed in writing with the Local Planning Authority prior to works recommencing, with all the subsequent works on the affected area being implemented in accordance with the mitigation measures agreed.

#### 5.11 **Landscaping**

Policy CS1 of the Core Strategy requires that development of a sufficient scale or significance explains how it contributes towards the vision and strategic objectives of the locality. Policy CS9 states that new development will be expected to “*conserve and enhance the character, quality, distinctiveness and amenity of the landscape*” and that character is identified in the South Gloucestershire Landscape Character Assessment (Falfield Vale) that was adopted as a supplementary planning document in November 2014.

Key considerations for the detailed landscape design identified at the outline stage (having regard to the landscape character assessment) were; encouraging hedgerow planting and management; maintaining the character of rural lanes (although it was identified that there would be some adverse impact as a result of the widening of Moorslade Lane – this being identified as a harm in the planning balance). In addition maintaining and managing existing landscape features (hedges along Moorslade Lane, boundary and field trees) is a priority.

In terms of landscape detail, the primary consideration is that a village character is created throughout through the use of hedging or appropriate walls and fencing. A “suburbanisation” approach is not appropriate and thus use of close boarded fencing is not an acceptable solution in prominent locations. Careful consideration of the hard landscaping materials is also required and the use of natural materials is preferred. How the Sustainable Drainage systems including ponds and swales are integrated into the landscape is a key consideration.

As set out in Section 4 of the report above (Landscape Officer response), a number of concerns were raised to the initial proposals, largely due to the scheme failing to meet some of the key principles agreed at the outline stage in particular the need for the development to create a rural character rather than a suburban one in landscape terms among other more detailed concerns.

Negotiations have taken place in order to secure improvements to the scheme, which are too numerous to cover however additional planting has been secured at the site entrance at the site entrance. Appropriate trees have been secured for the Orchard. Additional planting has been secured to the sides and front of the park and share area and some limited shading within the facility located in a central band. Boundary treatments have been amended considerably to secure walls with close boarded fences appearing away from the public realm.

Planting around the LPG area and Pumping Station is improved. Improvements have been secured to the species and sizes of the trees/planting proposed. While not everything has been secured, for examples swales in the “urban area” it is considered that the details of this proposal will meet the aims and objectives set out at the outline stage, to create a development with a rural rather than suburban character.

Conditions will be attached to the decision notice to ensure that all landscaping is undertaken fully in accordance with the approved details and this will include the replacement of any plants that die within the first five years with plant material of the same species and size. In addition a condition will be attached for the avoidance of any doubt to require all works to take place in accordance with the submitted Landscape and Environmental Management Plan.

## 5.12 **Transportation Issues**

The outline application fixed the position of the main access in Moorslade Lane.

Concerns have been raised in relation to this reserved matters application that the development is located in an unsustainable location and will have a significant impact upon the surrounding road network with particular reference to the impact upon Junction 14 of M5. It is important to note that these matters were considered in detail as part of the planning balance for the outline consent. It was acknowledged that the site lacked certain facilities and that the predominant mode of transport to and from the site would be the private motor car and thus this was identified as “harm” in the overall planning balance but that the benefits of the scheme would outweigh this harm.

In considering this, the reserved matters application the key issues for consideration therefore relate to the detailed layout. In considering the layout the issues for consideration are whether the road layout (both internally and at the access), is appropriate in design terms for all users including service vehicles, whether the connections to the wider area for pedestrians are provided in an appropriate and safe way as these links are particularly important for a greenfield site where the relationship with the existing settlement is important. Also of consideration is the provision of parking spaces to accord with the Council's standards is a key material consideration both for future occupiers and visitors.

## Parking

Minimum standards for residential parking are set out in PSP16 of the Policies Sites and Places Plan (Adopted Nov 2017). The number of spaces required is based upon the number of bedrooms per dwelling or apartment (for example a 3 bed dwelling would require 2 no. parking spaces). In addition 0.2 spaces per dwelling should be provided for visitors unless otherwise agreed by the Council.

A combination of garaging, off plot frontage parking and parking within courtyards at the north-east part of the site has been used. Negotiation has taken place to revise parking to ensure that garages are appropriately located. Where ever possible parking is located off street to avoid over dominance of vehicles in the street scene as part of the rural ethos of the scheme. The parking provision in terms of numbers is fully in accord with the Councils parking standards.

## Layout

Numerous amendments have been secured to ensure an appropriate layout. It has been an objective to ensure that the development does not appear "over engineered". This is a rural not an urban scheme, hence while there are pavements in the central core of the scheme, these are minimised at the edges and limited to alongside the allotments on the entrance road. A footway is now at the entrance to the park and share. Adequate parking for the orchard and allotments is shown.

Tracking has been provided to show that the development accommodates all vehicles and in particular refuse vehicles. Electric charging points are provided for all properties. Cycle parking is shown.

In consideration of future adoption of the roads, at certain points kerbs have been realigned to allow suitable access for street cleaners for example outside plots 12, 13 and 37.

## Park and Share

At the outline stage, an area was set aside for a park and share facility close to the junction of Moorslade Lane and A38. Associated with this development and secured through the S106 agreement a contribution to the landscaping and

removal of an informal park and share facility on nearby Tortworth Hill will take place.

At the outline stage, a facility with 100 spaces was shown. The need for such a facility has been identified in the rural infrastructure objectives set out in the Core Strategy albeit no specific site is identified. The offer of a site is therefore welcomed and can be counted as a benefit of the scheme.

Initially only 25 spaces were shown on the proposed scheme but after protracted negotiations this has increased to 50 with the area allocated including sufficient space to expand the facility at a later date if appropriate. The S106 agreement requires access and maintenance of the facility to be provided either by the developer or through a contribution to adoption by the local authority. A condition will be attached to the decision notice to require the provision of the facility prior to the occupation of the 51<sup>st</sup> dwelling.

The proposed development is subject to the above conditions considered acceptable in these terms.

#### 5.13 **Flooding, Drainage and Sewerage Issues**

Concerns have been raised that the development will cause additional flooding problems from run-off that currently affects properties, land and the road network. This matter was considered in detail at the outline application stage and it is worth briefly repeating aspects of that consideration as well as then turning to the consideration of the detailed sustainable drainage scheme submitted in order to discharge condition 13 attached to the outline consent ie *"The reserved matters details referred to in condition 1 shall include full details of a Suds (Sustainable Urban Drainage System)"*

##### Surface Water Drainage

The site is largely located in Flood Zone 1 (lowest risk) as defined by the Environment Agency Flood Risk Map however an area to the west of the site adjoining the stream and covered by that part of the site proposed for open space provision lies within Flood Zone 3. Flood Zone 3 is an area with the highest probability of flooding, where the indicative annual probability of flooding is 1 in 100 years or less from river sources (i.e. it has a 1% or greater chance of flooding in any given year). No objection to the proposal was raised at the outline stage by the Environment Agency. Details have been agreed to discharge Condition 13 of the outline consent, securing a Construction Method Statement to prevent pollution during construction (to include measures to prevent the run-off of any contaminated drainage during the construction phase).

As indicated above the NPPF requires that vulnerable development in areas at risk of flooding, (para 100 and 101), should be directed away from the areas at highest risk ie a sequential approach. Residential Development which is defined as "More Vulnerable" in the NPPF should be steered to areas with the lowest probable risk and is not appropriate within Flood Zone 3. The residential



element of the scheme is all located within Flood Zone 1 as identified at the outline stage, an area with the lowest risk of flooding and as such the proposal passes the sequential test.

Having established that the site is an appropriate location for development, Policy CS9 and PSP20 stress that new development can have a significant role in managing flood risk by minimising its own surface water-run off through the use of Sustainable Drainage Systems (Suds). Suds provide a means of discharging surface water in a sustainable way to reduce the risk of flooding and pollution.

The submission of the detailed landscaping scheme and drainage scheme at the reserved matters stage has been beneficial and avoided any conflict between these two areas in particular the level of planting around the proposed attenuation ponds. The Swales indicated at the outline stage within the built area have not been deemed necessary.

The applicant has submitted a detailed scheme that includes the pipe network and attenuation ponds. Calculations show that there will be no flooding on site within the standard parameters (no flooding on site in 1 in 30 year storm events, and no flooding of buildings or off site in 1 in 100 year plus 30% climate change storm event). The attenuation ponds are to the satisfaction of officers and they are designed to ensure appropriate maintenance access. Details of the maintenance regime and all other technical details in relation to the surface water network are deemed appropriate. Condition 13 of the outline consent requires that all works are carried out in accord with these agreed details and for the avoidance of doubt the drainage plans will be included in the list of approved plans by which the development must be carried out.

#### Foul Water Drainage

At the outline stage a condition (condition 17) was attached to the decision notice that required, a detailed foul water drainage scheme to be agreed with the LPA (but essentially with the service provider – Wessex Water) prior to the occupation of the 51<sup>st</sup> dwelling. This information was submitted and agreed on 31<sup>st</sup> Jan 2019. The scheme must proceed in accord with these approved details.

Comments have been received as to whether neighbouring occupiers can connect to this new network (their being a separate treatment plant for those occupiers). Such a connection if possible would be a private matter between the service provider and those occupiers and is not a material planning consideration. In a similar way, access to the plant, which is outside of the red line area but accessible from it would be a matter of agreement between the developer or more likely the future management company and those responsible for the plant. The applicant has been made aware of this issue.

The proposed development is considered acceptable in these terms.

#### 5.14 **Residential Amenity**

Residential Amenity is considered in terms of outlook (or whether a development would appear oppressive or overbearing) and impact upon privacy from overlooking.

Concern has been raised that the proposed development on the southern boundary will adversely affect the residential amenity of the adjoining occupiers.

Properties are two storey on this boundary however plots 56 and 57 (Fletcher) are shown as having a dormer window in the rear roof. As indicated elsewhere in this report the distance between the rear elevation of the proposed properties on the southern boundary and the nearest properties in Orchard View is approximately 40 metres (taking into account the proposed gardens, maintenance strip and long north facing gardens of the properties in Orchard View). Traditionally a distance of 21 metres was deemed a benchmark figure to avoid loss of privacy. With respect to the overlooking of garden areas the distance would be approximately 13 to 15m with some intervening landscaping. This relationship is considered appropriate.

Given this relationship it is not considered that any impact from these properties including from the dormer window in the roof would result in significant loss of amenity. The applicant has however taken note of the concerns raised and has rearranged the internal layout of these buildings such that the dormer window is serving a bathroom and the plans now indicate that the relevant windows in the roof will be obscure glazed. The removal of permitted development rights to avoid possible overlooking from possible future roof extensions is considered unnecessary and it is considered would fail the tests of a planning condition.

The relationship between all other proposed buildings and the existing occupiers is considered acceptable as is the relationship internally between future occupiers. All properties are provided with external amenity space that meets the policy standard set out in PSP43.

#### 5.15 **Open Space Provision and Maintenance**

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

More specifically to ensure the provision of the above benefits Policy CS24 of the Core Strategy seeks the provision of green infrastructure, outdoor space,

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

A large proportion of the site is devoted to open space to include surface water infrastructure including attenuation pond and pumping station, allotments, community orchard, play area, paths, planting, multi-use games area, informal pitch and open grassland. A significant level of negotiation has taken place to secure improvements to initial proposals in all these areas. These improvements are too numerous to specify but include ensuring the correct siting of the play area, the correct equipment, signage, appropriate fencing, surfaces and appropriate planting. The appropriate infrastructure for the allotments has also been secured. The planting schedule has been looked at in great detail to secure appropriate species. All the submitted plans and agreed details will be conditioned. The provision and maintenance of the public open space (and contribution to off-site sports facilities is secured through the S106 agreement). The maintenance of the wetland areas is secured in addition through Condition 13 attached to the outline consent that requires the approved details to be implemented as approved.

#### 5.16 **Other Issues**

The concern regarding rights of access to the boundary hedge for properties in Orchard View is noted. This is not a specific material planning consideration however it should be noted that the buffer planting that is within the application site will be maintained by the management company. Access to the rear gardens of properties would not be needed and would not likely to be welcome by future occupiers.

With respect to an issue raised about the treatment of overhead power cables, the applicant has confirmed that these will be located or buried. This would be a matter to be agreed between the developer and the service provider

#### 5.17 **Impact on Equalities**

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.

Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers. With regards to the Duty, the development contained within this

planning application is considered to have a neutral impact as equality has been considered through planning policy.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 “The recommendation to grant 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 Planning permission is granted subject to the conditions set out on the decision notice

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

## **CONDITIONS**

### **1. Existing Tree Protection**

All works shall take place in accord with the submitted Arboricultural Impact Assessment and Tree Protection Plan (Tyler Grange 11th April 2019). The Tree Protection fencing shall be erected PRIOR to the main site clearance works; the contractor is to notify the Local Planning Authority once all tree protection fencing is in place, to allow this to be approved on site before site clearance works begin.

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.

### **2. Public Art**

The development shall proceed in accordance with the agreed scheme of Public Art (The Diana Hatton Consultancy June 2019)

Reason:

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

### 3. Materials/Samples

Prior to the application of any external finish, samples of the roofing and external facing materials proposed to be used, in accordance with the materials layout plan (ML.01 Rev D Received 23rd September 2019), shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

#### Reason

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

### 4. Parking Provision

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

#### Reason

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

### 5. Landscape Implementation (1)

All hard and soft landscape works shall be carried out in accordance with the approved details. All plant material which fails to thrive within the first 5 years, shall be replaced in the next available planting season, with plant material of the same species and size as approved under the original planting scheme.

#### Reason;

To ensure the successful establishment of the approved planting scheme and adequate mitigation for the development is achieved and to accord with Policies CS1, CS2 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

### 6. Landscape Compliance (2)

All planting to be carried out and maintained in accordance with the approved Landscape and Ecological Management Plan (Environmental Dimension Partnership Ltd April 2019).

#### Reason;

To ensure the ongoing successful establishment of all approved planting and ecological mitigation works and to accord with Policies CS1, CS2 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. .

## 7. Energy Statement

Each dwelling hereby approved shall incorporate energy efficiency measures, renewable energy, and climate change adaptation measures into the design and construction of the development in full accordance with the approved Energy Statement (as revised by AES Sustainability Consultants 31st July 2019) prior to occupation.

Evidence that air-tightness of 5.0m<sup>3</sup>/h.m<sup>2</sup> at 50Pa (as set out in 4.21 and 4.22 of the Energy Statement) has been achieved in each built unit shall be provided prior to occupation of the 30th dwelling, 60th dwelling and 90th dwelling through the provision of appropriate certificates.

Reason:

To ensure high quality design through Sustainable Construction and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy 2013

## 8. Multi-User Link

Notwithstanding any details shown on the plans hereby approved, prior to the commencement of that part of the development, a sample of the surfacing materials to be used for the route shall be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accord with the approved details.

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 2013

## 9. Park and Share Facility (Implementation)

Prior to the occupation of the 51st dwelling hereby approved, the Park and Share facility shall be provided as shown on Drawing No's LIND 180328 SL.01 Rev D and 11805/P17 Rev E Detailed Landscape Proposals (Sheet 6) and retained as such.

Reason:

To ensure the provision of the Park and Share Facility in the interests of reducing congestion and provide an element of strategic infrastructure as identified in Policy CS7 of the South Gloucestershire Local Plan:Core Strategy 2013.

## 10. This decision relates only to the plans identified below:

Received 23rd August 2019

|   |              |
|---|--------------|
| LP.01 Location Plan                     | A (Revision) |
| ML.01 Materials Layout                  | D            |
| AFL.01 Affordable Housing Layout        | D            |
| RS.01 Refuse Strategy                   | D            |
| SS.01 Streetscenes                      | C            |
| HT.1B50.e HT.1B50 1 Bed Flat Elevations | B            |

|              |   |   |  |
|--------------|---|---|--|
| HT.1B50.p    | HT.1B50 1 Bed Flat Floor Plans              | B |  |
| HT.2B70.e    | HT.2B70 2 Bed Flat Elevations               | B |  |
| HT.2B70.p    | HT.2B70 2 Bed Floor Plans                   | B |  |
| HT.2BWC.e    | HT.2BWC 2 Bed Wheelchair unit Elevations    | B |  |
| HT.2BWC.p    | HT.2BWC 2 Bed Wheelchair Floor Plans        | B |  |
| HT.A24L.pe   | 2 Bed Plans Elevations Brick                | C |  |
| HT.A24L-1.pe | 2 Bed Plans & Elevations - Recon            | B |  |
| HT.A24W.pe   | HT.A24W 2 Bed Plans & Elevations - Brick    | B |  |
| HT.132L.pe   | HT.A32L 3 Bed Plans & Elevations - Brick    | C |  |
| HT.A32L-1.pe | HT.A32L 3 Bed Plans & Elevations - Recon    | B |  |
| HT.A40L-1.pe | HT.A40L 4 Bed Plans & Elevations - Brick    | A |  |
| HT.503.p     | HT.503 - Floor Plans                        | B |  |
| HT.503.e     | HT.503 - Recon. Stone Elevations            | C |  |
| HT.503_3.e   | HT.503 - Brick Elevations                   |   |  |
| HT.BLE.p     | Blenheim - Floor Plans                      |   |  |
| HT.BLE.e     | Blenheim - Recon Stone Elevations           |   |  |
| HT.BLE_2.e   | Blenheim - Render Elevations                |   |  |
| HT.BLE_3.e   | Blenheim - Brick Elevations                 |   |  |
| HT.COL.p     | Collcutt - Floor Plans                      |   |  |
| HT.COL.e     | Collcutt - Recon. Stone Elevations          |   |  |
| HT.COL_2.e   | Collcutt - Render Elevations                |   |  |
| HT.COL_3.e   | Collcutt - Brick Elevations                 |   |  |
| HT.COT.p     | Cottingham - Floor Plans                    |   |  |
| HT.COT.e     | Cottingham - Brick Elevations               |   |  |
| HT.COT_1.e   | Cottingham - Recon Stone Elevations         |   |  |
| HT.EVE_1.pe  | Eveleigh - Brick Floor Plans and Elevations |   |  |
| HT.FLE.p     | Fletcher - Floor Plans                      |   |  |
| HT.FLE.e     | Fletcher - Recon. Stone Elevations          |   |  |
| HT.FLE_1e    | Fletcher - Render Elevations                |   |  |
| HT.FLE_2.e   | Fletcher - Brick Elevations                 |   |  |
| HT.LEV.p     | Leverton - Brick Elevations                 |   |  |
| HT.LEV_1.p   | Leverton - Side Aspect Floor Plans          |   |  |
| HT.LEV_1.e   | Leverton - Brick Side Aspect Elevations     |   |  |
| HT.MOU.p     | Mountford - Floor Plans                     |   |  |
| HT.MOU.e     | Mountford - Brick Elevations                |   |  |
| HT.MOU_2.e   | Mountford - Render Elevations               |   |  |
| HT.PEM.p     | Pembroke - Floor Plans                      |   |  |
| HT.PEM.e     | Pembroke - Brick Elevations                 |   |  |
| HT.PEM_2.e   | Pembroke - Recon. Stone Elevations          |   |  |
| HT.KNI.p     | Knightley - Floor Plans                     |   |  |
| HT.KNI.e     | Knightley - recon. Stone Elevations         |   |  |
| HT.KNI_2.e   | Knightley - Brick Elevations                |   |  |
| HT.GRA.p     | Grainger - Floor Plans                      |   |  |
| HT.GRA.e     | Grainger - Brick Elevations                 |   |  |
| SG.01.pe     | Single Garage - Plans & Elevations          |   |  |
| DG.01.pe     | Double Garage - Plans & Elevations          |   |  |
| DG.02.pe     | Double Garage - Sales - Plans & Elevations  |   |  |
| DG.03.pe     | Double Garage - Plans & Elevations          |   |  |
| DG.04.pe     | Double Garage - Plans & Elevations          |   |  |
| TG.01.pe     | Twin Garage - Plans & Elevations            |   |  |
| TG.02.pe     | Twin Garage - Plans & Elevations            |   |  |

BS.01.pe Bin Store - Plans & Elevations  
 11805\_P01 Tree Constrains Plan  
 11805\_P02 Tree Removal Plan & Tree Protection Plan  
 11805\_P04 Hard and Soft Landscape Proposals Sheet 1 of 6  
 11805\_P05 Hard and Soft Landscape Proposals Sheet 2 of 6  
 11805\_P06 Hard and Soft Landscape Proposals Sheet 3 of 6  
 11805\_P07 Hard and Soft Landscape Proposals Sheet 4 of 6  
 11805\_P08 Hard and Soft Landscape Proposals Sheet 5 of 6  
 11805\_P09 Hard and Soft Landscape Proposals Sheet 6 of 6  
 11805\_P10 Planting Plan Sheet 1 of 6  
 11805\_P11 Planting Plan Sheet 2 of 6  
 11805\_P12 Planting Plan Sheet 3 of 6  
 11805\_P13 Planting Plan Sheet 4 of 6  
 11805\_P14 Planting Plan Sheet 5 of 6  
 11805\_P15 Planting Plan Sheet 6 of 6  
 Basketball and Football Drawings  
 Playground Drawings

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HE.FLE.p Fletcher Floor PlansC (Revision)  
 HT.FLE\_1.e Fletcher Elevations Render D  
 HT.FLE\_2.e Fletcher Elevations Brick D  
 ML.01\_ Materials Layout D  
 RS.01\_ Refuse Strategy D  
 SL.01\_ Site Layout D  
 AHL.01\_ Affordable Housing Layout D  
 CSL.01\_ Site Layout D  
 HT.FLE.e\_ Fletcher Elevations Reconstituted Stone D  
 L443/63 Ponds, Swales and Storage Structures Cross Sections D  
 L443/69 Control Manhole and Headwall Details A  
 L443/70 Surface Water Manhole Schedule  
 L443/69 Control Manhole and Headwall Details A  
 L443/79 Highway Drainage  
 L443/80 Proposed Drainage Layout Sheet 1 of 4  
 L443/81 Proposed Drainage Layout Sheet 2 of 4  
 L443/82 Proposed Drainage Layout Sheet 3 of 4  
 L443/83 Proposed Drainage Layout Sheet 4 of 4  
 L443/84 Proposed Levels and Contours Sheet 1 of 4  
 L443/85 Proposed Levels and Contours Sheet 2 of 4  
 L443/86 Proposed Levels and Contours Sheet 3 of 4  
 L443/87 Proposed Levels and Contours Sheet 1 of 4  
 SL.01\_ Site Layout D  
 CSL.01\_ Coloured Site Layout D  
 L443/45 Park and Share Car Park Levels and Contours D  
 L443/51 Temporary Foul Drainage Strategy (also submitted 8th Nov 2018 to discharge Condition 17 PT17/4800/O)  
 11805\_P16 Public Space Location Plan LS\_AW\_20092019 C  
 11805\_P17 Detailed Landscape Proposals JC\_AW\_Sheet 1 E  
 11805\_P17 Detailed Landscape Proposals JC\_AW\_Sheet 2 E  
 11805\_P17 Detailed Landscape Proposals JC\_AW\_Sheet 3 E



|           |  |   |
|-----------|--|---|
| 11805_P17 | Detailed Landscape Proposals JC_AW_Sheet 4 | E |
| 11805_P17 | Detailed Landscape Proposals JC_AW_Sheet 5 | E |
| 11805_P17 | Detailed Landscape Proposals JC_AW_Sheet 6 | E |

Received 24th September 2019

L443/61 Swept Path Analysis

Reason:

For the avoidance of doubt

**CIRCULATED SCHEDULE NO. 39/19 – 27 SEPTEMBER 2019**

|                              |  |                     |                                    |
|------------------------------|--|---------------------|------------------------------------|
| <b>App No.:</b>              | P19/4006/F   | <b>Applicant:</b>   | Mr Freddie Whitefield              |
| <b>Site:</b>                 | The Gables Portway Lane Chipping Sodbury Bristol South Gloucestershire BS37 6QA  | <b>Date Reg:</b>    | 29th April 2019                    |
| <b>Proposal:</b>             | Change of use from stables to 1 No. dwelling (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) with associated parking and works. | <b>Parish:</b>      | Little Sodbury Parish Council      |
| <b>Map Ref:</b>              | 375748 183093  | <b>Ward:</b>        | Chipping Sodbury And Cotswold Edge |
| <b>Application Category:</b> | Minor  | <b>Target Date:</b> | 20th June 2019                     |



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P19/4006/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.

### **CIRCULATED SCHEDULE**

This application appears on the circulated schedule due to comments from the Parish Council and from local residents contrary to Officer Recommendation.

## **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the Change of use from stables to 1 No. dwelling (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) with associated parking and works.
- 1.2 The application site relates to extensive stables at The Gables, Portway Lane, Chipping Sodbury, situated outside the settlement boundary and in the Cotswolds Area of Outstanding Natural Beauty.
- 1.3 During the course of the application revised plans were sent in to address comments made by the Officers regarding the overall design, impact on the heritage asset and by the Ecologist. This included changing the description of development converting the building into one house instead of two houses.

## **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)  
National Planning Practice Guidance – Conserving and Enhancing the Historic Environment;  
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            |
| 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                                   |
| PSP9  | Health Impact Assessments                             |
| PSP10 | Active Travel Routes                                  |
| 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 |
| PSP21 | Environmental Pollution and Impacts                   |
| PSP40 | Residential Development in the Countryside            |
| PSP41 | Rural Workers Dwellings                               |
| PSP43 | Private Amenity Space Standards                       |

2.3 Supplementary Planning Guidance

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

**3. RELEVANT PLANNING HISTORY**

- 3.1 PK08/2149/F Demolition of Dutch barn, Conversion of Stables to form 1no. dwelling with ancillary workspace to provide 1 live/work unit, Erection of two storey building and conversion of existing barn with single storey link extension to form 1no. dwelling with ancillary workspace and associated works to provide 1 no. live/work unit. Erection of single storey glazed link extension to existing dwelling and conversion of existing barn to form additional living accommodation. Change of use of agricultural land to residential domestic curtilage.  
Approved 7.11.08
- 3.2 PK11/2900/NMA Non material amendment to PK08/2149/F to alter windows and door on west elevation of unit 3.  
No objection 7.10.11

**4. CONSULTATION RESPONSES**

4.1 Little Sodbury Parish Council

Objection:

The Parish Meeting objects to this application for the reasons set out below. Little Sodbury is a tiny rural hamlet without any public transport services and

we are unlikely ever to get any. The roads leading to the hamlet are extremely narrow single track lanes. The lanes have recently deteriorated at an alarming rate, especially Common Mead Lane and Little Sodbury End Lane, with multiple potholes and long scars in the road surface where it has subsided, leading to scraped undersides of cars unless a very careful route is picked along the carriageway. Increased traffic, to and from the proposed development, would worsen this problem.

The off-road parking allocation around the proposed development is insufficient for a rural location with the proposed 3 properties (2, 3 and 4 Bedrooms respectively). Just 5 spaces have been allocated when past occupants of the adjoining 'Gables' had more than 4 vehicles for that property alone. The basic parking provision is therefore inadequate and would inevitably lead to vehicles being left on the roadside or blocking other residents. The road outside the application site is a narrow lane.

The proposed aluminium and glass conservatory, to the east of the larger unit, is wholly inappropriate to the agricultural background and feel of the hamlet. This side of the development is overlooked by the Area of Outstanding Natural Beauty and the Cotswold escarpment and would also be overlooked by the driveway to the grade 1 listed Little Sodbury Manor, which is of considerable historical importance.

The small amenity area, to the south of the 2 bedroom unit, would not allow sufficient space for vehicles to access the larger unit, as the parking spaces for the Gables, situated to the south-west of the entrance, would leave less than a 2.4m gap.

Whilst the Parish Meeting would not object to development of this site, the plans as submitted would do nothing to enhance this rural hamlet and we would therefore object to them being approved by the Council.

### **Internal Consultees**

4.2 Highway Structures  
No comment

4.3 Ecology  
Objection  
Additional roost characterisation surveys required.

*Updated comments following the submission of additional information::  
No objection subject to conditions*

4.4 Conservation officer:  
Concerns:  
Recommend removal of the conservatory from unit 1 and the fencing and garden/terrace from unit 2.

*Updated comments following revised plans:*

No objections subject to the conditions previously imposed (relating to the detailed design and conversion building works) being carried over to this permission.

- 4.5 Archaeology  
No comment

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

- 4.6 Drainage  
No objection

- 4.7 Transport  
No objection

#### **Other Representations**

- 4.8 Local Residents

Five letters from four local residents have been submitted to the LPA. The points raised are summarised as:

- Parking issues – a parking space for every adult should be requested
- Proposed parking space will obstruct access into my driveway
- Parking spaces shown are inadequate in size and number
- Overlooking concerns
- Overdevelopment of the site
- Conversion of barn into residential without incorporating any workspace would change character and nature of adjoining locally listed building
- Vehicles required to service proposed development would contribute to further deterioration of access roads to the hamlet – roads poorly serviced
- Proposed conservatory not in-keeping with agricultural history of the site
- Gated entrance inappropriate
- Development not in sustainable location
- Discrepancy of distances on plans

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

- 5.1 The application is for the change of use from stables to a dwelling.

- 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 the conversion of existing rural buildings into residential dwellings provided they meet certain criteria. Given the overall condition of the building it is considered capable of conversion and on this basis there is no in principle objection to the scheme subject to further assessment of the following areas: impact on the character of the locally listed building and the area in general (including the Cotswold AONB), impact on residential amenity; impact on highways and impact on ecology.

- 5.3 Design and impact on the locally listed building:  
The Gables barn is locally listed and has been identified as making a significant contribution to the character and distinctiveness of the locality. Such assets are defined as non-designated heritage assets under the NPPF, being assets identified as having a degree of significance meriting consideration in planning decisions because of their heritage interest.
- 5.4 Following the revised plans, the external treatment of the elevations are considered acceptable. However there are concerns about the creation of the private amenity space as proposed and with regards to the fencing. In order to appreciate the original agricultural use of the building it is important that the open courtyard setting is maintained. The creation of a garden in such a prominent location is considered harmful, as is the proposed fencing. If this conversion is to be considered appropriate, the private amenity space/domestic paraphernalia needs to be more sensitively accommodated.
- 5.5 Given the above, the proposal can be recommended for approval subject to a number of conditions which include the removal of permitted development rights.
- 5.6 Residential amenity:  
The converted barn would have an area of private amenity space to the east sufficient to serve the dwelling and to accord with adopted policy PSP43.
- 5.7 Revised plans show openings to the front and rear and facing the courtyard. There would be changes for the attached neighbour in terms of the barn being converted into a residential dwelling, but this is not a reason to refuse the scheme. Windows in the north single storey elevation will be high level so as to avoid any overlooking of the closest neighbour to this side.
- 5.8 The proposal accords with adopted policies PSP8 and PSP43 and can be supported.
- 5.9 Transport:  
A number of comments have raised concerns regarding the amount of parking provision required for the dwelling. Adopted planning policy indicates that parking spaces are provided according to the number of bedrooms. As a 5 bed house, 4 parking spaces are required. Six parking spaces are shown for the proposed conversion along with on-site turning areas. The proposal therefore complies with policy.
- 5.10 Alterations to the neighbouring dwelling The Gables has been raised again in relation to the amount of parking. If this property is a 4 bed house then 2 parking spaces are required and three parking spaces are shown on the submitted plans, although no further details can be requested as the upgrading of this existing house does not form part of this application, there can be no objection in terms of the on-site parking provision.

- 5.11 The condition of the roads and verges around the area have also been highlighted and concern expressed over their possible worsening state due to service vehicles accessing the site. An informative will be attached to the decision notice requiring care along the roadside.
- 5.12 Ecology:  
A Bat Survey Report (Tofts Ecology, November 2018) was submitted alongside the application. The building inspection found a greater horseshoe bat roosting in the small room at the end of Building 1 and the presence of lesser horseshoe, serotine and common pipistrelle using the building were identified. Further information was requested along with mitigation and compensation details that would be required to inform a licence application.
- 5.13 Additional information in the form of a bat survey report (Link Ecology, August 2019) was submitted to the LPA. Following a request for more information regarding mitigation of the bat roost and the timing of works, this is considered acceptable subject to an appropriate condition.
- 5.14 Landscape and Area of Outstanding Natural Beauty:  
The application site is in a rural area and in the Cotswolds AONB. To protect the general character and acknowledge its former agricultural use, boundaries around the barn and the creation of the residential garden require sensitive treatment.
- 5.15 To separate the converted barn from The Gables plans indicate a 1.8 metre high close boarded timber fence around the courtyard area. Since Officers first visited the site it is understood that this feature has already been introduced and it is not in-keeping with the character of the location. A high hedge such as Beech or Yew would be preferable in landscape terms. Permitted development rights will be removed to protect the landscape and the historic agricultural nature of the building and its setting.
- 5.16 The main garden area would be to the east and plans indicate this would be limited to the area set by the existing fence line which splits the application site from the fields beyond. This current fence is a simple wire and post fence and would require attention / improvement. The most appropriate treatment for this back garden boundary would be a traditional agricultural timber post and rail fence backed by a mixed native hedge maintained at a minimum of 1.5 metres in height. It is considered appropriate for a condition to be attached to the decision notice for details to be submitted to the LPA to ensure an appropriate boundary treatment is used.
- 5.17 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.



- 5.18 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.
- 5.19 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.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 It is recommended that the application be **APPROVED** subject to the conditions written on the decision notice.

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

## **CONDITIONS**

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

Reason

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

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

As received by the Council on 11.4.19:

Existing elevations - 202

Existing floor plans - 203

As received by the Council on 18.7.19:

Proposed site plan - 201 D

Proposed ground floor layout - 204 C

Proposed first floor layout - 206

Proposed north and south elevations - 207

As received by the Council on 20.8.19:  
Proposed elevations - 205 D

Reason

To ensure a satisfactory standard of external appearance and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP17 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

3. Development shall proceed in strict accordance with the Bat Survey Report for The Gables by Link Ecology Ltd dated August 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.

4. Prior to first occupation a scheme of landscaping, details of both hard and soft landscaping works shall be submitted in writing to the Local Planning Authority for approval and these works shall be carried out as approved.  
These details shall include hard surfacing materials and bin store enclosure details. Soft landscape works shall include a full detailed landscape scheme 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, details of new species, planting sizes, plant location and spacing, rabbit protection, planting and maintenance specification.

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; PSP2 and PSP17 the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

5. 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), 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 ensure a satisfactory standard of external appearance and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies PSP2 and PSP17 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

6. Prior to that part of the development samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the LPA. Development shall proceed in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policies CS1 and CS 9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP 17 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

7. Prior to first occupation a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to the LPA for approval. Development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies PSP2 and PSP17 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

8. Prior to that part of the development full details comprising plans at a scale of 1:20 of the following items shall be submitted to and agreed in writing with the LPA. Development shall be carried out in accordance with the agreed details:
  - a - all new windows
  - b - all new doors
  - c - all rooflights

Reason

To ensure a satisfactory standard of external appearance and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP17 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

9. The off-street parking facilities for all vehicles shown on the plan, including the existing house The Gables, thereby approved shall be provided before the building is first occupied and thereafter retained for that purpose.

Reason

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

## CIRCULATED SCHEDULE NO. 39/19 – 27 SEPTEMBER 2019

App No.: P19/4766/F

Applicant: Mr Wayne Harris

Site: 55 Spring Hill Kingswood Bristol South  
Gloucestershire BS15 1XW

Date Reg: 3rd May 2019

Proposal: Erection of 1 No. attached dwelling and  
associated works.

Parish: None

Map Ref: 365131 174702

Ward: New Cheltenham

Application Minor

Target Date: 27th June 2019

Category:

Date:



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P19/4766/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 REPORTING TO CIRCULATED SCHEDULE**

The application is referred to the Circulated Schedule as representation has been received from 3no 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 1no attached dwelling and associated works at 55 Spring Hill, Kingswood.
- 1.2 The application site is a corner plot at the junction of Spring Hill and Nympsfield, located within the East Fringe of the Bristol Urban Area.
- 1.3 The proposed development consists of a two storey attached property which would be located to the south of no.55. It would follow the building line of the existing semi-detached pair and would be accessed off Nympsfield.

## **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  
CS9 Managing the Environment and Heritage  
CS15 Distribution of Housing  
CS16 Housing Density  
CS17 Housing Diversity  
CS29 Communities of the East Fringe of the Bristol Urban Area

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

**3. RELEVANT PLANNING HISTORY**

3.1 PK14/3727/TRE

Works to 1no. Sycamore tree covered by Tree Preservation Order KTPO 08/80 dated 27 October 1980 to crown lift to 4 metres and cut back overhanging branches.

Approved: 24/11/2014

**4. CONSULTATION RESPONSES**

4.1 Town/Parish Council

Unparished area.

4.2 Sustainable Transport

No objection following revised plans.

4.3 The Coal Authority

No objection, subject to condition.

4.4 Highway Structures

No comment

4.5 Tree Officer

No comments received.

4.6 Lead Local Flood Authority

No objection.

**Other Representations**

4.7 Local Residents

Objection comments received from 3no local residents, summarised as follows;

- Inadequate parking to the rear.
- Impact value of neighbouring properties.
- Tree subject to preservation order in front garden, concerns work will damage tree.
- Impact to stability of neighbouring properties.

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Planning permission is sought for the erection of an attached dwelling. The site is located within the East Fringe of the Bristol Urban Area.

Policy CS5 of the South Gloucestershire Core Strategy (Adopted) December 2013 outlines the locations at which development is considered to be

appropriate; new development is directed towards the existing urban areas and defined rural settlements. As such, based solely on the location of the site, the principle of development is acceptable.

In principle, the development is acceptable under the provisions of Policy CS5 of the Core Strategy, and it is acknowledged that the provision of one additional dwelling towards housing supply would have a modest socio-economic benefit. However, the impacts of the development proposal must be further assessed to identify potential harm. The further areas of assessment are discussed below.

5.2 Design and Visual Amenity

Policy CS1 of the Core Strategy seeks to ensure that development proposals are of the highest possible standards of design. This means that developments should have appropriate; siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context. Policy CS1 is fully compliant with design guidance in the NPPF.

5.3 The proposal relates to a two storey, two bedroom attached dwelling, located on a corner plot within the residential area of Kingswood. The surrounding area is characterised by a mixture of terraced, semi-detached and detached properties with open front gardens; the host dwellings forms part of a semi-detached pair.

5.4 The proposed dwelling would be project from the south elevation of the host property, on land currently used as a side garden; this would result in the existing semi-detached pair being transformed into a terrace of three. Although the footprint of the proposed building would be marginally smaller than the host dwelling and attached neighbour, it is not considered to result in material harm to the character of the area; furthermore, it would continue the existing building line and would match the eaves and ridge height of the adjacent built form. The proposed hipped roof and inclusion of bay windows at ground and first floor level are thought to be in keeping with the existing semi-detached pair and would result in an acceptable appearance to the resulting terrace. As such, it is considered by the Officer that the proposal would broadly respect the existing streetscene and would therefore not result in an overly dominant impact.

5.5 In terms of layout, the proposal would include an open front garden and relatively large private amenity space to the rear. Off-street parking would also be located to the rear, accessed via an existing lane serving a number of garages associated with properties of Spring Hill and Nympsfield. This arrangement reflects the character of the locality and the layout is therefore deemed to be acceptable.

5.6 The materials to be used in the external finish of the proposal include spar rendered elevations with interlocking profiled roof tiles to match the existing house colour. It is acknowledged that certain design cues from adjacent properties have been reflected in the proposal. It is also recognised that the wider surrounding area consists of a mixture of housing styles with a combination of brickwork and render elevations and as such it is considered that the proposed materials would not be out of keeping with the surrounding

area. For this reason, it is not deemed necessary to include a condition for materials to be agreed, however a condition will be included on the decision notice to ensure the proposed development is carried out in accordance with the approved plans.

- 5.7 Having regard to the assessment above, and on balance, it is considered that the appearance and layout of the development sufficiently respects the character of the surrounding area and would not cause a material degree of harm to visual amenity in order to warrant a refusal. As such, the proposal is deemed to comply with Policy CS1 of the Core Strategy.

5.8 Residential Amenity

Policy PSP8 of the PSP Plan (November 2017) sets out 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; loss of privacy, and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.

- 5.9 The proposal would be located on a corner plot, with Spring Hill to the east; Nympsfield to the south; and the host property to the north. The nearest property to the west of the site would be located approximately 30 metres in distance from the proposal, separated by the rear garden and access lane. To protect the privacy of the neighbouring properties to the south, a condition will be included for the 2nd side elevation windows to be obscure glazed. Subject to the suggested condition, the proposal is not considered to result in any material loss of privacy.

- 5.10 Considering the siting and scale of the proposed dwelling it would not appear to be unacceptably oppressive, overbearing or create an unsatisfactory living environment for any neighbouring occupant, nor is it considered to significantly alter the existing levels of light afforded to neighbouring occupiers to an unacceptable level.

- 5.11 The proposed amenity space for the proposed property would be an acceptable size for a two bedroom dwelling to comply with policy PSP43 of the PSP Plan. The existing dwelling would benefit from a functional rear garden which is of a size comparable with the neighbouring properties within the surrounding area.

- 5.12 Overall, it is considered that the proposal would not have any unacceptable impacts on residential amenity and is therefore deemed to comply with Policy PSP8 of the PSP Plan.

5.13 Trees

Concern has been raised by local residents of potential damage to a protected sycamore tree located at the front of the site. Therefore, to ensure the works are carried out in an appropriate manner in the interests of the health of the tree, a condition will be included on the decision notice for an arboricultural method statement and tree protection plan to be agreed in writing prior to the commencement of works.



5.14 Sustainable Transport and Parking Provision

Concern has been raised that the proposal will result in inadequate parking provision. The proposed dwelling is a two bedroom property which would require one off-street parking space to comply with South Gloucestershire Council's residential parking standards. The submitted plan shows a single parking bay located to the rear of the property which is of acceptable dimensions to comply with parking standards. The proposed dwelling would also benefit from a bike store and electric vehicle charging point. The host dwelling is a three bedroom property which is required to provide two off-street parking spaces; the application is proposing a new hardstanding to the rear which is able to accommodate two vehicles. The Transport Officer is satisfied with the proposed parking arrangements and therefore, subject to a condition securing parking, no objections are raised in terms of transportation.

5.15 Effects of Coal Mining

A coal mining report was not provided with the original application but was subsequently submitted on request. The report identified that possible unrecorded shallow mine workings within the Little Toad coal seam pose a medium risk of ground instability at the site. Given the lack of evidence proving/disproving that shallow workings are present beneath the site, the Coal Authority recommends that prior to development taking place, further investigations and gas monitoring are undertaken on site, and if mine workings are present appropriate mitigation works undertaken.

- 5.16 Therefore, although a risk of ground instability has been identified, and further investigation work would be necessary to identify the scope of any necessary mitigation measures prior to development, the case officer is satisfied that these measures can be adequately addressed by means of condition.

5.17 Equalities

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

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

## 6. CONCLUSION

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

## **7. RECOMMENDATION**

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

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

## **CONDITIONS**

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

Reason

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

2. The development shall be implemented strictly in accordance with the following documents:

Received by the Council on 2nd May 2019;  
Site Location Plan

Received by the Council on 20th June 2019;  
Existing and Proposed Elevations  
Proposed Block and Floor Plan

Reason

For the avoidance of doubt.

3. Prior to the commencement of the works hereby approved, an arboricultural report containing an arboricultural method statement and tree protection plan shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details

Reason

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

4. Prior to the commencement of development, intrusive site investigation works to establish the coal mining legacy on the site shall be carried out. A scheme of intrusive

site investigations shall be prepared, submitted and approved in writing by the local planning authority. The approved scheme of investigation shall then be carried out in full.

#### Reason

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

5. Following the site investigations required by condition 4, and prior to the commencement of development, a report of the findings of the investigations shall be prepared, submitted and approved in writing by the local planning authority. Should the report identify that remedial works are required, details of the proposed remediation shall be included within the submission to the local planning authority for approval in writing. The approved remedial works shall be carried out in full.

#### Reason

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

6.
  - A) Desk Study - Previous historic uses(s) of the site/land adjacent to the site. may have given rise to contamination. Prior to commencement, an investigation (commensurate with the nature and scale of the proposed development) shall be carried out by a suitably competent person into the previous uses and contaminants likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.
  - B) Intrusive Investigation - Where potential contaminants are identified under (A), prior to the commencement of development [excepting necessary demolition works], an investigation shall be carried out by a suitably competent person to ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks (Remediation Strategy). The resulting Remediation Strategy shall include a schedule of how the works will be verified (Verification Strategy). Thereafter the development shall proceed in accordance with any agreed mitigation measures. (Note (A) and (B) may be combined if appropriate).
  - C) Verification Strategy - Prior to occupation, where works have been required to mitigate contaminants (under section B) a report verifying that all necessary works

have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

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

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

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

For further advice on contaminated land investigations, the applicant can contact Environmental Services on (01454-868001).

#### Reason

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policy PSP21 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. This is required prior to commencement of development as there is the potential for contamination from the historic use of the land adjacent to the site as a quarry/filled ground.

7. The off-street parking facilities (for all vehicles, including cycles) for both the proposed and existing dwellings shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

#### Reason

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

8. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed windows on the south elevation shall be glazed with obscure

glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy PSP8 of the South Gloucestershire Local Plan: Policies, Site and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.

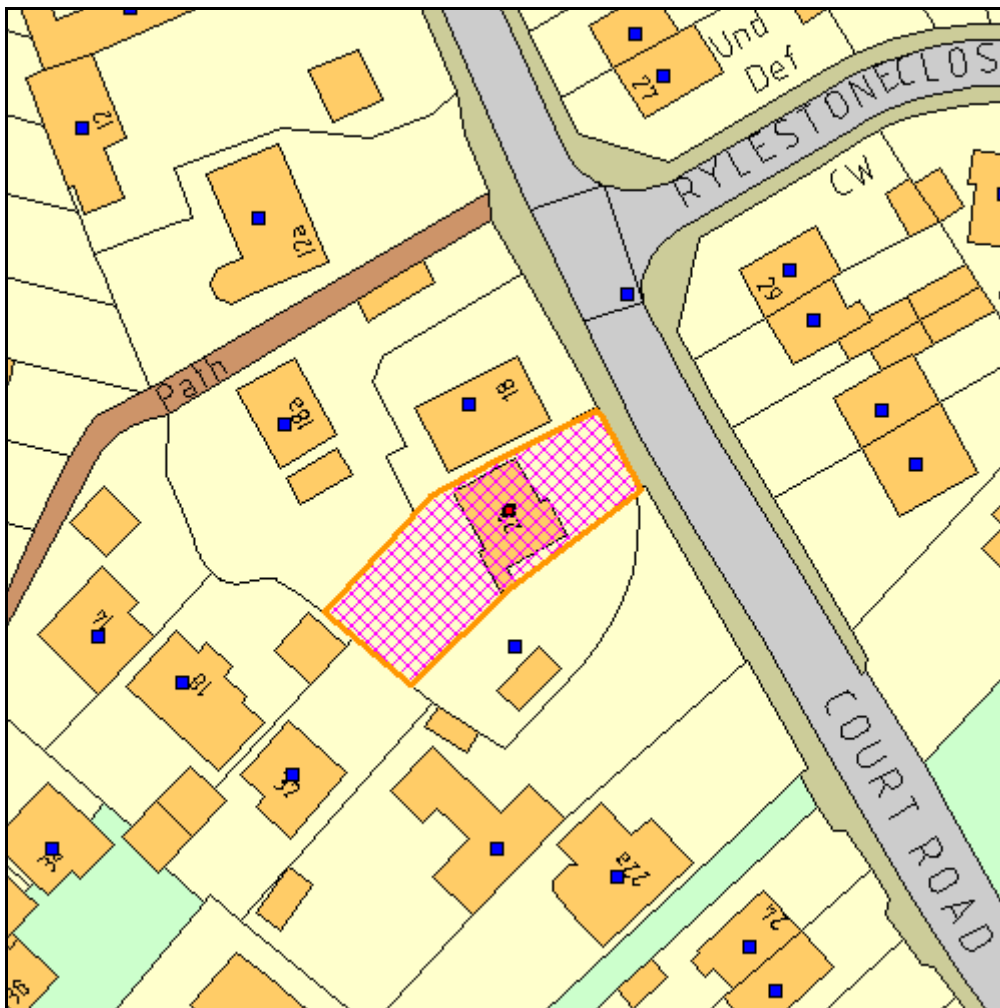
9. No windows other than those shown on the plans hereby approved shall be inserted at any time in the south elevation of the property.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy PSP8 of the South Gloucestershire Local Plan: Policies, Site and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.

## CIRCULATED SCHEDULE NO. 39/19 – 27 SEPTEMBER 2019

|                                  |   |                         |  |
|----------------------------------|---|-------------------------|--|
| <b>App No.:</b>                  | P19/7264/F  | <b>Applicant:</b>       | Mr And Mrs<br>Matthew And Leah<br>Hemmings |
| <b>Site:</b>                     | 20 Court Road Frampton Cotterell<br>Bristol South Gloucestershire BS36<br>2DE                     | <b>Date Reg:</b>        | 25th June 2019                             |
| <b>Proposal:</b>                 | Demolition of existing bungalow and<br>erection of 1no detached dwelling and<br>associated works. | <b>Parish:</b>          | Winterbourne<br>Parish Council             |
| <b>Map Ref:</b>                  | 365805 181677   | <b>Ward:</b>            | Winterbourne                               |
| <b>Application<br/>Category:</b> | Minor   | <b>Target<br/>Date:</b> | 20th August 2019                           |



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100023410, 2008.

N.T.S.

P19/7264/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 CIRCULATED SCHEDULE**

This application is referred to the circulated schedule due to an objection received from the Parish Council which is contrary to the Officers recommendation.

## **1. THE PROPOSAL**

- 1.1 This application seeks full planning consent for the demolition of an existing bungalow and the erection of 1 new detached dwelling in Frampton Cotterell. The proposed dwelling would be of a similar style to its neighbour to the south.
- 1.2 The site is located within the settlement boundary for Frampton Cotterell.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework 2019  
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  
CS9 Managing the Environment and Heritage  
CS15 Distribution of housing  
CS16 Density of Housing  
CS17 Housing Diversity  
CS34 Rural Areas

#### **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 PT16/6147/F**

Demolition of existing garage. Erection of two storey front, two storey rear extensions and installation of 1no front and 1no rear dormers to facilitate loft conversion. Erection of 1 no detached dwelling and associated works.  
Approval 17.2.17

### **4. CONSULTATION RESPONSES**

#### **4.1 Frampton Cotterell Parish Council** No comment

#### **4.2 Winterbourne Parish Council** Objection

- Overdevelopment
- Concern regarding proposed parking arrangement

#### **4.3 Other Consultees**

Archaeology Officer  
No objection

Highway Structures  
No objection

Lead Local Flood Authority  
No objection

Sustainable Transport  
No objection subject to removal of the gates.

#### **Other Representations**

#### **4.4 Local Residents**

3 local residents have supported the scheme. Their comments are summarised below:

- Well-designed scheme
- Will match adjacent new build
- Likely to increase property value

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

- Does not follow building line set by 18a Court Road

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

#### **5.1 Principle of Development**

Planning permission is sought for the replacement of a detached dwelling. The site is located within the defined settlement boundary of Frampton Cotterell.



Policy CS5 of South Gloucestershire Core Strategy outlines the locations at which development is considered to be appropriate; new development is directed towards the existing urban areas and defined rural settlements. As such, based solely on the location of the site, the principle of development is acceptable. However, the impacts of the development proposal must be further assessed to identify potential harm. The further areas of assessment are discussed below.

5.2 Design

With regards to scale and mass, the drawings demonstrate that the proposed replacement two storey dwelling, fronting Court Road would be of a similar height and scale as the neighbour to the south. Large detached two storey properties are a feature of Court Road and the front building line would generally match the neighbouring property at 17 Court Road. Furthermore, the three houses to the rear of the site, together with the proximity to the boundaries, would ensure that the development would not appear highly visible from neighbouring streets, due to the existing built form.

- 5.3 In this regard, it is considered the development would be acceptable in the context of the variety of building sizes and designs in the locality.

5.4 Amenity

Development should not be permitted which prejudices residential amenity. Adjacent neighbours would be the most affected. However, the new dwelling does not extend much beyond the rear wall of 18 Court Road (there is also a side 1<sup>st</sup> floor window but this is secondary) and facing windows in the neighbour to the south are high level only. Neighbours to the rear are also acceptable distances from the host.

- 5.5 The proposed unit itself would benefit from a reasonable sized amenity area to its southwest. This would meet the needs arising from the property. Overall the impact of this development on amenity is acceptable.

5.6 Transport and Parking

Following revisions, the proposed development provides sufficient parking to meet the needs arising from this four bedroom dwelling. Concern had been raised by the highways authority over the installation of gates as it had the potential to result in vehicles having to stop on the road while the gates opened thereby causing obstruction and hazards for other road users. However, these have been removed from the scheme.

5.7 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.

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

5.9 Other Matters

The concerns raised of the Parish Council and a local resident have been explored in some depth above but it has not been found that the proposal would harm the character and appearance of the area.

**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 It is recommended that permission be GRANTED subject to the conditions listed below.

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

**CONDITIONS**

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

Reason

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

2. The hours of working on site during the period of construction shall be restricted to 07:30 to 18:00 Monday to Friday, 08:00 to 13:00 Saturday and no working shall take place on Sundays or Public Holidays. The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the residential amenity of neighbouring occupiers, and to accord with Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the 2019 National Planning Policy Framework.

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

Received 25.6.2019:

Site Location Plan

Received 16.9.2019:

Proposed Ground Floor Plan (1527-P-100 REV.C)

Proposed First Floor Plan (1527-P-101 REV.C)

Proposed Front and Side Elevations (1527-P-200 REV.C)

Proposed Rear and Side Elevations (1527-P-201 REV.C)

Proposed Site Plan (1527-P-001 REV.C)

Reason

For the avoidance of doubt.