

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: 32/20

Date to Members: 07/08/2020

Member's Deadline: 13/08/2020 (5.00pm)

The reports listed over the page form the 'Circulated Schedule' a procedure agreed by Council in July 2020. 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. You may also wish to refer to the guidance given in the Members' Planning Code of Good Practice in the Council's constitution, which sets out the criteria the Chair of the Committee, in consultation with the Spokes will use to consider any referral requests.

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

NOTES FOR COUNCILLORS

– formal arrangements for referral to committee

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

- a) Be made in writing using the attached form by emailing MemberReferral@southglos.gov.uk identifying the application reference and site location
- b) Within 5 working days of the date of this schedule e.g. if the schedule is published on a Friday, comments have to be received by end of the following Thursday (see cover page for the date)
- c) The 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 You may wish to consider the guidance given in the Members' Planning Code of Good Practice in the Council's constitution, which sets out the criteria the Chair of the Committee, in consultation with the Spokes will use to consider any referral requests.

If would be helpful if you could indicate if you:-

- Have discussed the application(s) with the Case Officer and/or Development Manager
- Have discussed the application(s) with ward Member(s) if the site is outside of your ward
- Consider the site would benefit from a visit by the committee, setting out the reasons

Valid referral requests will be considered by the Committee Chair, in consultation with the Spokes, against the criteria given in the Members' Planning Code of Good Practice in the Council's constitution and you will be notified of the Chair's decision. Applications which are not referral, or where the referral request is not agreed by the Chair, will be determined by officers under delegated powers

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

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

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

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

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

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

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

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

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

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

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

c. All applications for non-material amendments

d. All applications to discharge planning conditions

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

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

Additional guidance for Members

Always make your referral request by email to MemberReferral@southglos.gov.uk (not individual email addresses), where referrals can be picked up quickly by the Technical Support Team.

Please note a copy of your referral e mail will appear on the website.

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

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

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

A template for referral is set out below:

Referral from Circulated Schedule to Development Management Committee

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

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

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

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

6. Do you feel a site visit is required or can issues be addressed by other means e.g. further information in the report, additional presentation material, video etc.

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:

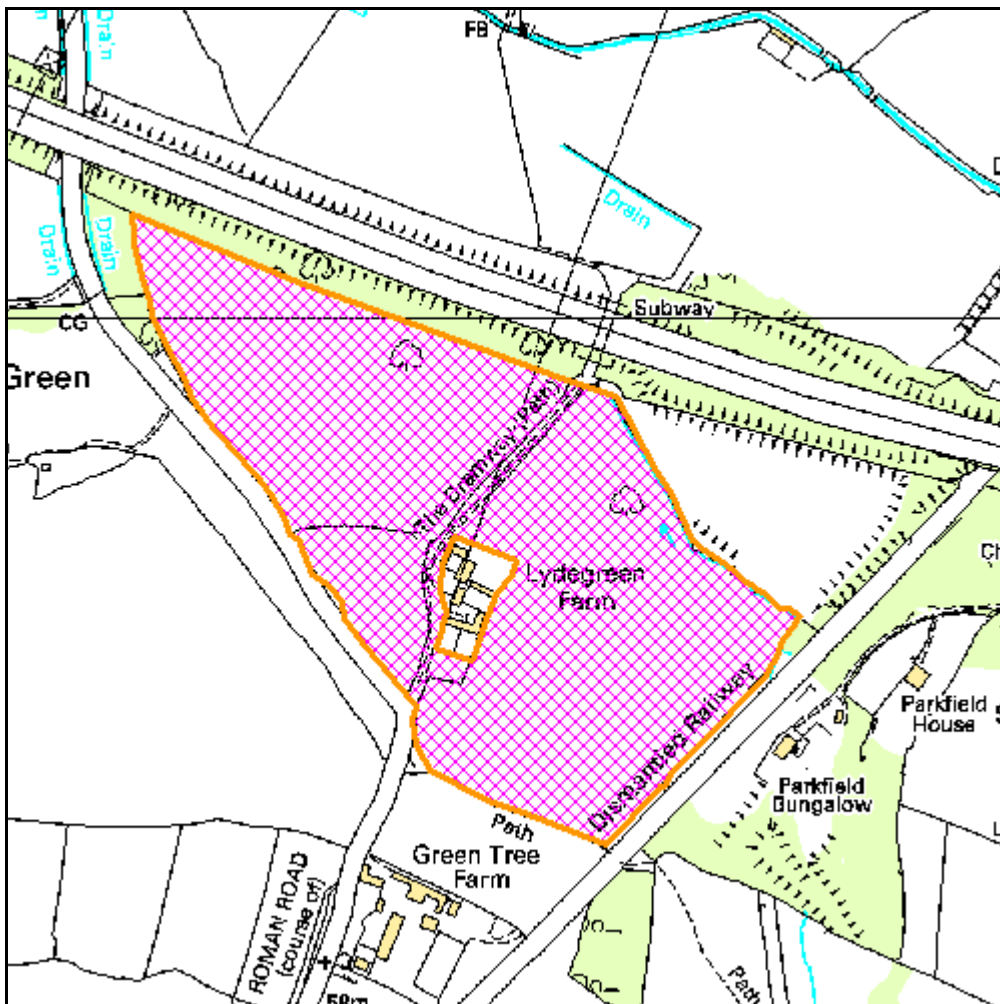
To be emailed to MemberReferral@southglos.gov.uk

CIRCULATED SCHEDULE - 07 August 2020

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	P19/1275/F	Approved Subject to Section 106	Land At Lyde Green Farm Emersons Green South Gloucestershire	Boyd Valley	Pucklechurch Parish Council
2	P20/03102/F	Approve with Conditions	68 Court Road Kingswood South Gloucestershire BS15 9QG	Kingswood	
3	P20/05908/F	Approve with Conditions	Former Methodist Church Cock Road Kingswood South Gloucestershire BS15 9SH	Woodstock	Oldland Parish Council
4	P20/06681/F	Approve with Conditions	Land To The East Of Lyde Green Road Emersons Green South Gloucestershire	Boyd Valley	Pucklechurch Parish Council
5	P20/08246/F	Approve with Conditions	The Retreat 16 Culverhill Road Chipping Sodbury South Gloucestershire BS37 6EZ	Chipping Sodbury And Cotswold Edge	Sodbury Town Council
6	P20/09533/F	Approve with Conditions	Lansdown Cottage Crossways Lane Thornbury South Gloucestershire BS35 3UE	Thornbury	Thornbury Town Council
7	P20/09767/F	Approve with Conditions	Communication Station And Premises Ashley Down Old Boys Rfc Bonnington Walk Stoke Gifford South Gloucestershire BS7 9YU	Stoke Park And Cheswick	Stoke Gifford Parish Council
8	P20/09973/F	Approve with Conditions	15 Hampshire Way Yate South Gloucestershire BS37 7RS	Yate North	Yate Town Council
9	P20/10413/F	Approve with Conditions	22 Foxglove Close Thornbury South Gloucestershire BS35 1UG	Thornbury	Thornbury Town Council

CIRCULATED SCHEDULE NO. 32/20 - 7th August 2020

App No.:	P19/1275/F	Applicant:	Edward Ware Lyde Green Ltd, T.S. Richardson _ C.Hunting White
Site:	Land At Lyde Green Farm Emersons Green South Gloucestershire	Date Reg:	14th February 2019
Proposal:	Erection of 393 no. dwellings, including 139 affordable housing units. Alteration of existing vehicular access off Henfield Road. Provision of public open space, landscaping, sustainable urban drainage and related infrastructure and engineering works.	Parish:	Pucklechurch Parish Council
Map Ref:	368459 177748	Ward:	Boyd Valley
Application Category:	Major	Target Date:	3rd June 2019



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N.T.S.

P19/1275/F

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

1. INTRODUCTION

This major application is to be determined through the Circulated Schedule due to the receipt of Parish Council comments and more than three local resident objections contrary to the officer's recommendation.

2. PROPOSAL

- 2.1 Full planning permission is sought for the erection of 393 dwellings, 35% of which would be affordable housing, with associated access, parking, drainage and public open space. Vehicular access would be provided via a priority T-junction arrangement at the location of the existing Lyde Green Farm access on Lyde Green Road. Self- build and custom- build units would be provided.

Dwelling Types:

- 1 Bed Flat- 35
- 2 Bed Flat- 53
- 2 Bed Town House- 7
- 3 Bed Town House- 14
- 2 Bed Flat over Garage- 24
- 2 Bed House- 53
- 3 Bed House -147
- 4 bed- 47
- 5 Bed- 13
- Total- 393

- 2.2 The proposed development includes three storey apartment blocks adjacent to the northern boundary of the site to mitigate noise from the M4. The buildings would form a continuous form along the majority of the site boundary with the M4, standing 8.5 metres above local ground level at eaves, rising to 13 metres at ridge height of the pitched roof.

There are two significant design considerations which have influenced the layout and scale of the proposed development; a) the proximity of the site's northern boundary to the M4 and b) the relationship with the Lyde Green Farm Grade II* Listed Buildings. Full details of the design approach are provided in the Design and Heritage sections of this report.

The height and scale of the development in the remainder of the site to the east and south east of the site will be mixed, up to 2.5 stories in height.

A green buffer has been left on the eastern boundary with the Bristol and Bath railway line path to ensure separation between the edge of the development, the public right of way and the wider countryside; this provides a buffer to the Site of Nature Conservation (SNCI) that runs parallel with the railway path.

There are several areas of open space across the development, the largest of which is to the west of the Lyde Green Farm buildings. This space would be semi-natural green space crossed with informal paths.

A new local equipped play area (LEAP) would be provided to north of the farm buildings, adjacent to the Dramway Public Right of Way as it bisects the site on a north/south axis. Allotments would be provided to the north of the M4 motorway.

The open spaces will also incorporate surface water drainage features. The wider drainage strategy for the site includes pond features and some open swales.

The site layout shows future vehicular connection points to the potential expansion land to the north (former shale storage area) and south (Green Tree and Grove Farms), which will be considered on their own merits when these applications are submitted.

The application is subject to the Environmental Impact Assessment Regulations and is accompanied by an Environmental Statement (ES) and ES Addendum.

Through officer negotiation the following improvements to the scheme have been achieved:

- Layout changes to introduce a design of key building groups inspired by rural cottages within the context of the listed buildings.
- Reduced roof heights within the context of the listed buildings.
- Changes to street layout on the eastern side of the listed buildings to prevent informal parking
- Relocation of the sub-station from the central village green.
- Increased landscaped buffer between the Site of Nature Conservation Importance (SNCI) and application site.
- Amendments to the design/layout to address comments relating to noise and design.
- Inclusion of allotments.
- Inclusion of play area (LEAP)
- Footpath running along the western boundary to provide a footpath connection to the west avoiding an area of common land outside of the applicant's control.
- SuDs pond within the Dramway Footpath open space has been replaced with underground attenuation tanks in order to provide a play area to the north of the listed Lyde Green Farm buildings.
- Two alternative internal vehicle routes for emergency vehicles are provided in case the main road is rendered unusable.
 - A footway/cycleway to be provided along the length of the site's western boundary.
 - A bus turning loop will be provided within the site
 - Use of mews lanes for parking rather than parking courts.
- Revised site levels
- Amended Flood Risk Assessment
- Amended Sustainability Strategy
- Amended Arboricultural Impact Assessment
- Revised affordable housing details
- Retention of more veteran trees within the site

2.3 In support of the application, the following reports have been submitted:

- Affordable Housing Statement
- Arboricultural Impact Assessment
- Bat Survey
- Bird Survey
- Design and Access Statement
- Ecological Phase 1 Habitat Report
- Energy Statement
- Environmental Statement (including chapters on Air Quality, Heritage, Landscape and Visual impact, Noise and Transport)
- Flood Risk Assessment
- Ground Investigation Report
- Noise Report
- Reptile Survey
- Statement of Community Involvement
- Surface Water Drainage Strategy
- Transport Assessment
- Travel Plan
- Utilities Report

3. POLICY CONTEXT

South Gloucestershire Local Plan Core Strategy (Adopted Dec 2013)

CS1 High Quality Design

CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development

CS6 Infrastructure and Developer Contributions

CS8 Improving Accessibility

CS9 Managing the Environment and Heritage

CS15 Distribution of Housing

CS16 Housing Density

CS17 Housing Diversity

CS18 Affordable Housing

CS24 Green Infrastructure, sport and recreation standards

CS29 Communities of the East Fringe of Bristol Urban Area

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

PSP1 Local Distinctiveness

PSP2 Landscape

PSP3 Trees and Woodland

PSP8 Residential Amenity

PSP10 Active Travel Routes

PSP11 Transport Impact Management

PSP16 Parking Standards

PSP 17 Managing the Environment and Heritage

PSP19 Wider Biodiversity

PSP20 Flood Risk

PSP21 Environmental Pollution and Impacts

PSP30 Horse Related Development
PSP43 Private Amenity Space Standards
PSP 44 Open Space, Sport and Recreation

Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) August 2007

Residential Parking Standard SPD (Adopted) December 2013

Waste Collection: Guidance for New Development SPD (Adopted) January 2015

CIL Charging Schedule and the CIL and S106 SPD (Adopted) March 2015

Emersons Green East Development Brief (Adopted October 2006)

National Guidance

National Planning Policy Framework

National Planning Policy Guidance

4. RELEVANT PLANNING HISTORY

Adjacent to the site:

- PK04/1965/O Urban extension on 99 hectares of land comprising of Residential development of up to 2550 dwellings; up to 100,000m² of B1, B2, B8 and C1 employment floorspace. Up to 2,450 m² of small scale A1, A2, A3, A4 and A5 uses. One, 2 - form entry primary school, a land reservation for a second 2 - form entry primary school and a land reservation for a secondary school. Community facilities including a community hall and cricket pavillion (Class D1) and health centre. Transportation infrastructure comprising connections to the Folly roundabout on Westerleigh Road and the Rosary roundabout on the Ring Road and the construction of the internal road network. A network of footways and cycleways. Structural landscaping. Formal and informal open space. Surface water attenuation areas. (Outline) with means of access to be determined.
Approved 14th June 2013.
- P19/09100/RVC_Development as above for PK04/1965/O, with Variation of Condition relating to trigger for construction of Tiger Tail on M32 attached to approved Outline application.
Permission granted October 2019.
- Development Control East Committee on 15th February 2013 approved the Detailed Masterplan associated with outline planning permission PK04/1965/O at Emersons Green East.
- P19/16524/F Construction of vehicular access onto Lyde Green Road (Class C highway), widening works to Lyde Green Road and installation of pedestrian footpath. Current application.
- P20/06681/F- Construction of footpath as part of wider Multi User Route to connect development at Lyde Green Farm (subject to planning application P19/1275/F) to Lyde Green Road. Current application.

5. CONSULTATION RESPONSES

Pucklechurch Town Council

Supports the principle of development on this site, but has concerns:

Harm to listed buildings.

The potential negative impact that the design of the proposed acoustic screening measure will have on the health and wellbeing of residents, particularly of the apartment block, contrary to Policy PSP21. Noise Impact Assessment that habitable rooms in the apartment block and houses will require closed windows to achieve suitable internal noise levels; hence alternative means of ventilation and consideration to the thermal design may be necessary to prevent excess heat build-up. SGCs PSP Plan (8.69) says that developers will be expected to demonstrate good design standards in terms of access to fresh air and daylight. PPC is not convinced that the plans for the apartment blocks and houses demonstrate this -providing fresh air via a ventilator is not the same as being able to open a window. The amount of daylight available to the rear of the habitable rooms in the apartment block is not referenced. The Noise Impact Assessment also states that the acoustic screening will assist in reducing noise levels in external amenity areas and at ground floor level, but makes no mention of bedrooms which are usually situated on upper floors.

Furthermore, until such time as the facilities are built as listed in Table 3.1 (which is used to illustrate that the application site will be located within walking and cycling distance of a good range of local services and amenities) they will be unable to do so. More than 50% of those facilities proposed for Emersons Green East do not currently exist. This means that until such time as they do, it's likely that the occupants of the proposed housing would necessarily be reliant on car travel.

The revised plans do not clarify what effects there will be on Coxgrove Hill - contrary to Policy PSP11. Coxgrove Hill is subject to a height restriction of 3.6 metres (Coxgrove Hill Bridge) and for the most part is a single-track lane with few passing places and the level and nature of traffic that would be generated by allowing such access would far exceed the level of traffic currently associated with this route. The additional traffic would be detrimental to the road safety of residents and users particularly to those that use it to access the equestrian facilities it services, who ride along it on horseback or those who cycle along it as part of National Cycle Route 17.

Reduction of the Common is not supported by Pucklechurch Parish Council and it is not clear how or where the reallocation of such land, along with its associated rights, could be accommodated.

Management of community facilities – no consultations by SGCs Community Spaces team with regard to priorities for enhancements/provision that would be supported by s106.

The revised plans include newly acquired land for a new allotment site which lies in Westerleigh Parish. The council is concerned there are drainage issues and the field in question is prone to flooding.

Emersons Green Town Council

Objection, Members strongly object to any part of the nearby Common Land being used for any purpose other than that of common land as mentioned in the Transport Assessment Item 4.11. Members would also comment that significant additional improvements to both the existing infrastructure and facilities will need to be made to accommodate these additional properties.

Historic England

Originally had concerns regarding the details of application, but following the receipt of revised plans, now state that they do not wish to offer any comments, and suggest that the views of the Council's conservation and archaeological advisers are sought.

Environment Agency

The Environment Agency has no objections to the proposed development as it is located within Flood Zone 1, which is at the lowest risk of flooding and in accordance with the National Planning Policy Framework. South Gloucestershire Council, as the Lead Local Flood Authority should be consulted on the surface water drainage requirements for the proposed development, as it falls under their remit.

Sport England (SE)

Originally objected to the application, but officers have liaised with SE regarding the proposed S. 106. SE now state, re the £1million to be invested into sport off-site, is very encouraging and Sport England is willing to lift the objection to the planning application on securing these funds into sport and projects that SE identifies. This money must be invested into the right project in the right place, including even multiple projects linked to other funding and lottery opportunities. SE provide a list of preferred specific projects for rugby, cricket and football.

Wales and West Utilities (WWU)

Map enclosed showing route of High Pressure (HP) >7bar pipeline within the site. There are minimum proximity distances for buildings from WWU mains depending on both the operating pressure and the material of the main. Advice should be sought from WWU prior to building works taking place to confirm these distances. For High Pressure pipelines you must seek further guidance from the HSE and Local Authority Planning team regarding their PADHI distances regarding building proximities as these may be in addition to WWU proximity distances for a pipeline.

In the presence of our >2bar gas pipelines no excavations are to take place within 10m of the confirmed position of these mains without prior consultation with WWU. WWU reserves its position completely to enforce the terms of any existing easement against the landowner, even if this results in any planning permission granted not being able to be fully implemented.

Wales & West Utilities have no planning objections to these proposals, although it should be noted that Wales & West's apparatus is held pursuant to easements and it has other private law rights in relation to the use of the land in the vicinity of its apparatus. Wales & West's private law land rights are not material planning considerations and therefore no comment is made in relation to those rights and they have no impact on whether or not planning permission should be granted, or whether, if permission is granted, it can lawfully be implemented. It should also be noted that Wales & West's apparatus may be at risk during construction works and should the

planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversion works be required these will be fully chargeable.

You must not build over any of our plant or enclose our apparatus. Where diversions to WWU apparatus are needed to allow change to occur on site, the cost of these alterations may be charged to the persons responsible for the works. General Conditions to be observed for the Protection of Apparatus and the Prevention of Disruption to Gas Supplies.

Western Power Distribution

Plan showing existing Western Power Distribution (WPD) Electricity / WPD Surf Telecom apparatus in the vicinity of the application site. If you are excavating on site in the vicinity of either WPD Electrical apparatus or WPD Surf Telecom apparatus you must comply with the requirements of the following:- Health & Safety Executive guidance HS(G)47, Avoiding Danger from underground services.

Work taking place in the vicinity of our plant is also regulated under the:- Electricity at Work Regulations 1989, Health and Safety Act 1974, CDM Regulations 2015.

Safe working procedures should be defined and practiced. Use of mechanical excavators in the vicinity of our plant should be kept to a minimum. WPD Surf Telecom ducts contain fibre cables, which are expensive to repair. Therefore, extreme care must be taken whilst working in the vicinity of these ducts, hand digging methods being used to determine their precise position. If there are overhead lines crossing your site and your proposal involves building works which may infringe the clearance to our overhead system then you should call the relevant general enquiries number. Where overhead lines cross your site you must comply with the requirements of Health & Safety Executive guidance as laid down in GS6, Avoidance of Danger from Overhead Electric Lines.

Where diversions to WPD apparatus are needed to allow change to occur on site, the cost of these alterations may be charged to the persons responsible for the works.

Zayo Group

We enclose maps of the area in which Zayo Group UK Ltd have apparatus.

Refer to the attached document "Guide to Excavation within the vicinity of Zayo Apparatus".

Crime Prevention Officer

Crime Prevention through Environmental Design within South Gloucestershire area, as a Constabulary we offer advice and guidance on how the built environment can influence crime and disorder. Paragraphs 91, 95 and 127 of the National Planning Policy Framework February 2019 require crime and disorder and fear of crime to be considered in the design stage of a development. Other paragraphs such as 8, 104, 106, 110, 117, and 127 also require the creation of safe environments within the context of the appropriate section.

Having viewed the revised information as submitted on the 29th June 2020 I now find the design to be generally in order with the crime prevention through environmental design principles.

The applicant is still advised to consider the lighting of the Mews sections.

To confirm the application is now considered as No objection – subject to comments.

Highways England

The Lyde Green Farm site forms part of the residential land allocation for the Emersons Green East (EGE) site (Ref: PK04/1965/O, 2550 dwellings) in the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017) and replaces the South Gloucestershire Local Plan adopted in 2006. As such, the principle of development in this location is accepted.

The EGE was granted Outline Planning Permission in June 2013, but the red line boundary of the application did not include the LGF site. Whilst the EGE application submission did take account of 3000 residential dwellings, it is not possible to make a direct comparison to this Transport Assessment (TA) for the Lyde Green Farm site. At this time, it is not possible to quantify how many dwellings will be built on the EGE site, with parcels still identified to be developed.

The information included in the EGE TA is now over 10 years old and can no longer be relied upon to represent the current or forecast operation of the strategic and local highway network. As such, the LGF proposals should be considered as 'additional' development over and above that already committed.

Trip generation

Vehicle trip rates have been taken from a TA submitted in support of neighbouring residential site (Ref: PK17/1112/F). Highways England accepts the trip rates presented for the proposals which include two-way vehicle trip rates of 0.543 (AM) and 0.530 (PM). For 398 dwellings, the resultant two-way vehicle trip generation is 216 trips (AM) and 211 (PM).

Trip distribution / assignment

HE believes 82 (AM) and 80 (PM) two-way vehicle trips per hour would travel through M32 J1. These results are different to those presented by the applicant.

Highways England is aware of existing capacity issues at M32 J1 during network peak periods. The main development impacts on M32 J1 are shown to occur on the off-slips in the PM peak. Considering the key movements, impact is identified to be 21 and 14 vehicles per hour on the southbound and northbound off-slips respectively. During peak traffic flow periods, the M4 operates under SMART motorway control with variable speed limits. Whilst local congestion is known to occur in both peak periods, vehicle queues are not shown to extend beyond the end of the auxiliary lane between M32 J1 and M4 J19. The above development traffic would have the effect of lengthening the queue within the auxiliary lane, but this is not predicted to generate a queue that would extend onto the mainline itself.

For the northbound off-slip, queuing traffic does not extend from the off-slip give way line and onto the mainline. Noting the results, the applicant has identified a package of sustainable transport measures to help off-setting development impacts on the SRN. Highways England have considered the merits of these.

Sustainable Transport Strategy

Measures already implemented in the area include a Park & Ride site and bus service provision running close to the application site which could be used by occupants of the proposed site, with further connections and bus route extensions. The Park & Ride site provides a frequent bus service to Bristol and other key employment locations such as Bath Science Park, Cabot Circus and University of the West of England.

The key measures identified to off-set development trips on the SRN include a cycle link between the application site and P&R, the provision of a car club and bus 462 frequency and routing improvements. Set out in a letter from Stagecoach, it is identified that the public transport measures identified for the 462 bus, are accepted to have the potential to deliver some vehicle mode shift.

The improvements to bus services are the key measure identified to offset development trips on the SRN. Buses are shown to link to the key urban centres and employment locations from the development. The provision of a limited period bus vouchers for each resident i.e. one month, would also help with bus take up, as part of a travel plan.

It is anticipated that the effect of increased sustainable measures will be to reduce traffic impacts on the northbound off-slip in the AM and PM periods. Given the scale of increase in traffic flow compared to existing traffic flows and the potential for mode shift for new and existing trips, it would be reasonable to assume that the overall effect of the development on this off-slip would be near neutral and unlikely to be perceptible, subject to relevant planning conditions being in place.

Drainage

The site's northern boundary is adjacent to the M4 mainline and therefore has the potential to impact on the motorway drainage asset. Drainage strategies should have regard to Paragraph 50* of the DfT Circular 02/2013 "The Strategic Road Network and the Delivery of Sustainable Development" which limits third party connections to Highways England drainage systems. Any formalisation of outfalls will need to comply to Highways England standards. Any proposals would have to respect any pre-existing easements or existing public access we require for our network, such as for the underpass and toe drainage. We therefore require further information on the detailed drainage proposal to ensure there is no adverse impact on the highways drainage asset and recommend a condition to this effect.

Allotments

An area of 0.86ha just north of the M4, the opposite side of the motorway to the main development site, is now included and proposed as land for allotments.

This land will be accessed from the main development via the M4 underpass which is a Highways England asset (Oakleighgreen Farm Underpass, Structure ID1159). Under our maintenance programme, the underpass is inspected at regular intervals. The principle inspection requires parking a vehicle in the underpass; current access and maintenance easements must be maintained including the ability to assess the underpass from the development site via vehicle and foot.

Recommendation

Highways England recommends the following conditions on any planning permission granted (Ref: P19/1275/F).

Condition 1

No part of the development hereby approved shall be brought into use, unless or until a Travel Plan has been implemented (on behalf of the applicant) by South Gloucestershire Council which includes the minimum offer of:

- two vouchers per household for free bus travel in South Gloucestershire and Bristol for a minimum period of 1 month.
- Improvements to the 462 bus service and its frequency, in line with Stagecoach's letter to the applicant dated 8th November 2019. This should be confirmed in writing as having been implemented by the Local Planning Authority in consultation with Highway England.

Reason: To offset development traffic impacts on the SRN i.e. M32 J1

Condition 2

Prior to the commencement of the development, a Drainage Strategy and Access and Egress Statement shall be submitted for written approval to the planning authority (in consultation with Highways England) which confirms:

- access/easements to allow Highways England to maintain their assets.
- existing Highways England drainage assets in and surrounding the development, surveyed in accordance with the DMRB.
- proposals on any changes to existing discharge points to the Highways England drainage network will be provided in accordance with the Design Manual for Roads and Bridges.

Stage Coach West

Support the application as it would help deliver a more convenient bus route to the wider development. A more attractive, therefore more viable service could be provided. The site is allocated under CS29 and aligns with the spatial strategy of concentrating new development on the eastern and northern fringes – CS15. The MMI (Park and Ride) is only 1km away from the site and is served every 20 mins by the M3 Metrobus. PSP11 required high quality transport options.

There is a two tier bus strategy for EGE: the Metrobus, accessible only through the MMI, and local services. So far the local service is only the 86 through the site, and this is only every two hours.

We envisage a bus running from Westerleigh Rd (from Yate) along Henfield Rd to Road 5. Most of the site would be within 400m of a bus stop here. Longer term, a link through the site enables a route from Road 5 to road 1B in the land to the west.

Ministry of Housing Communities and Local Government

No comments to make on the Environmental Statement.

Wessex Water

The neighbouring new and ongoing main Emersons Green site is served by foul sewers owned and operated as an inset agreement by SSE. The sewers serving Emersons Green connect to the main public system at The Folly Inn roundabout. Under the terms of the Water Industry Act Wessex Water is not able to grant approval to connect to the "inset sewers". If the applicant is unable to secure approval from SSE, Wessex Water will be able to accept a foul water connection for the Lyde Green site to the existing 450mm public foul sewer at the Folly Inn roundabout. The applicant has indicated that surface water will be attenuated on site and discharged to local watercourses. The strategy will require the approval of the LLFA. There must be no surface water connections to the public foul sewer system.

Health and Safety Executive (HSE)

HSE is a statutory consultee for developments in the vicinity of major hazard sites and major accident hazard pipelines by virtue of Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The proposed development site involved in this application lies within the HSE consultation distance of a high-pressure natural gas pipeline, which is classed as major accident hazard pipeline, and which is currently operated by Wales and West Utilities. The HSE consultation zone distances which currently apply to this pipeline are:

- Inner zone = 9 metres
- Middle zone = 9 metres
- Outer zone = 70 metres

This application has been considered using HSE's Land Use Planning Methodology. It appears from the 'Proposed site plan' drawing (ref. L(00)050 Rev. S) that some of the proposed dwellings in the North West corner of the site will be located within the inner zone of the HSE consultation distance around the pipeline, which extends 9 metres on each side of the pipeline.

HSE's assessment therefore indicates that the risk of harm to people at the proposed development is such that our advice is that there are sufficient reasons, on safety grounds, for advising against the granting of permission. However, HSE would not advise against the granting of planning permission if the following condition is included to ensure that none of the dwellings are located within the inner zone:

No dwellings shall be located within the inner zone of the HSE consultation distance of the high-pressure gas pipeline, i.e. within 9 metres of the pipeline.

As the proposed development lies in the vicinity of a major accident hazard pipeline, you should consider contacting Wales and West Utilities, the pipeline operator, before deciding the case.

a) they may have a legal interest (easement, wayleave, etc.) in the vicinity of the pipeline which may restrict certain developments within a certain proximity of the pipeline.

b) The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of Major hazard sites/pipelines are subject to the requirements of the Health and Safety at Work etc. Act 1974, which specifically includes provisions for the protection of the public. However, the possibility remains that a major accident could occur at an installation and that this could have serious consequences for people in the vicinity. Although the likelihood of a major accident occurring is small, it is felt prudent for planning purposes to consider the risks to people in the vicinity of the hazardous installation.

If you are minded to grant permission without the proposed condition, your attention is drawn to Section 9, paragraph 072 of the online Planning Practice Guidance on Hazardous Substances - Handling development proposals around hazardous installations, published by the Department for Communities and Local Government. This requires a local planning authority to give HSE advance notice when it is minded to grant planning permission against HSE's advice and allow 21 days from that notice for HSE to consider whether to request that the Secretary of State for Communities and Local Government call-in the application for their own determination.

SGC Ecologist

No objections, subject to conditions.

SGC Highway Officer

Objects to the scheme, further details are provided under *Analysis*.

SGC Drainage (Lead Local Flood Authority)

Flood and Water Management Team has no objection in principle to this application subject to comments and advice. Further details are provide under '*Analysis*'.

SGC Housing Enabling

The proposal has always proposed 35% affordable housing, in line with Policy, and the mix and size has been improved has been improved, and there is no objection to the proposal. Further details under Analysis.

SGC Self Build Officer

Self-build and custom housebuilding is sought in line with national Planning Policy Guidance: Planning Obligations and other requirements under Policy PSP42 of the Council's adopted Policies Sites and Places Plan (PSP). PSP42 requires at least 5% of the total dwellings to be delivered as serviced plots (that meet the definition of self-build and custom housebuilding plots within the Housing and Planning Act 2016) for sale to self and custom builders.

5% of 393 dwellings equates to 20no. serviced plots for sale to self and custom housebuilders. The proposal is for 10no. self-build plots and 10no. custom build/shell plots. The S 106 obligation shall include the following:

- Self-build and custom build phasing plan is required showing each plot as its own phase/future phase (in order to retain CIL)
- A Self-build Delivery Statement is required from the developer setting out self-build delivery under PSP42 ;
- A marketing strategy, to include Plot Passports for each self-build and shell/custom build home, is required before commencement of Phase 1;
- Details of Design Code or brief - can form part of the delivery statement).

Recommendation: No objection, subject to necessary changes/improvements being made as set out under Custom Build Heads of Terms.

SGC Archaeologist

No objection subject to conditions. Further detail below under '*Analysis*'.

SGC Public Rights of Way Officer

No objection, subject to improvements of rights of way through a Section 106 Agreement. Further details under '*Analysis*'.

SGC Environmental Protection

Contamination Officer

No objection subject to the imposition of conditions requiring further work. Detailed under Analysis section of this report below.

Noise

The Environmental Protection team Specialist Noise Officer (EPO) has examined the noise report in order to understand the detailed and essential noise mitigation, given the site's unique and exposed location alongside the 24/7, elevated M4 motorway noise. There is no objection to the proposal, subject to conditions. This is discussed in the *Analysis* section of this report below.

Air Quality

The Environmental Statement (ES) and the subsequent updated assessment in the ES Addendum (January 2020) consider the potential impacts on local air quality during the construction and operational phases of the development, including the potential impacts of poor air quality from the adjacent M4 motorway on future residents. The updated assessment in the ES Addendum considers proposed amendments to the scheme and reassesses the significance of effects on air quality, particularly for the operational phase of the development through the use of the most recent 2018 air quality monitoring data available, updated traffic data and updates to dispersion modelling software and analysis tools, to consider whether there are any changes to the original ES conclusions. There is no objection from the Council's Air Quality officer, subject to conditions. This is discussed under *Analysis* below.

SGC POS Officer

No objection, see *Analysis* below.

SGC Energy and Climate Change officer

No objection. The most recent Energy Statement which was revised on 16th April. According to the document the revision was to amend the number of dwellings and update the SAP and carbon calculations accordingly. The statement shows that the scheme should achieve a reduction in residual emissions (regulated and unregulated) of 20.19%. As there are no amendments to the approach to heating, hot water or power the conditions we suggested previously still apply. Detail provided under *Analysis* section below.

SGC Highway Structures

Standard comments

SGC Urban Design Officer

Supports the proposal, detailed comments under '*Analysis*'.

SGC Landscape Architect

Supports the scheme, detailed comments under '*Analysis*'.

SGC Public Art Officer

In the light of this policy basis, if the application is approved, the Council should apply a planning condition for a public art programme that is relevant and specific to the development and its locality and commensurate with its size and importance. The programme should be integrated into the site and its phasing plan. The condition should require a public art strategy to be agreed prior to commencement of building above ground and a scheme to be implemented in accordance with the agreed plan.

SGC Conservation Officer

Efforts have clearly been made by the applicant to minimise the harm to the setting of the farmhouse through design, level and layout amendments in line with Historic England's Good Practice Advice Note 3 (Setting of Heritage Assets). However, as noted by Historic England, unless the scheme were of a much lower density, no design would be able to preserve the open, rural setting of the farmhouse. There will, therefore, still be a residual level of harm to the significance of the designated heritage asset which will need to be factored into the planning balance. Detailed comments under 'Analysis'.

SGC Stewardship Officer

Boundary with the Common

There is no clarity in any of the plans as to the makeup of the boundary with the common along the Western boundary of the development. There is currently a patchy hedgerow which is not livestock proof. At any time a commons rights holder can put livestock on the common. It is the responsibility of the adjoining land to fence out the common. Straying livestock present a risk to property and residents. The development side of the hedgerow running along the Western Boundary of the development and the Eastern boundary of the common must have suitable livestock fencing installed. The common is protected under the Commons Act 2006 and a Scheme of Management. The grassed common is right up to the tarmac surface at this entrance. Any change to the surface of the grassed common requires permission from the secretary of state under S.38 or S.16 of the Commons Act 2006. NB changes to the common may not be approved by the secretary of state.

Constraints/Opportunities & Landscape Strategy

This plan appears to show a green corridor linking from the POS to the West of the existing residential buildings. This would potentially be an acceptable means of connecting the common to the wider countryside however on closer inspection it appears the Northern section of this corridor is actually crossing a major road within the development, this will not act as a suitable green corridor for most wildlife and so will not serve any purpose for protecting the biodiversity of the common.

The Council has a legal duty under the Scheme of Management to "preserve the turf, shrubs, trees, plants and grass thereon". I would consider that part of this duty is to protect the biodiversity interests of that use these habitats. The current layout of this development will not meet this requirement. I would not consider this plan to "Enhance ecological biodiversity by creating new habitats for wildlife including wetland areas and by facilitating the movement of wildlife within connected networks".

That subject to the above being satisfactorily resolved, the following conditions should be attached to the planning permission (if granted):-

1. Construction Environment Management Plan (CEMP) to protect the registered common
2. Boundary detail plan to prevent livestock straying from the common into this new development.
3. A plan detailing any works required on the registered common land to be drawn up and agreed with the council. The developers are then to go through the necessary legal process as detailed in the Commons Act 2006 and abide by the decision made by the Secretary of State. The council is the legal guardian of this common and so will have to act against the developer if any encroachments occur.
4. Wildlife corridor through this development

CPRE- Campaign to Protect Rural England

Pleased that there have been a number of improvements to the scheme as originally proposed, we are not convinced that it conforms fully to the provisions of Paragraph 170 of the NPPF which requires the protection and enhancement of valued landscapes and the recognition of the intrinsic value of the countryside and the minimising of impacts on and the provision of net gains for biodiversity. Although we note the enhancement of the SNCI buffer, the plans still fail to meet the requirement for net gains for biodiversity. Further tree planting needed and timber fences should be designed to allow for movement of wildlife.

Point (e) of Paragraph 170 requires that new development is not put at unacceptable risk from, or being adversely affected by, unacceptable levels of air or noise pollution. Concern over air pollution along the M4 boundary. The main noise buffer for the M4 is still provided by the apartments, where the recommendation in the Noise Impact Assessment of October 2019 is that the habitable rooms will require closed windows and alternative means of ventilation to maintain an acceptable noise level. This constitutes an adverse effect on quality of life of residents who will have no direct access to fresh air.

The mews element is not in character with the nature of the site and the heritage asset of the farm buildings. Overall the scheme would still result in substantial harm to a designated Grade 2* heritage asset.

Car dependency remains a problem given the lack of local infrastructure.

Pleased to note that there is provision for allotments as part of the development, but in addition to the disadvantages of the location their close proximity to the motorway and thus to subsequent levels of pollution, is not acceptable.

(vi) We are also concerned that there still appears to be no indication of how the loss of common land will be compensated for

In conclusion we fully appreciate that the site has been identified for development and that overall housing targets for South Gloucestershire are a major issue, but attempts to meet them should not be at the expense of the environment or quality of life for future residents. We thus consider that further refinements to the plans are essential.

Local residents

Objections from 17 local residents have been received; the summarised comments are as follows:

- Dormitory development with no facilities
- Overstretched existing doctors surgery
- Single access is unsuitable for volume of traffic and on a blind bend
- The disregard that the development plan gives to the barns, and which it seeks to justify through the submitted Heritage Assessment, will break the linkage between the Farmhouse and the barns and this will significantly damage the heritage value of the farm house and the farmstead as a whole.
- Design is like a suburban housing estate
- New boundary wall will block light to existing dwelling
- Concern over the construction nuisances

- If green spaces are privately managed they will be poorly managed
- The site is prone to flooding
- Air pollution – proximity to the M4 motorway
- Toxic run- off- site is bordered on one side by an old soil tip. This land has been designated as a SNCI owing to rare flora and fauna, presumably in order to kill off whatever is of interest, the landowner treats it in toxic glyphosates
- High rise flats will not solve noise issue
- Proximity of flats to motorway – danger from accidents
- High pressure gas pipeline through site – danger from construction
- Existing water main across site serving dwellings vulnerable from construction
- Vehicular access junction inadequate to serve the development
- Construction traffic concerns close to existing residents and on lanes
- Site too constrained for emergency vehicles
- no shop, pub, post office, school or doctor's surgery planned so car based residents, risk of accidents and increased doctor's surgery waiting times
- Rural setting of Grade II* listed buildings will be destroyed and risk from vibrations
- Any development should be low density
- Loss of remaining corridor that presently links the Dramway cycle path with Lyde Green Common
- The site is home to much existing wildlife
- Loss of common land
- Bus turning area close to existing dwellings- listed buildings
- Site should return to Green Belt and become a nature reserve
- The road network is extremely busy already, especially the Westerleigh road and the ring road. The roads through Lyde green, which have traffic calming measures, are already abused by DPD drivers and other trade workers. Adding 300 (sic) extra houses to the area will cripple these roads
- The council should not be considering any large scale development until it has adequately absorbed and adjusted to the increase of population caused by Lyde Green
- Noise pollution – an acoustic fence along M4 should be erected both for new residents and existing
- Development should be a rural character such as Pucklechurch in order to integrate with listed buildings
- Farm buildings are grade 2* listing not only because of its rarely preserved internal features, but also because it remains in a distinct group and in an agricultural setting, making it clearly recognisable in the landscape. (See the independent heritage report from the Heritage Collective, commissioned by residents of the farm buildings) The proposed development will destroy this value for ever. In losing its setting, the farm will lose much of its historical significance and value.
- Health issues from living next to a motorway
- Increased traffic on Pucklechurch Roads
- For cyclists on Roman Road, the road is very narrow as it is and common land either side would preclude the road being widened.
It is not suitable for any more traffic than currently uses it.
- New resident's cars will be using a narrow road with no pavement

- Every morning the ring road heading towards the Hambrook roundabout is always heavily clogged- this will get worse.
- potential to impact on a number of local, and some nationally protected species- wait for the development here at Lyde Green to cease and then ecological surveys to be undertaken
- Brownfield site would be better
- No shops, pubs or restaurants
- This is land which was reserved for future use when the land supply has been exhausted. South Gloucestershire at present has sufficient land supply
- Overload on a quiet lane which is a major cycling and horse riding route accessing the Railway Leisure Path.
- Many of the facilities listed are still to be developed on the main Emersons Green developments - will they be ready in time?
- The proximity of the Railway Path would require additional shielding whereas at present the plans indicate removal of trees from that area.
- Most of the cycle routes listed are not accessed easily from the site.
- Some of the footpaths are in poor condition, especially LPU3, which would be a quick route to the Science Park if improved.

Heritage Note on behalf of local residents

A report has been submitted by a heritage specialist on behalf of the residents of the Lyde Green Farm complex, with regard to the setting and significance of Heritage Assets it presents an independent view of the heritage values and significance of the listed buildings at Lyde Green Farm, with emphasis on the contribution of the buildings' setting by reference to the applicant's Heritage Statement. The applicant's heritage statement says that the farm group now '*possesses the character and appearance of a modern close of residential dwellings*' (para.4.52:3). This is contested: the grade II* listed farmhouse is identified as being 'remarkably unaltered'.

The applicant's heritage statement also makes reference to there being "*nothing specific about the land around Lyde Green Farm (and within the Site) which makes an overriding contribution to the setting and significance of the assets, such as earthworks (i.e. ridge and furrow cultivation)*".

The setting of the buildings is considered to make a higher level of moderate contribution to the heritage values of the listed buildings experienced today and enables them to be experienced in a setting that has changed comparatively little since the buildings were constructed. The Grade II* farmhouse is of particularly high heritage significance and its preserved open agricultural setting is considered to play an important role in its historic values.

The design of individual house types appears generic and to have had no specific inspiration from local forms, or the agricultural nature of the other local buildings—farmsteads and isolated rural buildings.

The proposed development is identified as being harmful to the heritage values of the three listed buildings at Lyde Green Farm by comprehensively and permanently eroding their setting and restricting and preventing opportunities to experience the listed buildings, which has been identified as making a moderate (to high) level of contribution to their significance. The level of harm is identified as less than

substantial but, within the (undefined) spectrum of less than substantial harm it is considered to be at the higher end of that spectrum. Even where areas of open land have been retained the proximity and architectural design treatment of buildings and streets adjacent to them means that the sense of openness and rural landscape which directly informs an understanding of these buildings will be lost.

In support of the application:

Six letters have been received in support of the application:

- This will deliver many of S Glos much needed housing and will assist in the local authority delivering its housing targets ,
- This land has been dedicated for housing development for a decade now
- Substantially amended plans have been submitted to yet again adjust the plans in response to feedback and comments
- This site has been safeguarded for housing needs as stated in the South Gloucestershire Core Strategy.
- Affordable housing is much needed
- Sympathetic to the existing Lyde Green Farm complex
- Housing shielded from noise by the carefully designed flats
- Local golf club is also in support of the application

Local Landowners 1. (Norft) – objection.

The primary concern of is that the applicant continues to refuse to accept that a safe and deliverable access strategy will require the use of Common Land which is in the freehold ownership of my client. Tracking plots based on the latest set of access amendments show that a single deck bus entering the site takes up the entire width of the access and there is insufficient room even for a car and bus to pass when a single deck bus exits the site. Any new junction would need to be designed to allow a refuse vehicle or bus to pass a car. Refusal on the grounds of highway safety is the only possible outcome. Even if it was possible to resolve the tracking, access width and footpath deficiencies, the application is still dependent on a sightline over freehold Common Land, which it does not control. As a consequence, the sightline is not deliverable.

Further Comments on Revised Scheme

A refuse vehicle can only use the site access if it uses both traffic lanes at the junction at a point where forward visibility is limited by land not in control of the applicant, there is therefore a risk of collisions. The same standard of access that has been applied by the Council to our current application for a new access across the common (P19/165241/F) should be applied. This required a swept path analysis to demonstrate that a refuse collection vehicle could pass a car at the new junction.

Local Land owner 2. (Hitchings) – objection.

The application relies on third party land – common land – for visibility north of the vehicular access bell-mouth junction adjacent Lyde Green Farm.
Obstruction of existing vehicular right of way to the Shale Tip Land

The siting of the allotments would obstruct the rest of the agricultural field, and hence the ability to farm it.

Deficiencies in footpath links: link to Bristol- bath cycleway involves 3rd part land. Link to Road 5 is convoluted and unsafe.

Local Land owner 3 (Green Tree Farm)- support.

Supports the application. Links to Road 5 and 1B within development to the west will be essential to provide the transport loop.

Local Landowner 4 (Hussey)- support.

Supports the application and the Framework Masterplan.

Increased levels of trespass as the development of the land to the west of the lane has been developed and the common land has been poorly managed by the owners. Increased levels of fly-tipping and other nuisances – farming has become difficult. I am therefore supportive of the development proposals and the eventual closing of the underpass to general traffic would be positive to the management of land to the north of the M4.

6. ANALYSIS

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Para. 14 of the NPPF states that decision takers should approve development proposals that accord with the development plan without delay. The South Gloucestershire Local Plan: Core Strategy was adopted by the council in December 2013. By virtue of Section 38(6) of the Planning and Compulsory Purchase Act, the starting point for determining any planning decision is the Core Strategy, as it forms part of the adopted Development Plan and is compliant with the National Planning Policy Framework 2012 (NPPF).

The Policies, Sites & Places Plan was adopted on 10th Nov. 2017 and forms part of the Development Plan having superseded the South Gloucestershire Local Plan. In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions, so that sustainable development can be approved wherever possible. NPPF Para.187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development.

It is noted that the NPPF puts considerable emphasis on delivering sustainable development and not acting as an impediment to sustainable growth, whilst also seeking to ensure a high quality of design and good standard of amenity for all existing and future occupants of land and buildings. The NPPF encourages efficient use of land and paragraph 47 requires the need to 'boost significantly the supply of housing'. Core Strategy Policy CS16 seeks efficient use of land for housing. It states that: 'Housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied, particularly in and around town centres and other locations where there is good pedestrian access to frequent public transport services.'

The application site forms part of the allocated major new housing and employment development at Emersons Green East as set out in Policy CS29 of the adopted South Gloucestershire Local Plan Core Strategy. This policy requires the delivery of the housing in a way that ensures that the new development integrates effectively with existing communities and in accordance the Strategy for Development, Housing Policy (CS15), the adopted Emersons Green Development Brief SPD, and South Gloucestershire Local Plan Policy M2. Previously known as the 'Safeguarded Land' in this policy, the land is intended to be developed as a late stage of the wider allocated site to the west, currently at an advanced stage of build out.

It is noted that Policy CS29 also requires development proposals in the east fringe to recognise, protect and enhance the heritage assets of the area, including the distinctive industrial heritage. The Lyde Green Farm Grade II* listed building complex lies adjacent to the application site and is discussed under 'Heritage' below. Further the policy requires enhancement of the railway path and protection of the open green hillsides including the Pucklechurch Ridge. This area is denoted as Significant Green Infrastructure in the Green Belt- adjoins the Bristol to Bath cycle path which adjoins the eastern boundary of the application site.

The adopted Emersons Green East Development Brief defines development core objectives for the EGE allocated site and is a guide for development control decisions. The approved Concept Statement Plan shows a line of new landscaping along the eastern boundary of the current application site. The Framework Plan – which provides an indicative layout, assumes the current application site to be a mixture of dwellings and employment.

The SPD makes it clear that an illustrative masterplan document should be prepared on behalf of the developers and be approved after the grant of any outline application planning permission. The SPD requires site planning on a comprehensive basis, which, in the event that the various applicants are not prepared to co-operate in submitting a single outline application, the various applicants will need to have agreed with SGC a single illustrative masterplan document covering the site in its entirety. (SPD para 18.3-18-). The current application does cover the majority of the Safeguarded Land at EGE and the application includes a Framework Masterplan which shows how the safeguarded land could indicatively be brought forward as part of a comprehensive development. In reference to the safeguarded land, Paragraph 18.10 of the Emersons Green East Development Brief SPD (2006) states that: "While the illustrative master plan document will cover the whole 77-hectare site, it is anticipated that, within respect to the (post 2011) safeguarded area, there will, at the appropriate time, be submitted a revised 'illustrative master plan' for that area only, to take account of likely changes and conditions then applicable. This latter document will then form part of a revised outline planning application for that area." The current application includes such a plan and whilst it has no status beyond the red line, it is considered by officers that the Framework masterplan provides a clear indication that the layout and access arrangement proposed do not hamper future development of the allocated site.

The Development Framework approved as a parameter plan for the wider Outline application for EGE (up to 2,550 dwellings) includes indicative development on the safeguarded land. This provided for a wide swath of buffer adjacent to the railway

path, and a buffer around the listed buildings. It is considered that the application accords with these broad principles.

As well as being shown as employment development such on the Development Framework Plan, part of the site however lies within the EGE Enterprise Area, as denoted by Policy PSP 26, and CS11 and CS12 of the Core Strategy, a safeguarded area for economic development that also includes the new employment development to the west of the application site and Lyde Green Road in the wider EGE area. The development of this relatively small part of the Enterprise Area to the east of Lyde Green Road for housing is contrary to the aims of the policy. Hence whilst the majority of the proposal is acceptable in principle, the application does not provide any employment development; this matter will be assessed in the round in the *Planning Balance* section of this report.

Transport

Vehicular access to the proposed development will be provided via a priority T-junction arrangement at the location of the existing Lyde Green Farm access. For the wider network, when the application was originally submitted, it was proposed that Henfield Lane and its junction with Westerleigh Road would be used, but it is now proposed that vehicular access to the wider highway network will be provided through Emersons Green East (EGE), now known as Lyde Green, from the outset, following the completion of Road 5 to the west of the site. (Ref: PK16/4926/RM). This will result in all vehicular movements to and from the wider highway network being taken via the Rosary Roundabout and the Folly Brook Roundabout, as intended within the EGE Development Brief SPD (2006).

Road 5 will form part of the long term transport loop within EGE, to the east; Road 5 (Ref: PK16/4926/RM) joins with Jenner Boulevard and Willowherb Road which provide access to Folly Brook Roundabout and the Rosary Roundabout respectively. Both routes form part of the main transport loop with EGE and provide appropriate provision for vehicular, public transport, cycling and walking movements associated with the proposed site and surrounding development, as well as providing access to the Metrobus stop at the Rosary Roundabout.

Conditions attached to the reserved matters consent for Road 5 seek to ensure that TRO obligations provide for the necessary traffic controls to prevent the ability of motorists within the EGE highway network accessing from Road 5, Westerleigh Road via the M4 underbridge, (through the provision of a bus gate on Henfield Road near the Golf Club.

By way of update, officers can confirm that the Section 38 adoption agreement for Road 5 is in an advanced stage, and is now with the Council for engrossing. The Development Implementation Manager has confirmed that the process for the TRO on Henfield Road has recently been commenced.

Emergency Access

The revised plans now include emergency access via an internal vehicle route for emergency vehicles, should the main route within the site be obstructed. This utilises a section of the Dramway Footpath, (on the section of the site where this is an existing track), with a short link connecting to development north of the Orchard Green. This

strategy provides routes for emergency access which bypass all the potential bottlenecks on the internal spine road. Removable bollards (keys would be available to emergency services, to Council street care department and local farmer), will prevent access to non-emergency vehicles on these routes.

Pedestrian and Cycle Accessibility

Revised plans now include a 3.0 metre wide internal multi user path (MUP) to be provided along the length of the site's western boundary. This will incorporate a bound surfacing material for adoption, with appropriate lighting provided throughout. The northern section of this MUP routes through land under the control of Highways England, and a separate application (Ref P20/06681/F) has been submitted by the applicant to secure this link. This application can be found elsewhere on this schedule. The footway is intended to provide a continuous traffic-free pedestrian/cycle/horse link between the proposed site access and a proposed dropped kerb crossing to the footway/cycleway on Road 5 to the north. The provision of the footway therefore provides key pedestrian and cycle accessibility to EGE (west) from the site, providing access to facilities and amenities within the wider site. The proposed footway/cycleway also provides an alternative traffic-free route for cyclists using the Avon Cycle Route (Route 410) which runs along Lyde Green Road in this location. Other non-vehicular links proposed are provided by the Public Rights of Way enhancements as detailed under *PROW* section of this report. The indicative route of the LPU5 *PROW* diversion is now shown on revised plans, as well as the enhancement of the section crossing the common between the site and Lyde Green Road, which provides an alternative route to that proposed by the longer link northward to the M4 embankment, albeit there is no footway on Lyde Green Road at this point. In addition, the connection points to LPU28 and the adjacent railway path cycleway have now been incorporated into the design.

In support of the application alongside the plans, the planning statement and 'Design and Access' Statement, the applicant has submitted a Transport Assessment (TA), plus a draft Travel Plan.

Comprehensive Development

Notwithstanding the measures outlined above, the Council's highway officer considers the application to be premature as there is no single application or masterplan covering the whole of the allocated site, however whilst mindful of this concern the case officer is satisfied that the submitted Framework Masterplan, indicates transport links for the whole of the allocated site, and that whole of the allocated site and this is sufficient to determine the current application. In addition, since the application was originally submitted, the application site plan has been amended to show vehicular links with the remainder of the allocated site, up the red line. This is considered to adequately show that there would be no material harm arising from determining this application in advance of the remainder of the site, subject to a planning obligation to ensure that the highway links are implemented in full to the edge of the application site.

Vehicular Accessibility

Being part of a much larger development of EGE, the location of site is generally considered to be sustainable, although links are needed in order to achieve a full integration of the two sections of EGE and safeguarded site. The adopted *Emersons*

Green East Development Brief SPD (2006) provided for the main facilities to be provided on the land to the west- schools, community centre, shops. Hence this site was never intended to provide for any supporting community or retail facilities.

Also relevant to accessing this site is the approved Detailed Masterplan for the wider Emersons Green East development area which requires the traffic associated with the 'safeguarded land' to use the road infrastructure within the main Emersons Green East development. To ensure traffic routing is achieved in line with the agreed EGE masterplan, there is a requirement for Traffic Regulation Orders (TROs) in the area.

The applicant is proposing to use the existing Lyde Green Farm access with via Lyde Green Road. The proposed traffic routing for this site would be via Elderflower Drive (recently constructed as part of the main Emersons Green development) just south of the motorway bridge and the section of Lyde Green Road leading to Lyde Green Farm entrance. Traffic management measures requiring TROs would be in place in order to prevent the development traffic travelling north of the motorway bridge on Lyde Green Road towards Westerleigh Road junction and to discourage development traffic travelling towards Pucklechurch using Coxgrove Hill.

By way of update, officers can confirm that the Section 38 adoption agreement for Road 5 is in an advanced stage, and is now with the Council for engrossing. The Development Implementation Manager has confirmed that the process for the TRO on Henfield Road has recently been commenced. This was a planning condition attached to Road 5 (Elderflower Drive) relating to the wider development to the west.

The current application includes a plan indicating a potential TRO to discourage drivers from using Coxgrove Hill. This would be in accordance with the approved EGE Detailed Masterplan, and a planning obligation will be required to this effect.

Impact of traffic generated by the development

For the proposed construction of 393 residential units, based on the trip rate presented and agreed, it is predicated that vehicular trips generated from this development would be around 216 during AM peak and 211 during PM peak. The original TA as submitted with this application sought traffic routing from the site to be via Westerleigh Road junction a route which is not in compliance with the main Emersons Green development requirement; as noted above, this has been amended through negotiation with the applicant, a revised routing, in line with the main EGE Development brief, is proposed as part of this application. With the revised traffic routing, it is now considered that the impact on the wider highway is acceptable.

However the Highway Officer's view is that the proposed development would result in significant increase of traffic movements and would impact on the users of Lyde Green Road. This road is considered to be substandard to the current design standards and to serve the level of development proposed unless improvements are made to it.

Lyde Green Road, is primarily a country road with no footway, limited passing places and no lighting. Currently, vehicular traffic on this route is fairly low, and is a popular cycle route used by commuter and leisure cyclists and forms part a section of Avon Cycleway (route 410) that circles Greater Bristol and joins the Bristol and Bath cycleway – the route also used by pedestrians and horse-riders. Plans submitted

with this application shows the road width between 4.7m to 5.2m. With the new development in place, this road would also be used by buses and more frequent larger vehicles delivering to and from the development. As noted above, it is not possible to widen this road as the existing grass verge on both sides of the road is 'Common land' and it is not within the application site.

An alternative option with traffic calming and lighting on Lyde Green Road within the extent of available public highway, i.e. lighting for road safety reasons and installing road kerbs in order to protect grass verges and improve highway drainage, etc.), has been investigated. The applicant considers that an alternative option with build-outs would be able to address any outstanding issues about vehicular speeds. The applicant confirmed that the options were reviewed as part of a broad safety assessment carried out by a road safety auditor. However the Council's transport officer confirmed that the retention of Lyde Green Road in its current form with traffic calming and lighting would make it even narrower, and for this reason would be unacceptable. Any widening to help with future buses to pass, would require either the use of the third-party land (i.e. Common Land).

The Highway Officer considers Lyde Green Road to be substandard when compared to current highway design standards. Carriageway widths should be appropriate for the particular context and uses of the streets. By reference to 'Manual for Street' (MfS) document, a 5.5m wide carriageway allows all vehicles to pass each other (on straight section of road) – below this width passing places may be required depending on the frequency of use by large vehicles; a 4.8m wide carriageway – allows a wide car to pass a pantechicon (on straight section of road). Further, on public transport route, MfS suggests that streets should not generally be less than 6.0m wide (although suggests that this could be reduced on short sections with good inter-visibility) between opposing flows.

The Highway Engineer points out that albeit not relating to the current application site, standards for the access roads at Emersons Green were set out in the Design Codes approved for the outline consent. Bus routes within Emersons Green including Elderflower Drive are to connect to Lyde Green Road to form a circulatory distributor road and internal public transport link. The Design Codes for EGE specifies that bus route include carriageways width in the range 6-7.3m. The officer notes that the internal spine road within the proposed development itself also conforms to this standard. As a consequence, the whole Lyde Green Road link between Elderflower Drive (Road 5) and the site entrance ought to also be built to those specific standards. However, at present, Lyde Green Road has a carriageway width of approximately 5m, well below the standard specified in the Design Codes for Emerson's green development.

Footway/cycleway access

There is currently no formal footway adjoining Lyde Green Road. Footways and cycleway routes are necessary to link this site to the neighbouring EGE development to the west. Such footways /cycleways should be constructed on the desire lines linking the two sites and this should ideally be along-side the carriageway on Lyde Green Road. The applicant is unable to provide such facility because the land necessary for creating this falls outside the applicant land ownership. In order to overcome this, the revised application now proposes a multi-user path (3m wide) within the site boundary.

Whilst this address the need to provide connectivity for active travel, the highway officer considers that this is not be on the desire-line for all those intended including cyclists that would normally use Lyde Green Road itself. However, detailed consideration of this route is provided in the report on this separate application – P20/06681/F which has been submitted by the same applicant as the application currently under consideration.

In summary, whilst the Highway Engineer considers the proposed multi-user path does have some issues in respect to its location, and this may result in pedestrians and cyclists using the more direct route along the carriageway, subject to the imposition of a suitable planning condition so that route is provided in the first phase of the residential development, (through the associated application) and adequately maintained there is no objection to it from the Highway Engineer.

Site Access

It is proposed to use a single point of access utilising the existing entrance that currently serves Lyde Green Farm off Lyde Green Road. The access is currently a 'simple T' junction, and this would be altered to provide a priority route into the application site. Plans submitted with the application shows the width of the access into the site at its entry to be about 5.7m with a footway on one side of the access. The Council's Highway Engineer considers the entry width to be restricted for buses to pass and is also restricted for a large service vehicles to pass and large private cars. Corner radius at the entry into the site appears too tight which would result in a large service vehicle turning left into the new access requiring to use the entire carriageway width in order to negotiate the entrance. Widening of the existing site access appears not possible due to it being in third party land ownership. The grass verge on both sides of Lyde Green Road as well as grass verge on both sides of the existing site entrance is Common Land, and it is not within the application site. It is noted that the owner of the common has submitted this issue as an objection to the proposal, citing its own application for a new access onto Lyde Green Road being required to demonstrate the swept path of a refuse vehicle.

The highway officer considers that the visibility splays from the site access onto the public highway is acceptable although the drivers' sight-lines crosses 'Common land' at this location. The officer is satisfied that there are currently no obstructions within the 'Common Land' to block the drivers' sight-line. There is no highway objection on the grounds of visibility splays from site access onto the public highway. It is noted that a letter of representation on behalf of the owner of the common has stated that this issue would render the visibility inadequate, however the Council's highway officer does not object on these grounds as there are no obstructions to the sightlines. Whilst there could be vegetation growth that hampers this, as the Council is Council is responsible for maintaining the Common, even though it is not the owner, so in the unlikely event that it became an issue, vegetation could be cleared.

Public Transport

The proposal is for a bus route on a 30- minute frequency to use Lyde Green Road and the existing Lyde Green Farm junction (as upgraded) utilising the temporary bus turning arrangement within the site. It is proposed to construct a bus turning area within the site in the interim situation and before other parcels of development on the Safeguarded Land are developed – given the fact there is no time scale known for

other development parcels, it is intended that provision of this bus turning area is secured through a planning condition as part of this application. The proposed bus turning area is to be located within the site boundary approximately 90 metres east of the site entrance from Lyde Green Road junction. It is noted that local residents objected to the originally proposed location next to the site entrance and the Lyde Green Farm complex, and this objection has now been overcome by the revised location. The section of the internal road leading to the bus stop has now been widened to 5.5m wide to enable two-way buses to pass.

The bus company, Stagecoach have submitted a proposal to provide a 30 minute bus service that would penetrate the application site. This is considered to go further than what was originally envisaged in the area-wide Masterplan, where residents of this site would have to instead walk to a future bus route that would have terminated at the eastern end of a loop on Lyde Green Road. This is because the Outline application parameter plans indicated the eventual EGE bus loop along Lyde Green Road, rather than looping through the 'safeguarded land'. The applicant considers that in the long term, the public transport route would use a new vehicular connection to Lyde Green Road in the north western part of the site. This vehicular access is the subject of a further current application (P19/16524/F) and would link with Road 5. In addition there would eventually be a link from Lyde Green Road and the safeguarded land to Road 1B, within EGE.

The width of the main carriageways within the application site enable a future long-term alternative bus route within the scheme should it become possible to introduce this in the future. It would utilise a potential new junction with Lyde Green Road near the north west corner of the site, which is the subject of the current application noted above (P19/16524/F), the main development spine road and land safeguarded to the south, as well as a junction at Road 1B of Emersons Green East which serves land to the west.

To secure the bus service provision, the applicant has agreed to a financial contribution towards this.

Parking

The level of parking proposed is considered acceptable. Whilst visitor spaces are slightly below standards the highway officer is satisfied that this can be accommodated within the context of the new highway to be created.

Highway Officer Conclusion

As submitted the application does not provide a satisfactory traffic route for all users between Elderflower Drive (Road 5) and the site entrance at Lyde Green Farm access that would make this a high quality design and in keeping with the good highway design practice as required in policy CS1. The existing road has deficiencies including restricted carriageway width and lacks footway and cycle provision and it is not lit. The narrow vehicular access to the development also prevents two-way movement for larger vehicles requiring informal waiting each time a larger vehicle arrives or departs, which will affect public transport operations. In its current form and without improvement therefore, this fails to link up properly the new development with the existing, and as such the development fails to comply with policy CS8 and PSP11. For these reasons, the highway officer recommends refusal of this application.

The applicant has responded to this objection, with the following points, which are brought together in the Planning Balance section at the end of this report.

Further, the applicant states that the existing alignment of Lyde Green Road is appropriate to serve the level of development and a new bus service and other large vehicles for the following reasons:

- In the future there will only limited other vehicles using the scheme, as access onto Coxgrove Hill will be discouraged.
- The numbers of large vehicles serving the proposed residential development will be very low in real terms.
- The road is a pre-existing carriageway with no restrictions on serving two way vehicular flow and with good inter-visibility.
- Road 5 is subject to a condition seeking a TRO to close off Henfield Road.
- Non-motorised users will be provided with an alternative route parallel to the road in the future through the development.
- Stagecoach has confirmed it will be able to traverse the route.
- There are usually highways and junctions that are operational, but do not accord exactly with modern guidelines and yet still function well, as users adapt.

Transport Section 106 Obligations & Conditions

The Highway Officer has stated that in the event that the planning balance is to support this development, a Section 106 package (as set out at the end of this report) may help walking, cycling and public transport use, and therefore marginally diminish the development's impact on the surrounding highway network - but these effects are not considered to alter the transportation officer's reason for refusal.

Heritage

As the Heritage Statement submitted with the application observes, the proposed development will affect the setting of Lyde Green Farmhouse, a 17th century, grade II* listed building and its associated grade II listed outbuildings, now converted to dwellings. The farmhouse currently enjoys an open, agrarian setting with outlooks to the east and west over the fields that historically would have served as its agricultural hinterland. This is evidenced in the 1840s tithe map apportionments which confirms that the majority of land parcels in the vicinity of the farmhouse were occupied by the tenant of the farmhouse and used as pasture.

The significance of the listed farmhouse primarily comes from its historic and architectural interest with a focus on its fabric, plan form and appearance, it being described as an "unusually unaltered large C17 stone farmhouse with many of the early features surviving". The setting of the building also makes a contribution to the overall significance of the listed building. Despite the encroachment of the modern housing to the west and south west and the visual and auditory intrusion of the M4, the building is seen as an isolated, high status vernacular farmhouse located within a context of open fields that in all probability had a functional and historic relationship with the building. The farm buildings have been converted and domesticated, and the fields no longer serve the buildings in a functional way, but both still serve as visual cues and reminders to the history and relationship of the building with its hinterland. In that sense, the setting makes a positive contribution to the significance of the listed as opposed to a neutral or negative one.

The proposed development will fundamentally alter the character of the listed building's surroundings, changing it from open fields with a distinctly rural character, to an urbanised environment of two, two and a half and three storey buildings. The setting of the listed building will, therefore, undergo a dramatic change that will inevitably have a detrimental impact on the ability to appreciate and experience the farmhouse in something approaching its historic rural setting (taking into account the EGE development and the M4). It is acknowledged that the agrarian origins and function of the farmhouse and its outbuildings will still be discernible from the physical evidence and form/appearance of the buildings, but it will be to a far lesser degree compared to the present situation.

In terms of the design and layout of the site, the scheme does seek to protect the western and northern side of the listed building from the encroachment of development. The eastern portion of the site also proposes a public avenue to the rear of the farmhouse with a 'Green Road' for views from the cycle path to try and keep a degree of openness on this side. The Council's Conservation Officer has no objections in principle to the general site layout.

In terms of an assessment of the proposal from a heritage perspective, the Council's Conservation Officer concurs with the applicant's heritage consultant and the ES that the development will result in harm to the setting and thus significance of the designated heritage assets, contrary to Policy PSP17 of the adopted Local Plan. Even with the mitigation measures incorporated into the design and layout of the site, there will be a residual level of harm to the significance of the designated heritage assets, essentially for the reasons set out above. Carrying this over to the NPPF, the Council's Conservation Officer also concurs with the heritage consultant and ES that the level of harm will be in the category of 'less than substantial', engaging paragraph 196 and requiring the harm to be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

In line with paragraph 193 of the Framework "great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance". With the main asset in question being grade II* listed, the weight given to its conservation will thus be greater than, for instance, the weight given to the conservation of the grade II listed farmhouses elsewhere in the EGE site. As the buildings are already in their optimum viable use, the planning balance will be between the public benefits of the proposal and the less than substantial harm caused to the significance of the heritage assets, taking into account the greater weight afforded to the farmhouse as a result of its higher status.

The Heritage Assessment and ES both highlight the fact that the site has been identified as safeguarded land in various Local Plan and Core Strategy documents, as well as having been master-planned as part of the 2006 Development Brief for the whole Emersons Green East area.

Historic England recommended modifying the proposed development within the context of the listed buildings to create a more contextual form of development. This resulted in a series of layout changes to introduce design of 'key building groups' inspired by rural cottages within the context. Furthermore the Conservation Officer

made a number of comments in regards to layout and architectural design of the scheme particularly within the context of the listed building. In response the following scheme components were amended:

- Reduced roof heights of House Type K within the context of the listed buildings.
- Breaking up of plots 63-69
- Additional 3d street-scenes generated to test the impact of the enclosure and proposed built form around the farmstead
- Changes to street layout on the eastern side of the listed buildings to prevent informal parking
- The sub-station relocated from the central village green.
- Substantial reduction in site levels.
- Additional natural stone boundary walls have also been added to the latest revised plans where they site in the Tier 1 development.

The Council's Conservation officer has noted that a major enhancement has been the resolving of the levels across the site and this is welcomed. The development can now be clearly seen in the long sections to sit comfortably around the listed farmhouse without becoming overbearing or overly dominant. The new stone wall to the rear of the listed farmhouse would help provide a traditional enclosure to the farmstead and this is acceptable subject to a sample panel demonstrating the material, coursing, jointing, pointing and coping.

The success of the development around the farmstead will come from high quality detailing of the external features of the houses and the use of quality materials both in the buildings themselves and the hard surfaces that form the public realm. In terms of the natural stone, the bedrock in the area is a mix of sandstone, mudstone and limestone as a result of the geological formation of the ridge so thought needs to be given to the most appropriate type of material to use in the sensitive zone around the listed building. The farmhouse appears to contain a variety of materials, but it is mostly a grey limestone with occasional red mudstones or sandstone. A similar limestone product to create a sense of coherence between the new build and the existing buildings will be important. In terms of Lias sources, white or grey lias would be suitable (not blue). The stone size should be carefully selected and specified to avoid regular lego-type blocks. Thin bed material laid with tight joints will be important. A condition to this effect is required.

All roofs in the area of the farmhouse should be clay tile, not concrete. Variety may be achieved through use of pan tiles and double romans. Plain tiles are not typical of the area. Uniform, bright red/orange clay tiles should be avoided. Renders must be 'traditional' painted roughcast renders applied without visible plastic render stops/corner beads. Expansion joints, where unavoidable, must be placed in unobtrusive locations where they do not compromise the appearance of the building. A condition to this effect is required.

Conditions should also cover other external aspects of the house design (large scale details of eaves, ridges, verges, windows/doors, porches, dormers, chimneys, boundary walls, solar panels), the positioning of services (meter boxes, flues, extract vents, rainwater goods) and external fabric (sample panels of brickwork, stonework, render, tiles & slates).

It is considered harm to the setting of the farmhouse has been minimised through design, level and layout amendments in line with Historic England's Good Practice Advice Note 3 (Setting of Heritage Assets). However, unless the scheme were of a much lower density, no design would be able to preserve the open, rural setting of the farmhouse. There will, therefore, still be a residual level of harm to the significance of the designated heritage asset which will need to be factored into the planning balance.

Urban Design

The site is divided into different tiers: the village core uses vernacular characteristics of local villages within the setting of the Dramway Footpath and Lyde Green farmstead. These dwellings would be finished in natural stone and render, with weather boarding and clay roof tiles, as well as exposed rafter ends and chimneys. The windows would be of a slender design, which seeks to reflect those on local South Gloucestershire dwellings. Within the wider site, gateways would be formed at threshold locations at entry and crossing points within the urban structure, with these units denoted with a lighter colour of materials. Outside these zones the remainder of the dwellings feature more simple detailing and with a material pallet of buff brick and weather boarding.

The M4 runs past the northern boundary of the site on a raised embankment. Noise from passing traffic penetrates the existing site and is clearly audible from the residential properties at Lyde Green. A noise barrier, located along the boundary had been considered as appropriate mitigation for the proposed development. However, due to the raised nature of the motorway, this would have had to have been a very tall structure in order to have the desired mitigation effect. Furthermore, a structure of this size would require sizable and deep foundations in order to be strong enough to cope with wind shear. A barrier of that size would also have a significant landscape impact, as well as implications for the amenity of existing and proposed residential properties. A series of long apartment blocks are therefore proposed instead of a fence.

There would be no habitable windows on the northern elevation facing the M4, and the internal layout has been designed so that only circulation spaces and/or non-habitable rooms would be on the northern (M4) side of the buildings. The blocks have been designed with southerly projections which would form town houses in a modern 'back to back' style. The flats and town houses would have gable roofs and contrasting materials to break up the façade. Parking would be in courtyards to the front of the blocks. Outdoor amenity space would be provided by south facing balconies. The apartment blocks would be a continuous building form in order to provide the necessary noise mitigation. They would be 8.5 metres above local ground level to the eaves, rising to 13 metres at ridge level.

From the site, the apartment block uses a material palette of brick, painted render and weather boarding, with clay tile roofing. From the motorway, the building would be clad in vertical panelling in shades of green creating a rhythmical pattern. The projecting gables of the apartment would be townhouses over two stories with amenity space at ground floor level and a balcony at first floor. These units would enclose the courtyards along the apartment block.

Throughout the course of the application, improvements to the scheme design have been achieved.

Built form has been amended to provide sight-lines towards the veteran oak tree in the northern part of the site. In addition excessive hard surfacing including parking has been removed from the root protection zones.

The originally submitted scheme included numerous rear parking courts, which officers, as well as the police crime prevention officer objected to due to security issues. Instead, mews lanes were introduced to resolve this issue. Perimeter block at the eastern corner of the site was reconfigured to improve legibility. Increased landscaping has been introduced into the public realm east of the farmstead. The scheme was amended to provide for a limited palette of material to compliment the fabric of the farmstead. Further, building detailing has been simplified by reducing soldier course banding and infill cladding. The scale of windows has been increased to provide a contemporary twist to the rural vernacular appearance. Black Moss HardiPlank is to be applied as a reference to agricultural timber detailing. Increased masonry boundary treatments have been applied in areas adjoining public realm to improve security.

With regard to the detailed design of the mews lanes precedents provided by the Council's Urban Design Officer were used to amend the scheme. Continuous mews lane built form, screened parking, increased surveillance via larger first floor windows, landscaped areas within mews, application of high quality materials, and pronounced entrance thresholds into the lane and mews dwellings. Entrances to mews lanes are defined by a 'pinch point' and a change of surface treatment. All mews lanes have been amended to form through routes (2 access points) which could be adopted. Timber garage doors on all ground floor parking spaces have improved the appearance. The enclosure to the mews lanes defined by masonry walling to enhance security to rear gardens.

In respect of the scheme layout, the Council's Urban Design Officer has stated that there have been a significant number of positive amendments made to the functioning and structure of the proposed development. Broadly, much of the built form is arranged in perimeter blocks, some of which are cut through with vehicular access routes for parking. These routes are generally well defined and secured with built forms, including at least some of the parking requirement for each area.

The long apartment block which defines the northern boundary helps to both mitigate the impacts of noise from the motorway and to define that edge of the development. This approach to the site constraints is considered well designed and is a positive solution. The existing veteran tree enclosed within blocks 5 and 6 forms a very positive natural landmark and will help to balance the extensive built forms, while also providing a strong landmark at the end of the route towards the apartments. The curved surrounding space is positive and loosely follows the canopy of the tree.

Both the existing farm complex and new play area are at the centre of the development and both will influence the development in positive ways. The eastern edge of the development has been stepped away from the existing tree-lined

boundary and the alteration to the road around the SE block (adjacent to plot 42) is a positive change which will add to the perception of openness and a stronger connection with the natural elements.

Connections

Connections into and through this significant site are a key design consideration. There are various surrounding areas which should be tied into and links provided towards, to improve the functioning of the wider area and access for future residents to existing services and facilities. On the northern side, access is provided under the motorway towards the proposed allotments. This is supported and the link along The Dramway to the north is maintained.

The subway access to the allotments is an important design element. In particular, the perceived and actual safety of anyone on foot or bike using that connection must be carefully considered. The applicant has agreed to a commuted sum in order to provide lighting of the underpass. This is required to be secured through a Section 106 agreement.

To the north western side of the site, a connection with the 'shale- tip' land is now provided and this is welcomed. Regarding the south eastern boundary, although requested by the urban design officer, a pedestrian/cycle link to the railway path from the centre of the south eastern boundary was considered to have a detrimental impact on the SNCI. This coupled with the uncertainty surrounding the strip of land in third party ownership between the railway path and the application site, resulted in this potential link being removed from the scheme. However a multi user link will now be provided from the site to the railway path in the south eastern corner of the site, at the point that PROW LPU 28 joins the railway path. This is considered a sufficiently convenient link that does not harm the SNCI as the public footpath already cuts through the SNCI at this point.

Detailed design/materials

The Council's Urban Design Officer considers that the design has been very well considered and the tiered system and the clean and modern style of the architecture and use of materials is supported. The use of pitched gable ends within and along street scenes adds interest and variety and picks up on the locally distinctive elements within the farm buildings.

Stone, render and brick are the key materials to use but the next stage of specifying exact materials will need significant focus to achieve the most appropriate and highest quality finish. For example, the use of standard render should not be permitted, due to the significant on-going maintenance liability associated with this material and the range of staining it attracts. A condition will be required to enable these details to be approved prior to construction.

Originally, part of the submitted package included an alternative Tier 1 house type document, with simplified approach, where the ground/1st floor material split is removed, with stone being applied across all floors as the main material. It was considered however that it would be preferable for the option of contrasting material at ground floor level, carried through each of the tiers in the same way, but with different

materials applied in each category to be definitely proposed, it being more interesting and varied and helps to form a coherent character. The scheme has now been amended as such.

Subject to the materials condition mentioned above, officers are satisfied that the proposed scheme provides a very high standard of design and high quality public realm, in accordance with Policy CS1 of the Core Strategy.

Landscape

The application site is a largely level wedge shaped area of land on the eastern edge of the Emersons Green Development Area. The northern boundary is formed by the M4 and the embankment of the motorway is some 4m above the site. Planting along the motorway embankment varies in height and density allowing views from the motorway across the site.

The southwestern site boundary is enclosed by hedges and the wide verge which is the southern extension of Lyde Green Common. The Dramway footpath runs alongside the site's southern boundary linking to the Bristol/ Yate cycleway on the east.

The eastern boundary is contiguous with the Green Belt boundary. The attractive, listed Lyde Green Farm sits at the centre of the site, visible across the open agricultural land which surrounds it. Principal views to the farm occur from the Lane, the motorway, Lyde Green Common and the public footpaths which cross the site as well as the cycle path to the east.

In addition to the farm house and the footpaths, the principal feature of the site is the veteran oak (T3) tree along the northern edge and a number of oaks around the site margins to the north and east. The originally submitted scheme, whilst showing this veteran oak as retained on the plan, only had about a twelfth of the Root Protection Area retained as soil the rest would have been roads, parking and building. In addition, the tree was screened by buildings from forming a feature along the roads. The scheme has however now been amended to properly preserve the veteran tree in a substantial area of open space proportionate to its scale and requirements, unaffected by changes in level, and with adequate, uncompacted soils, away from any future conflicts with buildings. Finished floor levels have been dropped adjacent to oak tree T3 to allow protection of the tree and better detailing of the space surrounding it.

A further oak, (T7) in the southern part of the site was denoted as 'poor' in the submitted tree report, and would have been removed. Officers disputed this however and following the imposing of a new Tree Protection Order on the tree, the scheme was amended to retain it in an area of open space.

The original scheme proposal for 'Orchard Green', the open space to the west of the farm complex was for a large number of trees, which meant that views to the farmhouse which have been identified as being important elements of the site design would be obscured from the lane, from Lyde Green Common). The landscape scheme has now been satisfactorily amended to ensure that these views are retained.

Other landscape problems with the scheme included roadside hedge to Lyde Green Lane, which was to be disturbed by the proposed pathway, but this has now been overcome.

Previous landform proposals showed 2m of land raising to the south and east of the farm house. This would have had serious impacts on boundary vegetation alongside the Dramway footpath and common; increased prominence of development in views from the Dramway footpath, the common and the cycle path. Further, the land raising would have had the greatest impact on the setting of the listed building as the new buildings would have been significantly higher, dominating the historic building group in the those views which have been identified as being particularly important from the site entrance and the south west across the planned open space. The issue of difficulties with raised levels on the eastern half of the site have however been resolved through a revised drainage scheme.

In terms of the detailed planting proposals, the vast majority of the Landscape Architect's proposed amendments have been taken on board through the revised landscaping plans. Although whilst trees within the road verges are extra heavy standard, most of the trees within gardens and incidental spaces but still forming key elements of the street scene are a mix of smaller sizes.

The only remaining more substantial concern of the Council's Landscape Architect is the design of the attenuation basin to the north west, where there remain issues about space and the setting of the footpath. Officers acknowledge however that the drainage officer has asked for further detail of the construction of this area to be submitted through the discharge of a condition, so it is considered that there is the opportunity to ensure a good quality environment.

To conclude, the Landscape Architect considers that significant improvements have been made in the site design and the changes to the scheme should ensure a good quality design is produced, in compliance with Policies PSP2 and PSP 3 of the PSP.

Ecology

Relevant policies are Section 15, Para 170-183, National Planning Policy Framework; Para 116, ODPM Circular 06/05; PSP19 – Policies, Sites & Places Development Plan Document (PSP DPD).

Lyde Green Farm Spoil Tip SNCI

Lyde Green Farm Spoil Tip SNCI lies on the north-east boundary of the site and is designated for its rare plant assemblage (viper's bugloss). Previous ecological comments had suggested that a 10m buffer (of new semi-natural habitat) be provided along the north-east boundary of the development with the SNCI in order to protect the site's ecological integrity. However, the viper's bugloss are only found on the slopes of the northern and eastern spoil banks adjacent to the cycle path and the motorway embankment and, in that regard, a 10m buffer between the SNCI and development will not provide any particular ecological function insofar as the plant assemblage is concerned. Nonetheless, the Site Plan includes a 3.5-15m variable buffer along this development edge, the widest point of which accommodates a copse of broadleaved woodland adjacent to the cycle path.

Disused Railway, Shortwood Farm to Lyde Green Farm SNCI

Page 4 of the DAS Addendum states:-

'The designation boundary is at the top of the embankment' and although adequate set-back is already achieved, additional landscaping has been provided to existing landscape features'. The Council's Ecologist can confirm that this statement is incorrect. The SNCI is designated for its mixed broadleaved woodland and species-rich grassland which has developed over the aggregate of the former railway embankment. The edge of the aggregate base is demarcated by historic post and wire fencing and the southern boundary of the designated site is thus readily identifiable as it follows the fence line at the foot of the embankment not the top. The red line of the application site boundary as shown on the proposed site plan appears to arbitrarily run through this 'buffer strip' alongside the Disused Railway SNCI. In fact, as the fence line forms the boundary between the railway corridor and the agricultural fields comprising the application site, the red line as shown on the Site Plan is actually the line of the fence and thus the western boundary to the SNCI. Given this, the variable 11-17m wide 'buffer' now being provided is not wholly as it seems as the only buffer is that lying inside the red line boundary. The planning officer can confirm that the proposed buffer varies between 5m to 17m at its widest.

The originally proposed 'potential future cycle/pedestrian connection' with the existing cycle path along the Disused Railway SNCI, has now been removed as it would have involved the loss of a strip of vegetation from the SNCI which whilst relatively minor in the context of the designation is nonetheless contrary to Local Plan Policy (PSP19). A Construction Environment Management Plan (CEMP) will be required for the scheme to demonstrate how all retained semi-natural habitat (including the adjacent SNCIs) will be protected from pollution incidents and damage. This should form the basis of an appropriately worded planning Condition.

Semi-natural Habitat

The Preliminary Ecological Assessment (PEA) noted a small area of broadleaved woodland with a diverse ground flora in the eastern corner of the site adjacent to both SNCIs which is now secured within the variable north-eastern buffer. The PEA noted a single stand of Japanese knotweed were recorded in the field margin immediately north of Lyde Green Farm adjacent to the Public Right of Way (PROW). Whilst technically outside the site on third party land, it should nonetheless form the basis of an Informative Note to keep it under review in order to prevent it spreading into the scheme.

Protected & Notable Fauna

Badgers: No setts were found within the application site and very few field signs were noted other than a few latrines. The PEA suggests a series of measures to avoid harm to badgers during the construction phase of development and these will be secured by Condition. As over 12 months has elapsed since the walkover, the Condition should also require that the site be re-surveyed for badgers immediately prior to development commencing.

Bats: The application included a Dusk Emergence and Transit Activity Surveys for Bat Species. No buildings were present within the application site itself. However, the July report noted that the adjacent Lyde Green Farm and its outbuildings could offer potential roosting niches for bats. The buildings all lie outside the application site and are under third party ownership and, accordingly, as indicated in paragraph 4.17 of the

report, it was not possible to gain access to survey them. However, the activity surveys adjacent to the property did not record any swarming or concerted bat activity around the buildings and, as the fabric of the buildings are watertight and well maintained, this would all tend to suggest that the farm buildings are not used as roost.

The greatest activity (2941 calls) was recorded along the former railway line from a variety of species. 5No species were recorded during the seven transect surveys conducted, with most activity being concentrated along the SNCI cycle path. Overall, the surveys pointed to the northern and eastern boundaries of the site as being the most important areas for foraging/commuting bats. Three trees within the development site were considered to have potential for roosting bats. Revised plans now show all of these to be retained. The report proposes a scheme of Schwegler bat boxes to provide new roosting opportunities. This should be erected on houses adjacent to the northern and eastern site boundaries and a plan showing the location of these properties should form the basis of a Condition.

A lighting plan forms part of the application. This apparently locates external street lighting on the main distributor roads, thereby enabling 'dark corridors' to be maintained (as it would be in open countryside) along the boundary habitat. As such, it would seem to concord with the provisions of paragraphs 4.29 and 4.30 of the bat report and both should form the basis of Condition.

Reptiles: A reptile survey recorded a 'low' to 'good' population of slowworm (peak count 6, which is at the lower end of a 'good' sized colony) mostly associated with the grassy field margins of the arable fields, and in semi-natural vegetation close to Lyde Green Farm. Slowworm are protected under the Wildlife & Countryside Act 1981 (as amended) and CROW Act 2000 against reckless or intentional killing or injuring. The PEA recommended that:- '*A generous area of the suitable habitat on site should be retained and enhanced for reptile species to maintain a population on site*'. However, it is not clear from the details provided where this site will be; given this, a reptile mitigation strategy needs to be drawn up and agreed with the Council in writing to include details of the proposed receptor site. This should form the basis of a planning Condition.

Birds: A scheme of bird nest boxes for a variety of species (including house sparrow terraces) should either form the basis of its own planning Condition or be delivered through the LEMP for the scheme.

Hedgehog: No evidence of hedgehog was noted during the field surveys. Hedgehog is a Priority Species nationally and as well as a species included on the South Gloucestershire BAP. Development could result in the killing or injuring of animals when clearing suitable areas of habitat and, as such it is considered that a mitigation strategy for the species should be drawn up, and agreed with the Council ahead of development to involve a destructive search immediately ahead of clearing any vegetation. This should form the basis of a Condition.

Landscape Masterplan

A SUDs attenuation basin is located within the Orchard Green to the west of the listed Lyde Green Farm which presents the opportunity to create a sizable area of wetlands and add a diversity of wildlife interest to the open space, with a 'wildflower meadow' to

be subject to an annual hay cut (September) to maximise its value for wildlife. Its provision is potentially attractive to skylark a species recorded over the site during surveys and is welcomed as both an attempt to encourage the species to breed there, as well as providing an insect resource for other wildlife.

The existing edge of the Orchard Green alongside the Dramway footpath could usefully be strengthened with new species-rich hedgerow planting which would provide nesting/foraging habitat for various species of birds, as well as a strong flight path and foraging route for any bats associated with the Farm. The various illustrative masterplans also show the existing hedge running westwards from the farmstead being retained. All such new and retained semi-natural habitat should be subject to a Landscape and Ecological Management Plan (LEMP) drawn up under a Condition to maximise their value for biodiversity.

There is no objection to the scheme in ecology terms, subject to the conditions noted above relating to a CEMP, a LEMP, badgers, bats, reptiles, hedgehog and external lighting.

Public Rights of Way

All active travel routes are safeguarded within Local Plan PSP 10 and their amenity and utility as well as safety must be taken into account, and proposals for new development will be expected to incorporate existing rights of way for the most part along their existing routes and/or reflect pedestrian desire lines.

This development is on land that contains two public rights of way:

- i) LPU 5 enters the site from the western boundary and runs parallel with the M4 along a route that is proposed for dwellings. There will need to be a diversion of LPU 5 that runs from the M4 underpass to Henfield Road where it is affected by the development. The developer must ensure that the public right of way is not interfered with either whilst development is in progress or once it has been completed.

The applicant has agreed to a contribution of £8,500 for surfacing the route of LPU 5 where it crosses the common, made up with a stone dust surface to a width of 1.5 metres and for some 20 metres.

- ii) LPU 7 enters the site from the south and runs in a northerly direction to the subway beneath the M4. This footpath is the Dramway Route and the Community Forest Path route.

The proposed layout has always ensured that the route of the Dramway is protected from any adverse effect, as its line through the estate has been incorporated into green recreational path. The applicant has agreed to a contribution of £30,000 towards the improvement of the M4 underpass for pedestrians, to mitigate for the extra pedestrian demand attributable to this development and provide safe route to allotments. This would be likely to comprise LED Lighting (Bulkhead surface fitting) through the underpass for at least 52 metres, subject to the provision of basic street lighting power feed to the underpass and Highways England (HE) approval for fitting. Bulkhead surface (roof) mounted installation was recently installed under the new Stoke Gifford Transport Link between stoke Gifford and the Ring Rd. Although HE approval would be required for the Council to undertake a survey prior to fixing anything into their structure, there would be an alternative ground installed lighting solution if permission was not granted by HE.

The revised plans show pedestrian footways linking from the Dramway north of the Lyde Green Farm buildings to the eastern edge of the development. A pedestrian link to the railway path at this point would relieve the pressure on the use of LPU 28 if this were possible, however as discussed under '*Urban Design*' this has been discounted by officers due to the need to retain the integrity of the SNCI.

A new multi user path is to be provided along the western boundary of the site, within the hedge line. It is intended to ensure adequate, safe and utility connections to active travels routes in the vicinity ie LPU/5, LPU/4 and the Railway path.

The most recently revised plans now show this multi user path linking the Dramway through the site to LPU 28 to the south, immediately west of its connection to the Railway Path. This link would be multiuser so generally is 3 m wide although for a small section it joins a shared use road. The path links to the south to the eastern end of footpath LUP 28 so a short length of upgrade would be required for LPU 28 into the railway path to facilitate the multiuse. Therefore a contribution towards this would be required to facilitate the order. The applicant has agreed to £4,500 for a section of stone dust surface and to replace the stile with a gate, and a creation order (Highways Act 1980 – S26) to upgrade it.

Subject to the applicant entering into a S106 obligation to secure the funding as set out above, the proposal is considered to satisfactorily protect and enhance the existing PROWs, in accordance with PSP10.

Environmental Protection

Air Quality

The Environmental Statement (ES) and the subsequent updated assessment in the ES Addendum (January 2020) consider the potential impacts on local air quality during the construction and operational phases of the development, including the potential impacts of poor air quality from the adjacent M4 motorway on future residents. The updated assessment in the ES Addendum considers proposed amendments to the scheme and reassesses the significance of effects on air quality, particularly for the operational phase of the development through the use of the most recent 2018 air quality monitoring data available, updated traffic data and updates to dispersion modelling software and analysis tools, to consider whether there are any changes to the original ES conclusions.

The relevant pollutants; nitrogen dioxide (NO₂) and fine particulate matter (PM₁₀ and PM_{2.5}) have been considered and the assessments have been carried out in accordance with the relevant guidance. While there are some shortcomings and errors in the assessment, these do not affect the overall assessment conclusions.

Construction Phase Impacts

The ES Addendum concluded that the proposed changes to the scheme would not significantly change the construction effects. The assessment identifies measures to mitigate the risk of dust emissions will be required to reduce impacts on nearby sensitive receptors. The mitigation measures identified in the ES should be incorporated into a dust management plan (DMP), which can be integrated into a Construction Environmental Management Plan (CEMP). It is recommended that a condition is added to this effect.

Operational Phase Impacts

The worst-case existing and future receptor locations have been considered in terms of the potential impacts of emissions from traffic generated by the proposed development and also the impact of emissions from the adjacent M4 motorway on the future residents introduced by the development. It is noted the apartment blocks on the northern edge of the site closest to the M4 have been designed to minimise the risks of exposing future residents to emissions from the M4 by locating habitable rooms, openable windows and balconies away from the northern façade facing the M4.

Sensitivity testing has been undertaken in the modelling of impacts to take account of uncertainties relating to future year NO_x emissions through the use of 2018 emission factors and background concentrations, combined with traffic data from 2023. This is considered to presents a worse-case scenario of the future impacts. The cumulative impacts from road traffic emissions have also been considered through the use of traffic data which includes traffic flows from other committed developments in the vicinity.

The updated assessment concludes that the impacts on NO₂, PM₁₀ and PM_{2.5} concentrations at the worse-case receptor locations are predicted to be negligible, with concentrations remaining below the relevant air quality objectives (AQO) and target values (AQTV). In particular with regard to future residential receptors, the pollutant contour plots predict the annual mean NO₂, PM₁₀ and PM_{2.5} concentrations to be below the AQO of 40µg/m³ for NO₂ and PM₁₀ and the AQTV of 25µg/m³ for PM 2.5 at all locations across the site, with maximum levels of NO₂ (31.3µg/m³), PM₁₀ (16.3µg/m³) and PM_{2.5} (10.7µg/m³) predicted at the northern site boundary.

Overall, the operational air quality impacts are considered to be not significant; the same conclusion as in the original ES assessment.

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

- i) Where on-site parking is provided for residential dwellings, Electric Vehicle (EV) charging points for each parking space should be provided to facilitate use of electric vehicles and contribute to minimising traffic emissions from the development.
- ii) All gas fired boilers to meet a minimum standard of <40mgNO_x/kWh.

In summary, the assessment and its conclusions are considered appropriate by the Councils EPO, and there is no basis to object to the proposals on air quality grounds, subject to the recommended conditions above being applied.

Contaminated Land

The Council's Environment Protection Officer (EPO) has considered the submitted report in relation to the potential for contamination on the site- Desk Study and Preliminary Geo-Environmental Ground Investigation Report. The report presents the findings of a desk study and preliminary ground investigation of the site and includes

an appropriate conceptual model in line with current guidance. The conclusions and recommendations of the report are accepted by the EPO. Recommendations for further works are set out in the report, including additional ground investigations to supplement the initial preliminary site investigations (in particular the installation of gas monitoring stand pipes and investigation of a likely in-filled pond); and to delineate identified areas of potentially unacceptable contamination.

There are no objections to the proposal in terms of contamination, subject to conditions relating to the further work required in order to ensure that the site is suitable for its proposed use and in accordance with the Framework:

- A) Intrusive Investigation/Remediation Strategy.
- B) Verification Strategy.
- C) Any contamination found during the course of construction to be remediated.

Noise and Residential Amenity

Noise

The Environmental Protection team Specialist Noise Officer (EPO) has examined the noise report in order to understand the detailed and essential noise mitigation, given the site's unique and exposed location alongside the 24/7, elevated M4 motorway noise.

The approach relies on controlling the external noise climate in the external amenity areas of the new dwellings and the requirement for this to be protected in order to meet the numerical noise values in the overarching noise criteria contained in the World Health Organisation 1996 (as amended) and the British Standard 8233 Guidelines levels for the majority of the site.

In addition an absolute design maximum noise level of 63dBA LAeq (16 hour daytime) was agreed for the more exposed areas and the site fringes and the evolving phased build out; this reflects the long -established Planning and Noise Guidance adopted by South Gloucestershire Council for large residential development.

Noise modelling shows the completed phased project will ensure that not only 50% but all the site area eventually meets the stated 63dBA noise level; and the majority of the site on completion is less than the stated 55 dBA external amenity noise level.

The EPO noise officers has considered room orientation and the mechanical and trickle ventilation proposed in order to avoid acoustic overheating and maintain sustainable living. The updated noise contour modelling plans have been examined in order to ensure the Phased Build out programme achieves and provides the necessary mitigation-by distance attenuation, building mitigation and careful design concepts-to comply with appropriate noise criteria. In order to safeguard this, a noise condition is required to that the internal and external noise levels in gardens, alleyways, courtyards and shared outside amenity space shall not exceed noise level criteria as set out in the acoustic report- the external noise climate shall not exceed 63dBA LAeq (16hour daytime) and aim to ensure that the majority of the completed phased development shall not exceed the 55dBA hourly LAeq. The internal noise climate shall meet the stated noise levels by installing as required, high specification mechanical ventilation and trickle vents.

To consider the overarching 'Noise Policy Guidance' (England) NPG 2010 which aims to provide and maintain good health and good quality living through the management of noise, and the Noise and Planning Policy Framework NPPF 2012 which aims to achieve sustainable development requiring noise not to be considered in isolation alongside conjoined comments on Public Health.

With regard to the revised Noise Report January 2020 and resubmitted plans May 2020: in response to correspondence with South Gloucestershire Council, the noise consultant carried out additional acoustical analysis using the latest site plan and taking into account development phasing. The orientation of some gardens was adjusted so that the noise levels in all gardens will not now exceed the 63dBA criterion as requested by the Council's EPO.

It is noted that the consultation response from Pucklechurch Parish Council (PPC) expressed concerns regarding that health and wellbeing of residents, of the apartment block adjacent to the motorway, contrary to Policy PSP21, as the noise assessment highlights that rooms in the apartment block and houses will require closed windows to achieve suitable internal noise levels; hence alternative means of ventilation and consideration to the thermal design may be necessary to prevent excess heat build-up. PPC is not convinced that the plans for the apartment blocks and houses demonstrate this -providing fresh air via a ventilator is not the same as being able to open a window. The amount of daylight available to the rear of the habitable rooms in the apartment block is not referenced.

Officers can advise firstly that the only windows on the northern – M4 elevation- of the apartment block are fixed windows for the communal stair cores. All habitable rooms will have windows on the southern, main elevation of the block, or on the projecting gables. It is considered therefore that whilst some of the habitable rooms are relatively deep, with some kitchens to the rear of living areas, the open plan nature, generously sized windows and south facing aspect of the apartment block will ensure that there will be plenty of natural daylight within the habitable rooms.

It is acknowledged that in order to achieve the required noise mitigation that mechanical ventilation will be required throughout the site. However, it is important to note that there are different types of mechanical ventilation, and this is explained further below.

The proposal, to reduce noise at source, by the design and layout of a development, and by building treatments including acoustic glazing and ventilation is supported by full calculations in the acoustic report to indicate the likely level of noise reduction. Where it is necessary to keep windows closed to achieve the required internal noise levels, additional ventilation will be provided to ensure that residential properties can be adequately ventilated if residents choose to keep their windows closed for noise reasons. In addition acoustic glazing will be provided. Windows fitted with acoustic trickle vents are primarily for background ventilation as opposed to rapid ventilation or summer cooling. It is therefore proposed, in parts of the site, to introduce alternative acoustically-treated mechanical ventilation to habitable rooms, with the aim being to increase ventilation rates in a room without physically having to open the window. This method is relevant to the comments to Pucklechurch Parish Council who are concerned that whilst the Noise Impact Assessment states that the acoustic screening will assist in reducing noise levels in external amenity areas and at ground floor level,

it makes no mention of bedrooms which are usually situated on upper floors; the acoustic mitigation is provided by the acoustic vents.

This method utilises acoustically-treated fans (quiet running) that are capable of providing normal and summertime flow rates so occupants do not need to open windows during hot summer days. Hence occupants would be provided with a supply of fresh air in habitable rooms without having to open the windows (whilst also having the option to do this for purge ventilation, i.e. the manual control of ventilation in rooms or spaces to rapidly dilute pollutants and/or water vapour by opening a window for an intermittent need i.e. painting & decorating, smoke from burnt food, and is also used to improve thermal comfort). Whilst these types of vents do not usually replace opening windows, they aim to minimise the need to open windows, providing a more comfortable internal noise level.

Hence parts of the site- zones 1 and 2 as shown in the acoustic report, would have the greatest ambient noise levels, then forced acoustically-treated mechanical ventilation would be provided in these zones.

There is no objection from the Council's EPO Noise officer, subject to a condition regarding the measures set out in the acoustic report.

In terms of privacy, the scheme has been amended to avoid overlooking between flats and townhouses particularly where bedroom windows were originally proposed within close proximity and 90 degrees of each other.

In terms of Policy PSP 43 – private amenity space, all apartments have either ground floor amenity areas off the parking courts, or upper floor balconies of various sizes. Block 1 – All apartments have private amenity space, ground floor is positive but the 8 apartments at first and second floors have balconies measuring only 2.2m x 1.15m = 2.53m², which is smaller than the area figure set out in the policy. Block 2 – Ground floor positive amenity spaces but the spaces for houses A and B are smaller than required. If the quality of these spaces is high, this would offset this issue. All apartments at 1st floor have balconies, with some having two balconies, each measuring 1.9m x 3m = 5.7m² x 2 = 11.4m² total. This property is a very good example, with an east to west aspect and positive private amenity space. The 2nd floor flats have balconies, and some flats have sliding doors onto large areas of amenity space, which is considered a very positive arrangement.

The arrangement of spaces essentially repeats along the block. Considering that some of the balconies are in excess of the minimum level and that a range of types and sizes of spaces are provided, it is considered that the requirements set out in policy PSP43 are met.

Public Open Space

Delivery of sustainable communities requires provision of a full range of open spaces which support residents' health and social well-being. Such facilities are important for the successful delivery of national and local planning policies as well as many of the objectives of the Sustainable Community Strategy and Council Plan. Requirements for open space are exempt from CIL and are dealt with using S106. Relevant planning policy include, South Gloucestershire Local Plan Core Strategy (adopted Dec 2013)

Policy CS24; Green Infrastructure, Sport and Recreation Standards; NPPF paragraphs 38, 58, 70, 73 and 74; NPPG Paragraphs 006, 014, 015 and 017.

Using current average occupancy data and the proposed number of dwellings the proposed development of 393 dwellings (consisting of 298no. houses, 59no. 2-bed flats and 36no. 1-bed flats) would generate a population increase of some 858 no. residents. The following table shows the minimum open space requirements arising from proposed development as well as contributions where necessary.

Category of open space	Minimum spatial requirement to comply with policy CS24 (sq.m.)	Spatial amount proposed on site (sq.m.)	Shortfall in provision (sq.m.)	Contributions towards off-site provision and/or enhancement	Maintenance contribution
Informal Recreational Open Space (IROS)	9,998	10,890	0	N/A	N/A
Natural and Semi-natural Open Space (NSN)	12,865	13,440	0	N/A	N/A
Outdoor Sports Facilities (OSF)	13,723	0	13,723.2	£720,248.43	£217,994.40
Provision for Children and Young People (PCYP)	2,009	2,060	0	N/A	N/A
Allotments	1,715	9,860	0	N/A	N/A

Allotments

Although the originally submitted scheme did not include allotments, the current scheme now includes 0.86ha of allotment land to the north of the M4 motorway. This is over five times the minimum size required by CS24 and is welcomed.

It is proposed that pedestrians would access the allotments from the south via the M4 underpass, and a small parking area for the allotments would be provided on the south side. It is envisaged that a trolley/wheel barrow park should be provided which would allow people with a key to unchain a trolley to use to transport equipment through the underpass. As noted in the PROW section of this report, this is an existing PROW – the Dramway- and the applicant has agreed to a financial contribution in order to provide lighting of the underpass, to make the route more appealing to future users.

It is noted that some of the proposed allotment land is prone to be waterlogged and it will be necessary for the developer to improve the drainage as part of the laying out of the allotments to ensure that suitable growing conditions are achieved. Further, the allotments would need to be adequately fenced against trespass by people or mammals. Given the location, provision of a toilet should be considered. A water supply will need to be provided. The applicant has agreed to provide detail of layout and facilities by way of condition, and this is accepted by officers as the usual way of approving final allotment details.

Play area

Given the constraint of the setting in proximity to the listed building, the layout has been significantly improved and made more inclusive, including several play items for wheelchair users. All play equipment lies outside the underground attenuation tank areas.

All proposed equipment has been TÜV certified; this confirms that equipment has been tested and meets the safety requirements in EN 1176. Grass matting has been added to assist with durability/lack of mud/erosion for some other equipment even where not required for impact attenuation. In addition cycle parking signage, bins and pic-nic benches have now been added.

The Council's POS Officer has now confirmed that further to receipt of revised play area plan, Q5997_G, the changes have made the play area acceptable.

Outdoor Sports Facilities

The applicant has agreed to the full contribution towards off site provision/enhancement and maintenance of outdoor sport facilities. As stated in the consultation of this report, in view of this, Sport England have lifted their objection to the proposal and now state, re the £1million to be invested into sport off-site, is very encouraging and Sport England suggest a list of preferred specific projects for rugby, cricket and football.

On-site open space maintenance

Core Strategy policy CS24 seeks appropriate arrangements to secure the satisfactory future maintenance of any open spaces and outdoor recreation facilities (for sport, recreation and play) that are to be provided in conjunction with new development. As the applicant proposes private management of POS and surface water infrastructure the Council must be confident that the value of any service to the public is sustainable and does not create ambiguity in how people access those services should they have concerns or requests; it is important that the community receives a seamless service. Provisions to ensure suitable and secure in-perpetuity arrangements for operation, management and maintenance of all the public open spaces and surface water infrastructure (SWI within POS that is not adoptable by a statutory undertaker) will need to be incorporated into the Section 106 and the Council charges a fee (£52.00 per 100sq.m.plus £500 core service fee) to inspect the open spaces to ensure their compliance with the approved plans prior to transfer to the private management entity.

POS conclusions

There are still some minor detailed areas of concern for the Council's POS officer, including the area around Basin 3, however as mentioned in the Drainage section of this report, a condition is proposed to require further details of this to be approved. However all the minimum POS have been met (subject to being secured through a s.106 obligation), and there have been significant improvements to the POS package since the application was originally submitted, therefore the planning officer is satisfied that the proposal will meet a good standard of POS for future residents.

Drainage

As noted in the consultation section of this report, the Flood and Water Management Team) has no objection in principle to this application subject to the comments and advice.

Surface water drainage principle to restricted surface water runoff to Greenfield mean annual maximum flow rate (QBAR) as stated in Flood Risk Assessment is acceptable.

Surface water drainage principle to discharge surface water runoff to watercourse / ditch as stated in Flood Risk Assessment is acceptable.

There is no flooding indicated in the 1in1 and 1in30 year return period storm events.

The drainage officer notes that attenuation basin C, in the north western corner of the site, is located in a confined place between the proposed footpath and residential buildings. It has been proposed that most sides of the basin are to be a retaining wall structure or an embankment structure using 'Rootlok'. There is a short section adjacent to the road of 1in3 side slopes. Three sides of the basin (approximately 150m) is a freestanding/embankment structure of Rootlok. The Rootlok system is intended to provide a more robust design than a soil embankment. In view of the uncertainty over this it is considered that further details of the exact design and arrangement of the embankment structure should be provided and approved by the Council prior to the commencement of this structure.

Adjacent to the play area there are proposed underground storage tanks. Trees or play equipment should not be over storage tanks, as if the tank ever needs to be replaced or accessed for maintenance in the future, the trees and equipment may be damaged. The revised play area and landscaping details now reflect this by locating everything outside the tank area.

There are a number of culverts on-site and off-site. Revised plans have now been received which indicate the easement around each of these structures, as well as the 700mm culvert under the proposed allotments.

It is proposed that a maintenance schedule will be produced as part of the detailed design for the drainage components which are not adopted. These will be taken on by a Management Company formed by the developer which will also maintain the common parts such as the landscaping, permeable paving shared drives, swales, watercourses. A condition for the management and maintenance schedule of all surface water infrastructure and land drainage features will therefore be required.

Further conditions require the as-built drawings of the surface water drainage infrastructure and land drainage features to be submitted. Further, a condition for the detailed surface water drainage design of each phase/parcel/storage structure.

It is noted that any works to a watercourse/ditch will require Land Drainage Consent from South Gloucestershire Council Lead Local Flood Authority.

There are therefore no drainage objections to the scheme subject to the submission of further details through conditions.

Sustainable Energy

The application is accompanied by a Sustainability Statement, which is considered by the Council's Environmental Policy and Climate Change Officer (EPCCO) to be comprehensive.

The energy strategy adopts a 'fabric first' approach which is welcome. The strategy presents two main options for heating and hot water and meeting the required reduction in residual emissions; gas condensing (combination) boilers with roof-mounted photovoltaics (PV), and a micro-heat network using ground source heat pumps. The orientation and single aspect nature of the block of flats adjacent to the M4 means they are potentially vulnerable to overheating. Further analysis of this is required.

Energy efficiency

The indicative construction specification suggests that the U-values of key building elements will all exceed the limiting fabric values set in Part L which is welcome. The proposal adopts an airtightness standard of 5.01m³/h.m² at 50Pa, which is significantly better than the limiting value of 10m³/h.m² at 50Pa set in Building Regulations. The improvement in air-tightness is welcome, and if implemented should lead to a reduction in energy demand across the development. A condition is required in order to ensure that this is met.

Layout

The Council's EPCCO has pointed out that constructing homes as pairs of detached units rather than semi-detached units increases the external wall area of each unit, and thereby the heat loss area, and energy running cost and emissions of each. So In line with policy CS1 – High Quality Design which '*seeks to ensure that all new development minimises the amount of energy and natural resources used during construction and the operation of the development over its lifetime*' recommended that all the detached-pair units are redesigned as semi-detached units. This was not taken on board by the applicant, and the planning officer considers that as the site layout contains a significant amount of semi-detached and terraced dwellings, in relation to the small number of 'pair' detached units, then this issue is not significant.

Overheating

The single-aspect design and orientation – southerly- of the block of flats adjacent and parallel to the M4 means they are at higher risk of summer overheating now and during the lifetime of the development, as average and peak summer temperatures are expected to rise. As referenced in the Sustainability Statement the revised NPPF (July 2018) states that new development should be planned for in ways that '*Seeks to ensure that all new development minimises the amount of energy and natural resources used during construction and the operation of the development over its lifetime*'. Given this requirement, further analysis of the risk of overheating is required and if where the potential to overheat is identified, appropriate mitigation measures should be integrated into the design starting with external measures to limit solar gain such as fixed and seasonal shading to remove this risk.

Energy strategy

The Sustainability Statement investigates two routes to meeting the space heating and hot water demand and addressing the required reduction in residual emissions: i) Gas condensing combination boilers and roof mounted PV. ii) Micro-heat networks using ground source heat pumps. The latter is discounted by the applicant due to uncertainty regarding the future of the Renewable Heat Incentive (RHI) post 2021 and the possible need for additional renewable energy generation to meet the 20% reduction in residual emissions are identified as potential barriers to the use of ground-source heat pumps. Although this is the SGC preferred option under emerging policy, it is not currently a policy requirement.

With regards to the first gas/PV option, the report shows a 20% reduction in residual emissions. A condition is required to ensure the provision for approval of final calculations that take account of the tilt, orientation and any shading of the PV system. The scheme is considered to be in compliance with PPS 6 provided this condition is complied with, together with conditions relating the provision of evidence that airtightness of 5.01m³/h.m² at 50Pa has been achieved in each unit shall be provided prior to occupation, and the condition regarding overheating noted above.

Archaeology

An archaeological evaluation by trial trenching has occurred on this site and has revealed archaeology of various dates and type. This includes a possible prehistoric roundhouse, part of a Roman Road and complex ditch systems representing boundaries and a possible coaxial field system.

It is clear that truncation of this site has occurred and of the archaeology identified in the evaluation shows little (if any) surviving earthworks related to any of this activity. As such, the Council's archaeologist has taken the view that despite a good corpus of archaeology being discovered it is unlikely to be of national significance worthy of in situ preservation and can be recorded as part of a condition.

This condition will involve open excavation/strip, map and sample of large parts of the site to fully target the prehistoric "roundhouse", Roman road, boundaries, enclosures and will need to be comprehensive enough to characterise and hopefully date the field system.

As such it is recommended that two archaeological conditions are imposed, one involving the submission of a Written Scheme of Investigation (WSI) and the undertaking of archaeological work prior to groundworks, the WSI is for the excavation, recording and post-excavation assessment of the site, shall be submitted for approval to the local planning authority. The second condition is to require the results of a programme of archaeological work, including any necessary post-excavation assessment, in accordance with the WSI previously approved by the local planning authority, shall be submitted for approval to the local planning authority. Thereafter any post-excavation analysis necessary along with any necessary publication shall be implemented in full unless the Local Planning.

The proposal is therefore considered to be in accordance with Policy PSP 17, subject to these two conditions being imposed.

High Pressure Pipeline

Some of the proposed dwellings would be located on the line of an existing high pressure gas main. The applicant has confirmed that they are aware of the presence of the gas main. The relevant easements provide the terms on which the gas main can be relocated. The applicant has further stated that they have been liaising with Wales & west Utilities over this issue. The intention is to divert the main to follow Henfield Road, north of the point that the main crosses the road, west of Plots 224 and 225, to run along the road and to re-join the existing alignment north of the motorway. This diverted, it will be no closer to the school than the existing run west of the road. The discussions have covered the intended use of alternate materials for the pipe construction, which in turn facilitate amended prescribed safety distances.

The proposed development lies within the HSE consultation distance for this high-pressure natural gas pipeline, which is classed as major accident hazard pipeline, and which is currently operated by Wales and West Utilities. The HSE consultation zone distances which currently apply to this pipeline are:

- Inner zone = 9 metres
- Middle zone = 9 metres
- Outer zone = 70 metres

This application has been considered using HSE's Land Use Planning Methodology. Some of the proposed dwellings in the North West corner of the site will be located within the inner zone of the HSE consultation distance around the pipeline, which extends 9 metres on each side of the pipeline.

HSE's assessment therefore indicates that the risk of harm to people at the proposed development is such that they advise that there are sufficient reasons, on safety grounds, for advising against the granting of permission. However, HSE do not advise against the granting of planning permission if the following condition is included to ensure that none of the dwellings are located within the inner zone:

No dwellings shall be located within the inner zone of the HSE consultation distance of the high-pressure gas pipeline, i.e. within 9 metres of the pipeline.

Subject to this condition therefore, the application is acceptable in terms of the pipeline.

In terms of the new multi user path, which is require to be constructed before the pipeline is moved, the applicant has confirmed that it is possible to construct the multi user path over and around the gas main without the need for mechanical excavation. It is also worth noting that the HSE Land Use Planning methodology classifies infrastructure such as estate roads as low risk where it would not advise against development.

Affordable Housing and Self Build

The proposal is for a policy compliant amount of affordable housing - 35% hence the proposed 393 dwellings generates a requirement of 138 Affordable Homes. The applicant has agreed to the Council's terms that they are to be provided without public subsidy, on-site and distributed throughout the development in clusters of no more than 12 units. Furthermore, with regard to tenure and type, this application was submitted in a transitional period prior to the adoption of the updated SHMA (2019), as such, to meet identified housing need from the Wider Bristol SHMA 2015, the following tenures shall be provided:

- 73% Social Rent: this equates to 101

- 5% Affordable Rent: equating to 7 units
- 22% Shared Ownership: equates to 30 units

Following negotiation, the size of some of the units has been increased to accord with the SHMA minimum sizes of units, and hence the proposal is now acceptable to the Council's housing enabling officer, subject to a planning obligation to secure all matters.

With regard to self-build, it has been agreed with the developer that due to the site constraints, design quality and overall aesthetic of the site, the self and custom build plot provision will be in the form of:

- 1) 10no. self-build plots, and
- 2) 10no. shell/custom build plots.

This application seeks full planning permission, however on sites where self and custom housebuilding is required it is expected that these plots are brought forward by way of further full planning applications for the individual self-build plots. This is to allow individual plot purchasers to substantively influence the design of their home. The applicant will be required to enter into a S106 agreement that agrees the timing of delivery. A phasing plan (Phase 1 plan, 29/04/20) has been submitted which confirms that the locations of the self and shell/custom build plots. The revised plans confirm the location of the custom build and self-build plots. They are all located in a discreet location on the southern edge of the site and not within close proximity to the listed building or other site constraints.

A self-build phasing plan will be required prior to commencement which shows each self-build/shell/custom build plot to be a separate/future phase of the development, to be approved by the Council prior to commencement. To ensure CIL is not inadvertently triggered across the whole self-build element of the scheme due to commencement elsewhere on the site.

Plots for self and custom housebuilding to be serviced and in a remediated condition in line with agreed triggers within the S106 Agreement.

The proposal is therefore considered to comply with PSP42 (part 4): 5% of 393 dwellings equates to 20 serviced plots, (that meet the definition of self-build and custom housebuilding plots within the Housing and Planning Act 2016) for sale to self and custom housebuilders.

Commons Stewardship Officer

A number of conditions are proposed, however the recommended condition to provide details of impact on the common is not considered to be needed as the application does not include the common. Further, with regard to ecology and biodiversity concerns, officers consider that these are overcome by the revised scheme and notes that the Council's Ecologist does not object to the proposal, subject to a number of conditions to enhance and protect biodiversity.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011

Since the submission of the original ES, and the officer's response, the applicant amended the proposal in a number of ways. An ES Addendum was submitted to consider whether the amendments to the proposed development alter the findings of the original ES. The Addendum is read in conjunction with the original ES. A summary of the potential changes to the assessment of significant effects report in the original ES is given in the Addendum. The proposed changes to the proposed development do not result in additional technical disciplines being required. Therefore the original scoping for the project in this respect remains valid. The proposed changes were considered in respect of whether they alter the findings of some of the technical assessments set out within the original ES. This ES Addendum therefore sets out a review of the assessments for each topic.

Both the original ES and the Addendum have been prepared in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended). Although new Regulations were introduced in 2017 which replaced these, the 2011 Regulations still apply to this project as the EIA scoping opinion was requested before the commencement of the 2017 Regulations.

The ES Addendum provides a summary of mitigation measures and residual effects. Additional to the mitigation measures set out in the original ES is a financial contribution towards provision of additional patient places to address the shortfall in spare capacity in GP surgeries). The applicant has provided further information relating to this to demonstrate that the change in the capacity since the original ES and the Addendum was marginal, and has now returned to the original level so officers have accepted that this is not essential. Moreover, officers consider that as the financial contribution to the local GP surgery provide by the wider EGE S 106 obligation has not been spent despite the money being provided by the developer two years ago, that it is not possible to argue that it is necessary to make the proposed development acceptable.

Officers have taken the ES into account in assessing the application, and where necessary have referred to proposed mitigation measures in the above officer report. The ES concludes that there are no additional environmental constraints which would preclude the proposed development. Officers can confirm that the environmental information has been considered by officers and has been found sound for the purposes of considering this application and has been used to formulate some of the proposed planning conditions and planning obligations, having regard to the additional mitigation column in the table of the summary of the proposed mitigation and residual effects.

Other matters raised by consultees

This section of the report seeks to respond to concerns raised through the consultation process, not already covered in the report.

With regard to capacity of local health facilities, this covered under the ES section above.

A local resident has objected to the proximity of a new wall to their property, however this wall has now been significantly moved away from the existing residential property, and this is considered to safeguard their residential amenity.

With regard to concerns over dangers posed by the motorway, officers are satisfied that this aspect has been considered by HE, who do not object to the application.

With regard to some comments concerned with loss of common land, offices can confirm that the application does not involve the loss of any common land.

The allocation as 'safeguarded land' was never intended to be used only when there was no other land left in the district, it was intended to be planned and built out, once the wider site to the west was at a sufficiently advanced stage to provide a continuous build out.

With regard to access to the Shale Tip Land – this is now provided on the revised scheme, and a planning obligation relates to it.

Regarding the agricultural fields beyond the proposed allotments, it is confirmed that access to these will not be hampered by the allotments; the Dramway/ Community Forest Path goes around the allotments in any event.

Since the application was submitted, new facilities at Lyde Green other than the primary school and community centre, comprise the children's nursery and Sainsbury's local shop. In addition, officers can advise that the planning application for the new secondary school and additional primary school in the eastern part of the site will be the subject of a planning application in the next few weeks. It is considered therefore that the site has reached an advanced stage in its build out, with a good level of local facilities.

Impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities. Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers. The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have a neutral impact as equality matters have duly been considered in planning policy.

Planning Balance

As set out above there is considered to be a "less than substantial harm" to the grade II* listed Lyde Green Farm buildings, which are not directly affected by the development, however the new building will be located within the historic setting of this heritage asset and it is for this reason that there is a resulting harm. Paragraph 196 of the NPPF allows where there is "less than substantial harm" that it may be weighed against any public benefits of the proposal. Notwithstanding any such benefits, special regard must be had to the desirability of preserving the listed building and protecting its setting, taking into account the great weight that is given to the conservation of heritage assets. A finding of less than substantial harm does not, therefore, imply a less than substantial objection to the grant of planning permission and the council must be satisfied that the public benefits resulting from the wider residential aspect of the scheme clearly outweigh the harm to the heritage asset.

Secondly the development does not accord with the adopted development plan, as it proposes residential development within the safeguarded employment land, contrary to policies PSP26, CS11 and CS12. Material to considering whether or not

employment development would have been acceptable however, is the proximity of the grade II* listed buildings, and the need to be sensitive to their setting; officers consider that it would be unlikely that the type of employment development associated with the remainder of the employment land the west of Lyde Green Lane – primarily large B8 storage units- would have been compatible with the need to respect the setting of the high category listed buildings. Furthermore, the proposed single point of access, restricted by the adjacent common land would not have been suitable for HGVs and other commercial vehicles associated with employment development.

Thirdly, the objection to the use of Lyde Green Road by the Highway Officer who considers the application fails to provide a satisfactory traffic route for all users between Elderflower Drive (Road 5) and the site entrance at Lyde Green Farm access, with Lyde Green Road being deficient in terms of restricted carriageway width and lacks footway and cycle provision and lighting. In mitigation, the application proposes a new multi user path that runs inside the application site parallel to Lyde Green Road, and links with the end of Road 5, albeit on a route that is less direct than if it had been adjacent to the carriageway, it is safe, separate from traffic and 3m wide. Furthermore, it has been taken into account that the adopted EGE SPD denotes Lyde Green Road as a bus route; the numbers of large vehicles serving the proposed residential development will be relatively low; the road is a pre-existing carriageway with no restrictions on serving two way vehicular flow and with good inter-visibility; non-motorised users will be provided with an alternative route parallel to the road; a local bus company has confirmed that it will be able to traverse the route; finally because there are usually highways and junctions that are operational, but do not accord exactly with modern guidelines and yet still function well, and users adapt.

In mitigation, the scheme is considered to be of a very high quality design that will be seen as a step change from the recent new development of the land to the west of Lyde Green Lane. This view is shared by the Council's Urban Design Officer and Landscape Officer. The proposal provides the full requirement of POS and overprovides on allotments. There is an opportunity to provide some landscape and ecological enhancements through conditions. This will mitigate against. The Energy Statement negotiated with the applicant ensures that the building will benefit from carbon reduction measures over 20%.

The principal benefit of the proposal however is that it is a full application for 383 dwellings, with 35% affordable housing. As such this has the opportunity to contribute significantly to the 5-year housing land supply, and crucially, being a full application, this will be possible to be delivered in the near future.

In terms of heritage, the question should not be addressed as a simple balancing exercise but whether there is justification for overriding the presumption in favour of preservation. Only when harm has been minimised should the unavoidable 'residual harm' be weighed against public benefits. For the reasons given in the *Heritage* section of this this report, the revised plans mitigate to some extent the less than substantial harm; in addition it has been taken into account the Council's need for housing and the fact that the site is part of a wider allocation for new housing, and these factors are considered of overriding public interest that overcome this less than substantial harm, taking into account the great weight that is afforded to the protection of designated heritage assets and their settings.

On balance it is considered that the public benefit from the provision of new dwellings including policy compliant affordable housing outweighs any residual harm to the listed buildings and the other harm noted above.

CIL Issues

The South Gloucestershire Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD was adopted March 2015. CIL charging commenced on 1st August 2015 and this development, if approved, would be liable to CIL charging.

Planning Obligations

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

- Necessary to make the development acceptable in planning terms;
- Directly related to the development;
- Fairly and reasonably related in scale and kind to the development.

In the case of the Unilateral Undertaking as set out in the heads of terms below, it is considered that they are appropriate mitigation, necessary to make the development acceptable in planning terms, directly related to the development and in scale and kind to the development. As such, all planning obligations set out are considered to pass the CIL Regulation 122 tests.

7. RECOMMENDATION

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

Highways

- *Public Transport-* £730,000 (indexed link) contribution towards a bus service to key destinations.
- 3 dwellings and associated parking area will not be commenced until the bus turning area is decommissioned due to the completion of an alternative suitable bus route.
- *Comprehensive Development-* All roads, cycleways/ multi user paths and footpaths extending to the site boundary shall be constructed to the boundary of the site.

Prior to the completion of phase 1 (or number of units) the Developer shall:

enter into a Highways Agreement to procure the dedication and adoption of the highway linking to land to the south west of the site and to subsequently complete the highway to Adoptable Standard under an agreement made pursuant to section 38 and/or s278 of the Highways Act 1980 (as appropriate) between the Developer and the Council (as highway authority - .

The Developer covenants not to Occupy more than Phase 1/ -dwelling number TBC until the practical completion and dedication of the above highway.

- As above for phase 2 and road to land to the north east (shale tip land).
- Applicant to cover the cost of all TROs relating to the site which will include seeking to secure discouraging use of Coxgrove Hill, through for example 'access only' traffic to Pucklechurch south of the site access and a similar restriction associated with the delivery of Road 1B connection.
- *Travel plan obligation* –Contribution of £375 per dwelling – £147,375 in total towards the Council preparing a Travel Plan for the site, administering and managing travel planning for the site. The Travel Plan shall include measures to reduce single occupancy car use, realistic modal shift targets, and monitoring regime, and provide sustainable travel vouchers.

Public Open Space

- Prior to occupation of the 1st dwelling, the applicant shall secure the management and maintenance of the Public Open Space (POS) and Sustainable Drainage System (SUDS) in perpetuity, to adoptable standards, and in accordance with an appropriate management regime to be first approved by the Council. The developer shall maintain the POS and SUDs in accordance with the maintenance regime until such time as the whole of the POS and SUDs areas are either transferred to the Council or transferred to a management entity, the details of which shall be first approved by the Council.
- The applicant shall provide 2,060sqm of equipped play space on site for children and young people in accordance with the phasing plan, i.e.in Phase 1.
- The applicant shall provide 13,440 sqm provision on site for natural and semi natural open space
- The applicant shall provide 10,890 sqm provision on site for informal recreational open space
- The applicant shall provide 9,860 sqm open space provision on site for allotments as part of Phase 2.
- The applicant shall provide a contribution of £720,248.43 towards offsite outdoor sport provision, together with a contribution of £217,994.40 towards its maintenance, both of which shall be payable prior to the occupation of the 200th dwelling .
- All to be in accordance with POS Headline Specs included in the S 106.

Public Rights of Way

- Contribution of £30,000 towards the improvement of the under M4 subway for pedestrians, to mitigate for the extra pedestrian demand attributable to this development and provide safe route to allotments. LED Lighting (Bulkhead surface fitting) through the under pass for at least 52 metres, subject to the provision of basic Streetlighting power feed to the underpass and Highways England approval for fitting.

- Contribution of £8,500 for surfacing the route of LPU 5 where it crosses the common, made up with a stone dust surface to a width of 1.5 metres and for some 20 metres.
- Multiuser path link to the eastern end of footpath LPU28 requires a short length of upgrade of LPU 28 into the railway path to facilitate the multiuse. Contribution towards this would cost £4,500.

Self Build and Custom Build

Delivery and Phasing

- 10 dwellings shall be made available and shall be marketed by the Owner for Self-build Plots, and 10 dwellings for Shell/Custom House Building Plots.
- A self-build phasing plan will be required prior to commencement which shows each self-build/shell/custom build plot to be a separate/future phase of the development, to be approved by the Council prior to commencement. (To ensure CIL is not inadvertently triggered across the whole self-build element of the scheme due to commencement elsewhere on the site.)
- Self-build Delivery Statement to be approved prior to the commencement of development (PSP42 paragraph 8.58) to set out the programme for delivering the self/custom build plots to a serviced and remediated condition including details of access, servicing, infrastructure, subdivision and boundary treatment and how the delivery of plots will meet the definition of self-build and custom housebuilding and the definition of serviced plots (The Housing and Planning Act 2016 (section 9, (1))).

Design

- Dwellings should be no larger than 108sqm (gross internal floor space).
- The initial occupier of any self or custom build dwelling shall have primary input into that dwelling's final design and layout requiring a further full planning application by the plot owner. As this application seeks full planning permission, it is expected that 10no. self- build plots will be brought forward by way of full planning application for individual plots.
- (Self and custom housebuilding does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person.)
- Prior to site or phase commencement (as appropriate) a Design Code or brief will be approved for the self and custom build element to agree as a *minimum* the subdivision of plots, building line, scale and boundary treatments. The Design Code or brief should set out design parameters for self and custom housebuilding and should not be overly prescriptive allowing for design variation, creativity and innovation. The design brief for the self-build plots to form part of the marketing material and Plot Passports for prospective plot purchasers to view.

Marketing

- A strategy for the marketing of the custom-build plots is required before commencement of Phase 1 which includes custom-build plots and should set out how plots will be marketed to eligible purchasers, use of plot passports, the method for

valuing plots, the proposed terms and conditions for the sale and the use of a reputable and experienced estate agent.

- Self and custom housebuilding plots and shell homes are to be marketed at open market value. Any plots which remain unsold following the first marketing period shall be made available as either self / custom housebuilding plots or as shell homes during the second marketing period.
- No more than 30% of the market dwellings shall be occupied until all the self-build plots are provided as serviced plots and are being marketed appropriately.
- Where a developer may seek to offer shell homes or where necessary standard market product it must be demonstrated that there is no demand for that self-build / custom-build plot and an appropriate mechanism should be set out. This should include an independent valuation of the plots and appropriate marketing strategy. A period of not less than twelve months during which the self-build plots and shell homes will be marketed will not commence until the self-build plots or shell homes are serviced and are available for immediate purchase. Evidence demonstrating that it was not possible to deliver the self-build and or custom build plot, in accordance with the act, or secondly shell home, will therefore be required with any subsequent full application for the plots in question.
- The Council will also require the principle access road and communal areas serving self-build and custom build plots to be delivered to adoptable standards by an agreed trigger, during the build out of the site or phase as appropriate.

Affordable Housing

- 35% of 393 dwellings to be delivered as 139 Affordable Homes as defined by the NPPF, to be provided without public subsidy, on-site and distributed throughout the development in clusters of no more than 12 units.
 - 73% Social Rent: 103 proposed
 - 5% Affordable Rent: 6 proposed.
 - 22% Shared Ownership: 30 proposed

as identified by the Wider Bristol Strategic Housing Market Assessment 2015.

A range of affordable unit types to meet housing need based upon the findings from the Wider Bristol Strategic Housing Market Assessment 2015 as shown below.

- All affordable homes must be built to meet the minimum size requirements:

Social Rent: 103 proposed

Percentage	Developer proposal	Type	Min Size m ²
15%	15	1 bed 2 person flats	50
15%	17	2 bed 4 person flats	70
28%	28	2 bed 4 person houses	79

34%	35	3 bed 5 person houses 2 storey	93
8%	8	4 bed 6 person houses 2 storey	106

Affordable Rent: 6 proposed

Percentage	Developer proposal	Type	Min Size m ²
3%	0	1 bed 2 person flats	50
13%	1	2 bed 4 person flats	70
30%	2	2 bed 4 person houses	79
54%	3	3 bed 5 person houses 2 storey	93
0%	0	4 bed 6 person houses 2 storey	106

Shared Ownership: 30 homes

Percentage	SHMA compliant number of units	Type	Min Size m ²
8%	2	1 bed 2 person flats	50
16%	5	2 bed 4 person flats	70
35%	11	2 bed 4 person houses	79
41%	12	3 bed 5 person houses 2 storey	93
0%	0	4 bed 6 person houses 2 storey	106

- An Affordable Unit Distribution Plan that reflects the agreed number and type of Affordable units will be required.
- *Design* – Affordable Homes to be built to the same high quality design standards and visually indistinguishable from the market units and in addition, Part M of the Building Regulations accessibility standards M4(2), Secured by Design Silver, Part Q Building Regulation standards and compliance with the RP Design Brief;

- *Clustering*-The number of Affordable Homes that should share an entrance and communal area can be extended to 8, for this instance only.
Wheelchair Provision- 8% of Affordable Homes to meet Part M of the Building Regulations accessibility standards M4 (3): 8% of 138 affordable units is 11.04 units.
Delivery and Phasing-
- The Council to refer potential occupants to all first lettings and 75% of subsequent lettings.
- Delivery is preferred through the Council's list of Approved Registered Providers. In the event of the developer choosing a Registered Provider from outside the partnership then the same development and management standards will need to be adhered to.
- Affordable Homes to be built out with the market housing on site in line with agreed triggers within the S.106 Agreement.

Rent Levels and Affordability

- Social Rent homes to be let at Target Rent (Rent Standard Direction 2014).
- Shared Ownership homes to be sold at no more than 40% of market value, and annual rent on the equity retained by the RP should be no more than 1.5%.
- Affordable Rent homes to be let up to 80% local market rents including service charges, but not exceeding LHA.
- Service charges will be capped at £650 per annum (April 2016 base and linked to RPI) to ensure that all housing costs are affordable to future occupants.
- Capital receipts on intermediate housing to be recycled as capital expenditure on approved affordable housing schemes in South Gloucestershire, with subsidy levels to increase by any capital appreciation.

The reason for the above obligations is to ensure that the mitigation of the impacts of the development are met.

Following the Council introducing the CIL tariff that Head of Corporate Finance is authorised to levy the CIL charge.

Should the Section 106 not be completed within 6 months of the date of this Circulated Schedule report that delegated authority be given to the Director of Planning, Transport and Strategic Environment to refuse the application if an extension of time to complete the agreement is not sought.

Contact Officer: Helen Ainsley
Tel. No. 01454 863788

CONDITIONS

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

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

2. Prior to the commencement of the development hereby approved, fencing in accordance with Drawings JBA 15-319 TP01 and TP02 shall be erected round the root protection area of existing trees and hedgerows to be retained adjacent and within the site. Such fencing shown on this drawing shall be erected prior to the use of any machines on site, and prior to any clearance on site, and retained throughout the construction period and until the completion of the development hereby approved. All development shall be carried out only in accordance with the Arboricultural Impact Assessment and Arboricultural Method Statement.

Reason: To protect the character and appearance of the area and in accordance with Policy PSP2 of the adopted South Gloucestershire PSP, and CS2 of the adopted South Gloucestershire Core Strategy. Prior to commencement is required in order to protect the trees and hedges.

3. All planting, seeding or turfing comprised in the soft landscaping details hereby approved, shall be carried out no later than the first planting and seeding season following the substantive completion of the development hereby approved, and any trees or plants (retained or planted) which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting seasons with others of a size and species as shall reasonably be specified by the Local Planning Authority.

Reason: To prevent losses or damage and to achieve the earliest possible establishment of the landscape and its retention, and protect the character and appearance of the area, and in accordance with Policy PSP2 of the adopted South Gloucestershire PSP, and CS2 of the adopted South Gloucestershire Core Strategy.

4. Street lighting to the Council's adoptable standards within the margins of highways proposed for adoption and which prevents light spill over bat commuting/foraging habitat (European Protected Species habitat) shall be provided prior to the first occupation of the relevant dwellings hereby approved.

Reason: In the interests of the provision of a satisfactory lighting scheme, and to prevent harm to protected species, and in accordance with Policy PSP1 and PSP19 of the adopted South Gloucestershire PSP, and Policies CS9 and CS1 of the adopted South Gloucestershire Core Strategy.

5. Notwithstanding the submitted materials details on the plans hereby approved, samples of the following materials shall be submitted to and approved in writing by the Local Planning Authority prior to construction above slab level of any of the relevant dwellings hereby approved. Development shall be carried out in accordance with the agreed samples:

- North elevation apartment block green cladding and framing
- Render
- Bricks (lighter and the engineering type to base of apartments)
- Roofing materials
- Vertical side door elements
- Front door canopies
- Paving materials,

- Meter boxes, position, colour, material
- Rainwater goods
- Garage and front doors
- Balcony structure, colour and screens between balconies,
- Window frames
- Juliette balconies
- Boundary treatments, including walls, fences and railings-
- Allotment tunnel materials, including lighting, paving and walls paint
- Boiler flues and extract vents – location to be approved

Reason: To ensure a good quality of external appearance and to accord with Policy PSP1 of the adopted South Gloucestershire PSP, and CS1 of the adopted South Gloucestershire Core Strategy.

6. Driveways in which the external car parking area is provided between two side elevations of dwellings shall be provided with external lighting to illuminate this area and external lighting to BS5489:2013 shall be provided for the private driveways/communal car parking areas.

Reason: In the interests of personal safety and crime prevention and in accordance with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy, (adopted Dec 2013).

7. The development shall be carried out in accordance with the phasing plan – (3195 L(00) 204 Rev H), with Phase 3, the apartment block being constructed before first occupation of Phase 4.

Reason: To accord with the findings of the Noise Impact Assessment (R5950-6- Rev 2, Oct 2019, 24 Acoustics), in order to provide sufficient noise mitigation, in the interests of residential amenity of future occupants, and Policy PSP21 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted Nov 2017).

8. No development shall take place until a Construction Environmental Management Plan (CEMP) and Construction Traffic management Plan (CTMP) has been submitted to, and approved in writing by the local planning authority. The CEMP shall provide for:
 - i. the parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials used in constructing the development;
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v. measures to control the emission of dust and dirt during construction and measures for road cleaning and controlling the migration of mud from the site onto the highway;
 - vi. delivery and construction working hours, and procedures for emergency deviation of the agreed working hours;

- vii. Containment of silt/soil contaminated run-off.
- viii. Disposal of contaminated drainage, including water pumped from excavations, and measures to prevent the runoff of any contaminated drainage during the construction phase.
- ix Site induction for workforce highlighting pollution prevention and awareness.
- x. Procedures for maintaining good public relations including complaint management, public consultation and liaison;
- xi. Measures for controlling the use of site lighting whether required for safe working or for security purposes;
- xii. Measures to control the tracking of mud off-site from vehicles;
- xiii. Adequate provision of fuel oil storage, bunding, delivery and use, and how any spillage can be dealt with and contained;
- xiv. Contact details of the main contractor;
- xv. Membership details for the Considerate Constructor Scheme or similar regime and site induction of the workforce highlighting pollution prevention and awareness.
- xvi Minimizing temporary noise and vibration impacts as set out in the Environmental Statement .
- xvii Ecology requirements as set out in the Environmental Statement including how all retained semi-natural habitat (including the two adjacent SNCIs) will be safeguarded from development, including pollution incidents.
- xviii The mitigation measures identified in the original ES, Chapter 11, Table 11.22 incorporated into a dust management plan (DMP).

The CTMP shall provide for:

- i. the routing of construction traffic to the site via the site access onto Lyde Green Road and the section Lyde Green Road to Elderflower Drive before joining with the wider highways network, with no construction traffic using Lyde Green Road north of the motorway bridge on Lyde Green Road towards Westerleigh Road junction, or towards Pucklechurch village via Cosgrove Hill; or such other routing arrangement agreed by the Council that prevents construction traffic impacts at Cosgrove Hill or on Lyde Green Road north of the motorway.

The approved CEMP and CTMP shall be adhered to throughout the construction period for the development.

Reason: To prevent pollution and environmental damage, and in the interests of highway safety, in accordance with and Policies CS9 CS8 of the adopted South Gloucestershire Local Plan: Core Strategy and Policies PSP6 PSP19 and PSP21 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted Nov 2017). Prior to commencement is needed as the condition relates to the construction period

9. Prior to the construction of any of the natural stone elements, a representative sample panel of the proposed natural stone walling and building material of at least one metre square to show the stone colour, texture, profile and coursing shall be erected on site and approved in writing by the local planning authority. The stonework shall be completed in its entirety in accordance with the plans hereby approved and the development shall be completed strictly in accordance with the approved panel, which shall be retained on site until completion of development, for consistency.

Reason: In the interests of visual amenity and in accordance with and 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).

10. Within 6 months of the commencement of the development hereby approved, the new multi user path along western boundary of the site, and including that within application P20/06681/F, shall be constructed and the applicant shall enter into an appropriate Agreement to dedicate the multi user path as an adopted highway maintainable at the public expense by the Local Highway Authority; to secure all necessary approvals or Orders as required to achieve this; and shall construct and complete the MUP to the approved adoptable standard in accordance with the approved layout. Until the multi user path is adopted as maintainable at the public expense by the Local Highway Authority, the applicant shall allow members of the public at all times to pass and repass on the said and the applicant shall maintain the MUP (including maintenance of street lights, cleaning of the path and drainage and general repair) until the date on which adoption has been completed with the Local Highway Authority.

Reason: In the interests of the safety of pedestrians, cyclists and horse riders and to enable an alternative route to the existing route (Sustrans route 410, part of the Avon Cycleway) during both construction and operational phases of the development. And to provide adequate pedestrian access to the site, to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013 and Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

11. Prior to the construction of Basin C, details of the retaining embankment structure shall be submitted for the written approval of the Local Planning Authority. All such details as approved shall be implemented, prior to the first use of Basin C.

Reason: In the interests of visual amenity, and to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system and to ensure that a satisfactory means of drainage is provided, and to accord with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy and Policies Sites and Places Policy PSP20.

12. Prior to the first occupation, a management and maintenance schedule for the detailed design all surface water infrastructure and land drainage shall be submitted for the written approval of the Local Planning Authority. Thereafter the approved management and maintenance scheme shall be fully implemented.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system and to ensure that a satisfactory means of drainage is provided, and to accord with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy and Policies Sites and Places Policy PSP20.

13. Prior to the commencement of each phase, no development shall commence (with the exception of demolition), until surface water and foul drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted to and approved by the Local Planning Authority. For the avoidance of doubt we would expect to see the following details when discharging this condition:

- A clearly labelled drainage layout plan showing the exact location of any soakaways, new sewage package treatment plant and method of irrigation or discharge of treated effluent
- Confirmation of approval from the Environment Agency for the method of irrigation or discharge of treated effluent
- Evidence is required to confirm that the ground is suitable for soakaways. Percolation / Soakage test results in accordance with BRE Digest 365 and as described in Building Regulations H – Drainage and Waste Disposal
- Evidence that the soakaway is appropriately sized in accordance with BRE Digest 365 Soakaway Design.
- Soakaways must be located 5 Metres from any structure including the Public Highway.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system and to ensure that a satisfactory means of drainage is provided, and to accord with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy and Policies Sites and Places Policy PSP20. Pre commencement is required as the details are needed before significant groundworks.

14. Where on-plot parking is provided for residential dwellings, Electric Vehicle (EV) charging points for each parking space should be provided for each dwellings, with shared facilities provided for the apartment blocks.

Reason: To facilitate use of electric vehicles and contribute to minimising traffic emissions from the development in the interests of climate change and air quality, and in accordance with policy CS1 and PSP6 of the adopted Core Strategy.

15. In order to achieve the required noise climate- the external noise climate up to 63dBA LAeq (16hour daytime) and the majority of the completed phased development shall not exceed the 55dBA hourly LAeq, the noise mitigation

measures, including acoustic glazing and acoustically attenuated ventilation, together with specification and design of external façade elements, as detailed in the Noise Impact Assessment (R5950-6- Rev 2, Oct 2019, 24 Acoustics), shall be fully implemented.

Reason: In the interests of the residential amenity of future occupants, and in accordance with Policy PSP8 of the South Gloucestershire Policies Sites and Places Plan.

16. In order to demonstrate that the proposed energy efficiency standards presented in the submitted Sustainability Statement have been met in practice, post construction evidence should be provided, such as 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 as proposed.

Reason: To achieve improved energy conservation and protect environmental resources, to ensure that the development contributes to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions, in accordance Policy CS1 of the adopted South Gloucestershire Local Plan: Core Strategy and Policy PSP6 of the adopted Policy Sites and Places Plan.

17. Prior to implementation, details of the PV panels (including the exact location, dimensions, design/ technical specification and roof plans) together with calculation of energy generation and associated CO₂ emissions to achieve a reduction in residual emissions from renewable energy of at least 20% in line with the approved energy statement should be submitted to the Local Planning Authority and approved in writing. The renewable energy technology as approved shall be installed prior to occupation of the dwellings and thereafter retained.

Reason: To achieve improved energy conservation and protect environmental resources, to ensure that the development contributes to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions, in accordance Policy CS1 of the adopted South Gloucestershire Local Plan: Core Strategy and Policy PSP6 of the adopted Policy Sites and Places Plan.

18. Prior to first occupation of the dwelling hereby approved, the following information shall be provided and approved in writing by the Local Planning Authority:

- Evidence of the PV system as installed including exact location, technical specification and projected annual energy yield (kWh/year) e.g. a copy of the MCS installer's certificate(s).
- A calculation showing that the projected annual yield of the installed system is sufficient to reduce residual CO₂ emissions by at least 20%.The projected annual yield and technical details of the installed system will be provided by the Micro-generation Certification Scheme (MCS) approved installer. The impact of shading on the annual yield of the installed PV system (the Shading Factor) should be calculated by an MCS approved installer using the Standard Estimation Method presented in the MCS guidance. Revised calculations should take account the tilt, orientation and any shading of the PV system. The Shading Factor should be calculated using the Standard Estimation Method as set out in the MCS guidance.

Reason: To achieve improved energy conservation and protect environmental resources, to ensure that the development contributes to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions, in accordance Policy CS1 of the adopted South Gloucestershire Local Plan: Core Strategy and Policy PSP6 of the adopted Policy Sites and Places Plan.

19. Prior to the construction of the apartment block (Phase 3) further analysis of the risk of overheating should be submitted to the Local Planning Authority for written approval. If the potential to overheat is identified, appropriate mitigation measures should be integrated into the design starting with external measures to limit solar gain such as fixed and seasonal shading to remove this risk.

Reason: To ensure the development incorporates measures to minimise the effects of, and can adapt to a changing climate in accordance with SGC policies CS1-High Quality Design, and PSP6- On-site renewable and low carbon energy.

20. The temporary bus turning area and bus shelter together with a road connection with the existing highway suitable for bus use shall be constructed prior to the practical completion of phase 1 and prior to the commencement of any dwellings in phase 2 of the development hereby approved, and shall be retained in place until an alternative bus route between land to the west and the safeguarded land, as approved by the Council has been implemented. The bus shelter/stop shall be permanently retained thereafter to serve the alternative route, or relocated to a position agreed with the local planning authority prior to the commencement of the alternative bus route service.

Reason: In the interests of transport impact management and sustainable travel and ensuring that the residential development is within walking distance of a bus stop, and in accordance with Policy PSP 11 of the adopted Policy Sites and Places Plan.

21. The allotments hereby approved shall be laid out in full prior to the completion of phase 2 of the development hereby approved, prior to which full details of the following shall have been approved in writing by the Local Planning Authority: enhanced drainage to ensure that suitable growing conditions are achieved, water supply, boundary fencing to secure against trespass by people or animals, levelling, topsoil for each plot some raised beds for people with mobility problems and trolley park adjacent to the car park.

Reason: In order to ensure that the local residents have access to a good quality allotments, and in accordance with Policy CS24 of the adopted South Gloucestershire Local Plan: Core Strategy.

22. Prior to the commencement of any drainage works on site a Drainage Strategy and Access and Egress Statement shall be submitted for written approval to the planning authority which confirms:

- access/easements to allow Highways England to maintain their assets.

- existing Highways England drainage assets in and surrounding the development, surveyed in accordance with the Design Manual for Roads and Bridges (DMRB).
- proposals on any changes to existing discharge points to the Highways England drainage network will be provided in accordance with the DMRB.

All such details as approved shall be implemented.

Reason: To offset development traffic impacts on the SRN i.e. M32 J1 and in the interests of sustainable development and in accordance with Policy CS26 of the South Gloucestershire Local Plan: Core Strategy, (adopted Dec 2013).

23. All gas fired boilers to meet a minimum standard of $40\text{mgNO}_x/\text{kWh}$, as set out in the submitted ES.

Reason: in the interests of climate change and air quality, and in accordance with policy CS1 of the South Gloucestershire Core Strategy and PSP6 of the adopted Policy Sites and Places Plan.

24. Prior to the commencement of any groundworks, including any exempt infrastructure works or remediation works, a Written Scheme of Archaeological Investigation for the excavation, recording and post-excavation assessment of the site, shall be submitted for approval to the local planning authority. Thereafter the approved programme shall be implemented in all respects.

Reason: In the interests of archaeological investigation or recording, and to accord with Policies CS9 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy. Pre commencement is required so that any archaeology is not damaged during groundworks.

25. Prior to first occupation, the results of a programme of archaeological work, including any necessary post-excavation assessment, in accordance with the Written Scheme of Investigation previously submitted to and approved by the local planning authority, shall be submitted for approval to the local planning authority. Thereafter any post-excavation analysis necessary along with any necessary publication shall be implemented in full unless the Local Planning Authority agree to any variation in writing.

Reason: In the interests of archaeological investigation or recording, and to accord with Policies CS9 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy.

26. Intrusive Investigation/Remediation Strategy –

- A) No development shall take place until the additional site investigation works as recommended in the T&P Regen Report dated August 2017 have been completed. A report shall be submitted for the written approval of the local planning authority. Where unacceptable risks are identified, the report 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 include the methodology that will be applied to verify that the works have been satisfactorily completed.

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

B) Verification Strategy - Prior to first occupation, where works have been required to mitigate contaminants (under condition A) 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.

C) 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: In the interests of public safety as a potential result of land contamination and to accord with policies CS9 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013)

27. Dilapidation survey – Prior to commencement, provide full dilapidation survey and agree this with highway authority identifying any existing damages on the existing public highway with each defect and its location being mapped on a plan for an area covering (say) half a mile from the application site entrance. Any damage arising from the development or construction traffic must be properly rectified with full construction depth and to the satisfaction of the Highway Authority

Reason: In the interests of highway safety, and in accordance with Policy CS8 of the adopted South Gloucestershire Core Strategy. Prior to commencement is required as it relates to the construction period.

28. Pipeline: Notwithstanding the plans hereby approved, no dwellings shall be constructed within the inner zone of the HSE consultation distance of the high-pressure gas pipeline, i.e. within 9 metres of the pipeline as indicated in the approved site plan and HSE consultation response.

Reason: In the interests of public safety and in accordance with policies CS9 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013).

29. All roofs in the Tier 1 area around the farmhouse should be clay tile, not concrete. Variety may be achieved through use of pan tiles and double romans. (Plain tiles are not typical of the area). Renders must be 'traditional' painted roughcast renders applied without visible plastic render stops/corner beads. Expansion joints, where unavoidable, must be placed in unobtrusive locations where they do not compromise the appearance of the building.

Reason: To ensure a good quality of external appearance and to accord with Policy PSP1 of the adopted South Gloucestershire PSP, and CS1 of the adopted South Gloucestershire Core Strategy.

30. Prior to construction of the relevant elements, large scale details of eaves, ridges, verges, windows/doors, porches, dormers, chimneys, boundary walls, and solar panels), the positioning of services (meter boxes, flues, extract vents, rainwater goods) shall be submitted for the written approval of the Local Planning Authority. Only such details as approved shall be implemented.

Reason: To ensure a good quality of external appearance and to accord with Policy PSP1 of the adopted South Gloucestershire PSP, and CS1 of the adopted South Gloucestershire Core Strategy.

Ecology.

31. Prior to development commencing, a Landscape and Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan should include all new and retained semi-natural habitat (including the Orchard Green, hedges and the ecological buffer with the Disused Railway SNCI) and its management. It should also include a programme of monitoring of all works for a period of 5 years. All works are to be carried out in accordance with said plan.

Reason: To protect the wildlife and the ecological interests of the site, in accordance with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy, and Policy PSP19 of the adopted Policies Sites and Places Plan.

32. Should 12 months or more have elapsed between the original field survey and development commencing, the site shall be re-surveyed for badger and a report submitted to and approved in writing by the Local Planning Authority, such report is to include details of any work subject to the licensing provisions of the Protection of Badgers Act 1992. All works shall be carried out in accordance with said report.

Reason: To protect the wildlife and the ecological interests of the site, in accordance with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy, and Policy PSP19 of the adopted Policies Sites and Places Plan.

33. Prior to development commencing, a mitigation strategy to avoid harm to reptiles (slowworm) and hedgehog shall be submitted to and agreed with the Local Planning Authority in writing to be based upon the measures detailed within Section 4 of the Preliminary Ecological Assessment (PEA) by the Ecology Partnership dated July 2017. All works are to be carried out in accordance with said strategy.

Reason: To protect the wildlife and the ecological interests of the site, in accordance with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy, and Policy PSP19 of the adopted Policies Sites and Places Plan.

34. Prior to development commencing, a scheme of new bat and bird nest boxes/features shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include the type and location of all boxes and design features, to cover a variety of species of birds including house martin and house sparrow. All works are to be carried out in accordance with said scheme.

Reason: To protect the wildlife and the ecological interests of the site, in accordance with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy, and Policy PSP19 of the adopted Policies Sites and Places Plan.

35. As per the Affordable Unit Distribution Plan (Drawing 3195 L (00)160 Rev S), all Affordable Dwellings on plots shall be constructed to meet Part M of the Building Regulations accessibility standard M4(2), with the exception of any self-contained accommodation built above ground floor level and those affordable homes required to meet Part M of the Building Regulations accessibility standard M4(3)(2)(a).

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

36. As per the Affordable Unit Distribution Plan (Drawing 3195 L(00)160 Rev S), all Affordable Dwellings on plots shall be constructed to meet Part M of the Building Regulations accessibility standard M4(2) where shown on the approved drawings, with the exception of any self-contained accommodation built above ground floor level and those affordable homes required to meet Part M of the Building Regulations accessibility standard M4(3)(2)(a).

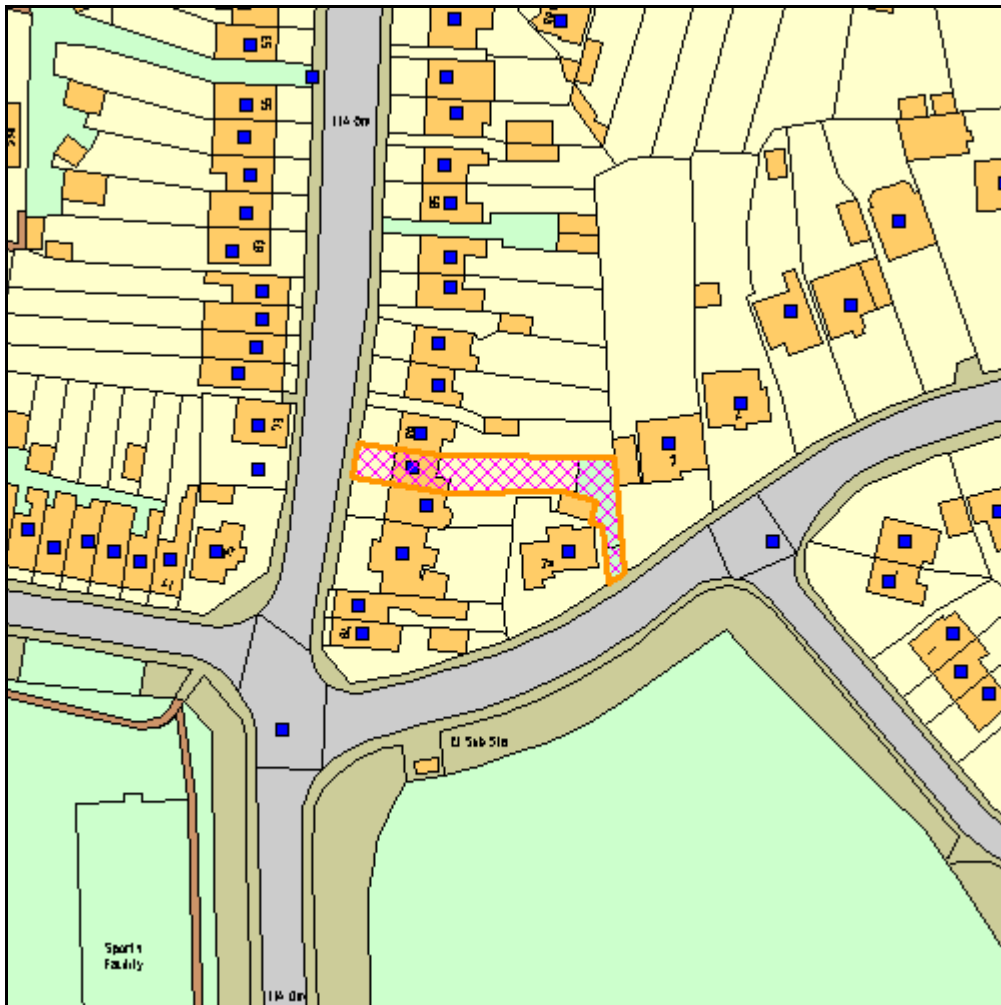
Reason: To ensure inclusive design access for all in accordance with Policy PSP37 of the adopted South Gloucestershire Local Plan: Policies, Sites and Places Plan.

37. Prior to the first occupation, a boundary detail plan should be drawn up and agreed with the council, detailing all the works/steps that will be taken to prevent livestock straying from the common into this new development. All works are to be carried out in accordance with said plan prior to occupation of the first dwelling.

Reason: in order to protect residents and animals and in accordance with the South Gloucestershire Scheme of Management for the Common.

CIRCULATED SCHEDULE NO. 32/20 - 7th August 2020

App No.:	P20/03102/F	Applicant:	Mr Jason Hallet Hallat Construction
Site:	68 Court Road Kingswood South Gloucestershire BS15 9QG	Date Reg:	21st February 2020
Proposal:	Erection of outbuilding to form annexe ancillary to the main dwellinghouse.	Parish:	
Map Ref:	364952 173084	Ward:	Kingswood
Application Category:	Householder	Target Date:	14th April 2020



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100023410, 2008. **N.T.S.** **P20/03102/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 objection responses received, contrary to Officer recommendation.

THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of an outbuilding to form annexe ancillary to the main dwellinghouse.
- 1.2 The application site and host dwelling comprises a mid-terrace dwelling fronting Court Road and associated rear curtilage with shared access onto Claypool Road, within the urban area of Kingswood.

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 Parish Council
No Parish

Sustainable Transportation
No objections

Environmental Protection
No objection in principle, suggests contamination assessment due to proximity to historic landfill.

Other Representations

4.2 Local Residents

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

- The developer is including a part of my property within the development plans.
- My property border at the rear is not accurately reflected in line with the original deeds showing from 1938 up to the present day. I have not granted permission for the developer to use my land.
- The access to the new dwelling is larger than it should be and hence allows the developer to park 2 vehicles at the rear as shown in proposal. Again, as I have not given permission and the submitted plans for the development do not show the correct property boundaries, the access to the potential dwelling would have to be revisited.
- This construction would massively devalue my property because all you would see from my living room and garden is a white rendered wall and roof.
- The construction would completely destroy my outlook and peaceful time in my garden
- The area for proposed development is not used by the rental tenants of 68 Court road as it is fenced off so I don't see how it can be an annexe/ store facility for that property as the owner doesn't even live there if this building was allowed, it's obvious that it would be converted at the earliest opportunity into a self-contained bungalow for more rental income
- The proposed development will have a negative impact on the amenity of our property, through overlooking and potential for light pollution
- The proposed construction will overlook our garden and rear of our house due to the planned direction of the facing of the windows and height of construction.
- Any provision of lighting to support the proposed development (such as a flood light or other outside lighting) would cause a light pollution issue and is likely to be intrusive on the rear of our property.
- The proposal will also reduce the look of the garden which will become overshadowed by the construction
- The proposed development will have a negative impact on the amenity of our property through Noise
- The application is currently unclear as to whether the proposed development will be used as a residential dwelling or a workshop type usage, although we understand under current regulations the property cannot be used for residential use for three years
- The provision of workshop facilities is likely to give rise to noise issues if being used for work purposes, this is a quiet residential area.
 - The proposed use (if a workshop for industrial or business use) is not compatible with existing uses.
- here is a history of rejecting similar developments in the area:-
 - We understand that developments such as proposals to build additional properties on neighbouring land to this in Court Road and in Claypool road have previously rejected.
 - The development is not in keeping with similar developments in the area and is on a far more constrained site than other developments.

- The proposed development will have given rise to security concerns in respect of the rear of our property
 - The proposed construction includes parking space for two vehicles
 - The rear drive to access this proposed site is secured through locked gates.
 - Any compromise or reduction in current position will result in reduction in security at the rear of our property.
 - Trees will be lost
 - The site planned for the building is small. The building would be over development of this small garden, it would look overbearing and out of scale. The character of the neighbourhood would be spoilt

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. The side wall to eaves of the building would also be relatively low. To either side are the curtilages of adjoining properties. The proposals are located wholly within the curtilage of the dwelling and set off the boundary in each direction. Only one ground floor window is proposed on the north elevation and none to the south. A door and window are also proposed on the rear elevation, facing the parking area, whilst bi-folding doors will face the host the property. 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 The comments regarding use of the premises as a dwelling are also noted. The use of the site/building as a separate independent residential unit would require further and separate permission for this in its own right and would be subject to, amongst other things, amenity, parking, design and layout considerations specific to that individual use. Further to this no change of use is proposed and

the building would therefore remain in residential use associated with the host dwelling. Notwithstanding this, it is recommended that a condition be imposed restricting the use of the annex to be ancillary to the main dwelling whereby it cannot be used independently of that dwelling.

5.4 In terms of ownership issues, the granting of planning permission does not determine land ownership, which is a private and civil legal matter. Certificates accompanying the application indicate that other owners of land/shared land have been acknowledged. It is understood that there is a shared access onto Claypool Road, providing a need for acknowledgement and notification of other landowners. It is also understood that concerns may further relate to what are considered to be inaccurate boundaries on the location plan, thereby incorporating land not within the applicants control into the application boundary. Neighbour concern and objection to the use of their land should therefore be highlighted. The concerns have been conveyed to the applicants, however no further details or amendments resulted. Notwithstanding this and with regards to the ongoing consideration of this application, any planning permission does not grant rights to carry out works on, access to or use land not within the applicants control or ownership. If therefore where land is incorrectly identified and is in fact outside of the applicants control planning permission would not grant rights over that land to the applicant and if this area of land would prevent the proposals from being built or accessed then this would in turn prevent any planning permission from being implemented. The plans also indicate a shared access with part of another property, containing and outbuilding, onto Claypool Road, the access rights over this land remain a civil/private matter between the two parties and the deeds of the properties.

5.5 Design

The proposals are for a single storey building with a shallow single pitch roof. The proposals being within the rear curtilage would not be visible or materially impact the wider streetscene and would be set within the properties own curtilage. Planning permission would not be required to remove trees or vegetation with the curtilage. Materials, incorporating white render and low pitch interlocking roof tiles are considered to be acceptable within 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.

5.6 Sustainable Transportation

It is considered that there remains sufficient area within the site to continue to provide for sufficient parking space. There are no highways objections to the proposals, however a condition to ensure that the building remains ancillary to the host dwelling is recommended. The access to this land, and ownership issues are discussed in more detail above.

5.7 Environmental Protection

The comments above are noted. The proposals are for a new residential annex building, set in and amongst existing dwellings within an established residential

curtilage and established residential urban area. It is considered in this instance that a contamination risk assessment would not be justified in this instance.

5.8 Equalities

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

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

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).

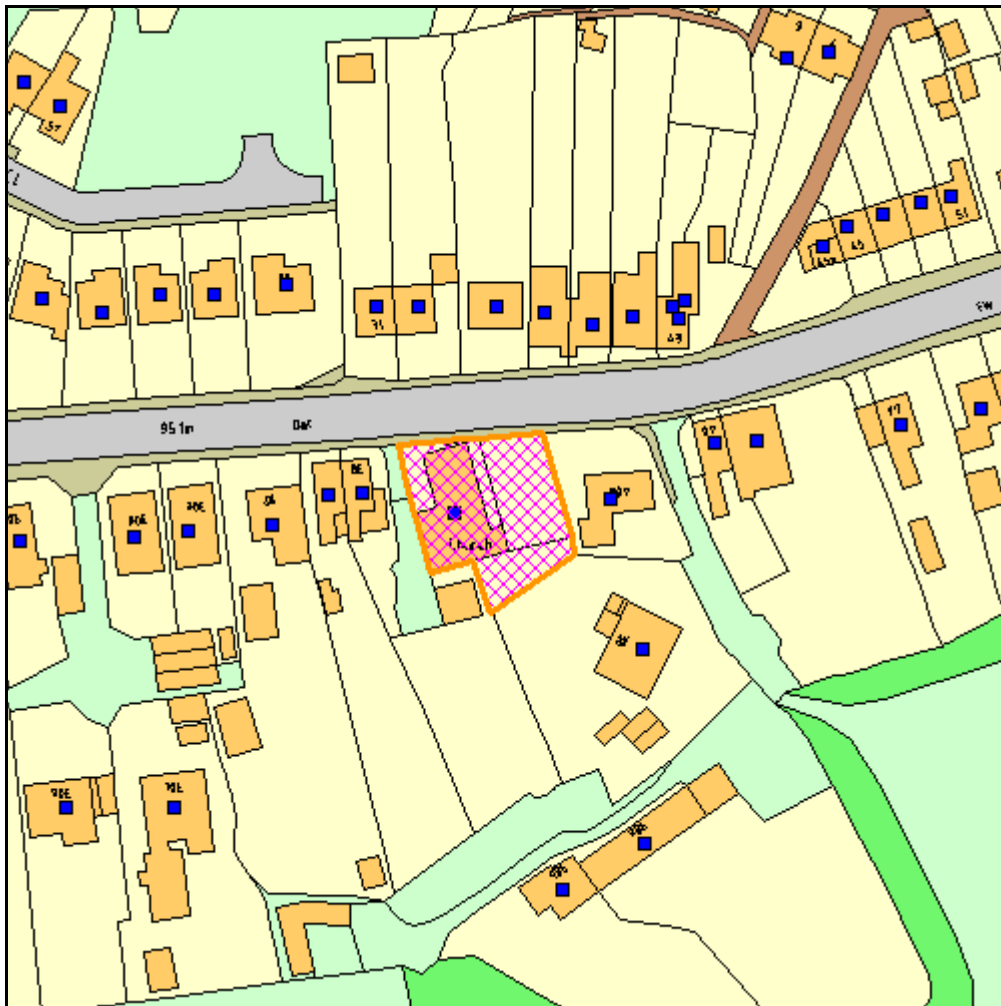
2. The annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 68 Court Road, Kingswood.

Reason

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

CIRCULATED SCHEDULE NO. 32/20 - 7th August 2020

App No.:	P20/05908/F	Applicant:	Mr Sean Brett Brett Residential Developments Ltd
Site:	Former Methodist Church Cock Road Kingswood South Gloucestershire BS15 9SH	Date Reg:	20th April 2020
Proposal:	Change of use from Church (Class D1) to 6no. flats (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) with associated works.	Parish:	Oldland Parish Council
Map Ref:	365616 172768	Ward:	Woodstock
Application Category:	Minor	Target Date:	12th June 2020



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 100023410, 2008. **N.T.S.** **P20/05908/F**

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

INTRODUCTION

This application is referred to the Circulated Schedule in accordance with procedure given that an objection has been received by the Parish Council and objections received from Local Residents that is/are contrary to the Case Officer's recommendation

1. THE PROPOSAL

- 1.1 This application seeks outline planning consent for the conversion of two buildings (that are attached), to 6 no. one bedroom flats. The site which is approximately 573 sq.m in area also comprises land to the east and south-east. The development will also include the provision of four car parking spaces, refuse storage and cycle parking provision (10 spaces). The two buildings comprise a former Methodist church building and an associated school house.
- 1.2 In order to facilitate the development an additional floor will be created within the current church element. On the southern side it is proposed to alter the glazing to account for this change. Each of the ground floor flats will have external amenity space provision while those on the upper floor will have access to a communal garden.
- 1.3 The site is located on the southern side of Cock Road and is within a residential area surrounded by residential development. The church that has been unused since 2018 which dates from the early 20th Century is locally listed. The site is within Flood Zone 1 and a high risk area in terms of the impacts from historic Coal Mining.
- 1.4 In support of the application the applicant has submitted: A coal mining risk assessment, heritage statement and transport statement.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
National Planning Practice Guidance –Enhancing and Conserving the Historic Environment (Revised July 2019)

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS2 Green Infrastructure
- CS4a Presumption in Favour of Sustainable Development
- CS5 Location of Development
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage
- CS15 Distribution of Housing

CS16 Housing Density
CS17 Housing Diversity
CS18 Affordable Housing
CS23 Community Infrastructure
CS29 Communities of the East Fringe of the Bristol Urban Area

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

PSP1 Local Distinctiveness
PSP3 Trees and Woodland
PSP8 Residential Amenity
PSP11 Transport Impact Management
PSP16 Parking Standards
PSP17 Heritage Assets and the Historic Environment
PSP19 Wider Biodiversity
PSP20 Flood Risk, Surface Water and Watercourse Management
PSP22 Unstable Land
PSP43 Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance and other Legislation
Residential Parking Standards SPD (Adopted) December 2013
South Gloucestershire Design Checklist (Adopted)
Waste SPD (Adopted) 2015
South Gloucestershire Local List
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 (2nd Edition)".

Planning (Listed Buildings and Conservation Areas) Act 1990
Planning (Listed Buildings and Conservation Areas) Regulations 1990
(as amended)

3. RELEVANT PLANNING HISTORY

- 3.1 K4727 Erection of two storey side extension (Approved 27th Feb 1985)

4. CONSULTATION RESPONSES

4.1 Oldland Parish Council

The Parish Council objects on grounds of inadequate provision of off-street parking (4 spaces for 6 one bedroom flats) in the context of a very busy main road location. There are concerns about safe vehicle access and potential unacceptable impact on residential amenity of surrounding properties.

These concerns are consistent with objections already lodged by residents who draw on their local knowledge of the area, including the busy main road traffic, access safety and extensive current on-street parking congestion. Given the potentially controversial nature of this development and the resident objections already raised the Parish Council requests that the application is called in by the Development Management Committee.

4.2 Other Consultees

Listed Building Officer (Summary)

Initial comments

I cannot support this application and while it may provide a future use for the building, the scope and impact of proposed alterations to its external appearance and character would demonstrably compromise the considered integrity and ultimately significance of this non-designated heritage asset

Unless amendments are sought to address the concerns raised above, refusal is therefore recommended on the basis that the proposed scheme is contrary to the NPPF, policies CS1, CS9, PSP1, PSP17 and the adopted Local List SPD.

Lead Local Flood Authority

No objection

Ecology

Initial Comments

No ecological information has been submitted with the application. There is potential for roosting bats within the structure, as there are proposed roof works a preliminary roost assessment will be required to confirm suitability for roosting bats. This survey can be undertaken at any time of the year, however this may trigger further surveys which are seasonally constrained. This information must be provided prior to the determination of the application.

Following the submission of a Preliminary Roost Assessment and Bat Survey Report, no objection is raised subject to conditions

Sustainable Transport (Summary)

No objection subject to conditions to ensure that parking and manoeuvring areas and cycle parking are provided prior to first occupation and also the provision of Electric Vehicle Charging points. In addition informatives should be added to advise the applicant on the duties and responsibilities in relation to a crossover from the highway and the discharge of surface water from the site onto the highway.

Other Representations

4.3 Local Residents

There have been 5 letters of objection received. The grounds of objection can be summarised as follows:

Insufficient provision is made for car parking
Cycle provision does not make up for lack of vehicle parking
On street parking is limited

There is a highway safety issue because of the number of vehicles that would enter and leave the site on a road where speeds are high and visibility is poor
There will be an increase in noise and disturbance for neighbours
The proposal will result in a loss of privacy to neighbours
No ecological or tree survey has been undertaken – the impact upon known ecology needs to be assessed
The development is out of character with the pattern in the area
Insufficient external amenity space is provided
Security issues for neighbouring properties

There have been 2 letters of support have been received:

The development will put the old building to a good use
The proposal will allow first time buyers or renters to “get on the property ladder”
The building is currently unsightly/dilapidated

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy CS1 of the South Gloucestershire Core Strategy (Adopted) 2013) states that all development will only be permitted where the highest possible standards of design and site planning are achieved. Proposals will be required to demonstrate that they respect and enhance the character, distinctiveness and amenity of the site and its context; is well integrated with existing and connected to the wider network of transport links; safeguards existing landscape/nature/heritage features; and contributes to relevant strategic objectives.

Policy CS9 seeks to protect and manage South Gloucestershire’s environment and its resources in a sustainable way and new development will be expected to, among others, ensure that heritage assets are conserved, respected and enhanced in a manner appropriate to their significance; conserve and enhance the natural environment and conserve and enhance the character, quality, distinctiveness and amenity of the landscape.

The site is located within the East Bristol urban fringe area, where residential development is acceptable in principle.

As the site was last used as a Church, the change of use to a residential building potentially conflicts with Policy CS23 of the Core Strategy that seeks to retain community buildings (a small attached element was at one time in a school use). Submitted information indicates that the use ceased in 2018 and the site has been marketed within its existing use however attracting another such community based use has not proved possible. It is indicated that the existing congregation has moved to alternative provision in the vicinity. The building would also need to be upgraded to secure a community use. In summary it is considered that in this case a residential use of the building(s) is considered acceptable.

Subject to a detailed assessment of the material considerations below, the proposal is considered acceptable in principle.

5.2 Transportation

The National Planning Policy Framework (NPPF) states that (para 109):
“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

Policy CS8 of the Core Strategy considers the location of new development and encourages new development that is sustainably located where development can secure access to facilities and services by means other than the private car. PSP11 in more detail requires development to have an acceptable impact on highway and road safety.

Concerns have been raised regarding the impact of the access upon highway safety in particular given the nature of the road. Also concern has been expressed that the provision of 4 no. parking spaces is insufficient to serve the development having regard to parking congestion within the vicinity of the site.

Parking Provision

Policy PSP16 states that 6no. 1 bed flats requires the provision of a space per flat plus one visitor space whereas as indicated above 4 no. spaces are provided. Policy PSP16 states (para 5.68):

“South Gloucestershire Council has adopted minimum parking standards for residential uses to accommodate car ownership rates. The absence of adopted standards would result in parking congestion upon local residential streets. Parking provision that does not accord with the standards set out in Policy PSP16 and the cycle schedule, may be acceptable. In such cases, conclusive factual statements confirming why deviation from the standards is necessary, must be included in the Transport Assessment....”

A Transportation Statement has been submitted in support of the application which has been considered by the Transportation DC Team.

The statement indicates that the site is in a sustainable location is in a sustainable location with good access to local key facilities and frequent bus services to Bristol, Kingswood and Yate. This statement is agreed by officers.

The applicant has indicated that according to the Office for National Statistics Car ownership by residents in one bedroom flats in Kingswood is 0.59 vehicles where there is one resident over 17 years and 1.15 vehicles where there are two residents over 17 years. This level is below the average for South Gloucestershire as a whole. This results in a lower parking demand than the one per 1 bedroom flat standard for South Gloucestershire.

It has also been noted that the existing use of the site as church without any car parking needs to be taken into consideration as the building can be brought back into use at any time albeit that use would take place at infrequent times. The site could also be used for other uses within the D1 category such as a children's nursery without the need for planning permission (given that a Church and Nursery fall within the same use class). Such uses would generate a higher on-street car parking demand than the one or two cars generated by the proposed development. As such it is contended that the proposal would not result in any net increase in on-street car parking over and above such a use.

Officers accept the case put forward in the Transport Statement, furthermore it is not considered that the shortfall of two spaces (and one visitor space) would result in a severe highway impact as set out in para 109 of the NPPF.

Impact upon the Highway Network

Vehicle trips: The modest number of vehicle trips can be safely accommodated on the surrounding highway network.

Access: The site is currently a church which has no vehicular access. The proposal is to provide an access 4m wide at the eastern side of the site leading to four car parking spaces with a reversing area 6m wide. It is proposed to set the adjacent walls back to provide visibility splays of 2m x 43m. These splays would be consistent with the standard set out in the National Design Guidance Manual for Streets for a 30mph speed road. Pedestrian safety railings are currently located to the front of the church. Space is provided at the top of the railings so that they don't obstruct visibility. Officers consider that the 4m width of the access also provides adequate inter-visibility between emerging vehicles and pedestrians.

It is noted that the existing pedestrian access gate to the church would provide access to all of the flats, a refuse storage area and a cycle store.

Concerns raised about the safety of the road are noted. Officers have investigated the road traffic collision record and it can be seen that there have been two slight injury collisions on Cock Road in the vicinity of the site over the last 5 years. The first incident involved an overtaking vehicle and the other was a shunt into a parked vehicle. It is not considered that this pattern of collisions would be exacerbated by the proposed development, given the limited vehicle movements that would result from it.

There is therefore no objection to the proposed development on Highway grounds. Conditions will however be attached to the decision notice to ensure that the development is not occupied until the access (including visibility splays), car parking and manoeuvring areas and cycle parking facilities have been provided in accordance with the submitted details.

A condition is also recommended to secure the provision of two 7Kw / 32Amp Electric Vehicle Charging Points and their cabling.

5.3 Design and Impact on Listed Building

The application site comprises a locally listed building and therefore the development proposals will be assessed against those policies set out in Section 2 of the report that relate to heritage assets (the aim and objective of which is to seek to protect their significance and setting) as well as those policies that relate to good design.

This chapel that was originally a religious school was constructed in the early 1850's before becoming through conversion a Methodist Chapel in 1870. The building stands out in Cock Road which is otherwise dominated by more modern mainly residential properties, both due to the use of attractive pennant stone (a traditional Kingswood feature) but also because of its form and location. The statement of significance that accompanies the application confirms this by stating that the building is a "*prominent structure on Cock Road, due both to its clearly historic architectural aesthetic and its elevated position*". The chapel has a dual pitched roof with large internal spaces.

The main visual changes to the building externally relate to the internal conversion needs ie to provide openings and lights to the flats. This is the key consideration in considering the impact upon the building. It is recognised that the continuing use of the building is a very significant material consideration, and as set out above no alternative uses have been possible. The occupation of the building will ensure its upkeep for as it is there is every chance the building could fall into disrepair, it has already been vacant for a period of time. Notwithstanding this the retention of the integrity of the building is essential and required, after all as the Listed Building Officer has stated, the retention of the building in the new use serves little purpose if this does not happen.

There were significant initial concerns that dropping windows to reflect floor changes would impact upon the historic character, distorting the proportions of the building but also potentially losing original windows. Following negotiations on the eastern side (prominent view), the central windows will now remain unaltered. It would have been preferable if other windows had remained unaltered however it is recognised that some changes are required and that the retention of the building as a whole now weighs as a benefit above the resulting harm.

Submitted information has indicated that some of the windows are in fact upvc modern replacements so their loss is not so significant in historic terms. The insertion of a new floor which potentially can be seen through some windows would weigh against the proposal in the planning balance. There was also an initial concern regarding the number of roof lights that were proposed, these are still considered high but it is acknowledged that their design and scale has been reduced. No details of the vents and flues has been provided however this will be the subject of a condition. Conditions will also be attached to secure details of the design of the new windows, glazing to bathrooms ie form of obscure glazing and details of the hardstanding materials. A small part of the front boundary wall will be removed to secure an access, this is considered acceptable. Additional information has been received with respect to the roof works and hardstanding materials and this is considered acceptable.

In summary while the conversion would cause a degree of harm, subject to the above conditions, it is considered that the benefits of re-using the building will outweigh that harm.

5.4 Ecology

Policy CS9 of the Core Strategy and PSP19 of the Policies, Sites and Places Plan require mitigation against adverse impacts of development and where appropriate biodiversity gain.

The development upon this site is not considered to have an adverse impact upon any designated sites however there is the potential for roosting bats and nesting birds in the building and for this reason appropriate survey work was requested. The preliminary bat roost assessment concluded that the building is of low potential to roosting bats, this was followed up with an emergence survey and found no bats emerging. It is assumed that the building is not currently used as a roost.

The report recommends that if any tiles are to be removed this should be done vertically and not slid horizontally, as if bats are present this could injure them. There were no bird nests found or evidence that nesting has taken place.

Subject to conditions to ensure that all works take place in accordance with the mitigation measures set out in the submitted report and survey, to ensure that a lighting strategy is submitted prior to the first occupation of the building (in the interests of bats) and evidence being provided for the installation of bat boxes (an enhancement measure identified in the report), the proposed development is considered acceptable in ecological terms.

5.5 Residential Amenity

Some concern has been raised that the development would have an adverse impact in terms of overlooking. The principle neighbouring properties are No.36 and 40A that lie on either side of the site and No.38 that lies off set to the rear. The relationship between the site and those properties on the opposite side of Cock Road (19 to 22m away) is considered to replicate that found all along the road and would not give rise to any significant loss of amenity.

With respect to No.36, the property to right, the distances from the side elevation of the property range from 8 to 12m. No.36 has small windows in the side (east elevation) and windows in the rear elevation. The direct sight lines are it is considered significantly limited both by the angles between these respective buildings but also the difference in levels with the application site being at a lower level reflecting the topography of Cock Road. Flats 3 and 4 will overlook windows to the rear but again the angles will make any impact negligible. It should be noted that windows are non-opening and the rooflights are above height.

With respect to the other side of the site, No.40a is between 13 and 19m from the site. Obscure glazing is shown on the east elevation of the application site (Flat 3). Two windows here are non-obscured but there are limited windows on the west elevation of No.40. The angles between these windows reduce impact

as again does the difference of levels. A window is noted at ground floor level of No.40 but some landscaping (trees) reduces any impact.

No.38 is set at quite an extreme angle to the site and lies between 20.5m and 25m distance. It is not considered that any significant impact would accrue here. A building to the immediate rear of the site is a garage.

The basic form of the structure remains as at present so there would be no additional impact upon outlook or such that the building appeared additionally oppressive or overbearing to neighbouring occupiers.

It is noted that a concern has been raised that the development might result in a loss of security to neighbouring properties. While this is noted at present the site is unoccupied and provides no natural surveillance of the surrounding area. From the site visit, the building appeared secure but when occupied it is considered that security would be naturally enhanced for the site and its boundaries with neighbouring properties.

It is considered that the development would not have a significant impact upon the amenity of neighbouring occupiers.

With respect to the amenity space provided for future occupiers Policy PSP43 of the Policies, Sites and Places Plan indicates that 5 sq.m of private space should be provided. It is noted that the three flats on the ground floor will each have private space that exceeds this requirement. The three flats located on the upper floors cannot be given access to private space but communal space is provided on the eastern side of the site. This arrangement is considered acceptable.

5.6 Trees and Landscaping, Flood Risk

There are some overgrown bushes on one side of the site however there are not considered to be any landscaping issues. A condition will be attached to secure details of hardstanding material. The application site is located in Flood Zone 1 the lowest flood risk category and there is no objection raised by the Lead Local Flood Authority

5.7 Coal Mining

The application lies in an area of former coal mining however the development is a conversion of an existing building rather than one requiring new foundations.

5.8 Consideration of likely impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between

people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

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

5.9 The Planning Balance

The proposed development will as set out above have some impact upon the heritage asset although negotiations have taken place to reduce that impact and subject to a condition to secure additional information that impact is considered acceptable when weighed against the benefits of the development. The intensification in the use of the site could result in some additional noise and disturbance externally but not to a significant degree in this high density urban environment. It is considered that the development will have a neutral impact in highway terms, give the acceptable provision of parking and the access. There would be some limited ecological enhancement.

The provision of 6 no. units of residential accommodation in a sustainable location will provide a benefit. Furthermore it is considered that bringing this attractive, prominent building which in terms of its location and appearance contributes significantly to the character and appearance of the area back into an active use (where no other use has been secured and the building could otherwise fall into disrepair) is a significant benefit of the scheme. Overall it is considered that the benefits of the scheme outweighs the harm.

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 be given subject to the conditions set out below.

Contact Officer: David Stockdale
Tel. No. 01454 866622

CONDITIONS

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

Reason

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

2. Mitigation Measures (Ecology)

The development shall proceed in strict accordance with the Mitigation Measures provided in the Preliminary Roost Assessment (Quantock, May 2020) and Bat Survey Report (Quantock, July 2020)

Reason

To protect and enhance the ecology and biodiversity of the site and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and PSP19 of the South Gloucestershire Local Plan Policies, Sites and Places Plan 2017.

3. Lighting Design Strategy

Prior to occupation, a "lighting design strategy for biodiversity" for the boundary features and any native planting shall be submitted to and approved in writing by the local planning authority. The strategy shall:

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

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority

Reason

To protect and enhance the ecology and biodiversity of the site and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and PSP19 of the South Gloucestershire Local Plan Policies, Sites and Places Plan 2017.

4. Enhancement (Ecology)

Prior to first occupation, evidence of the installation of the ecological enhancement features recommended in the Preliminary Roost Assessment (Quantock, May 2020) and Bat Survey Report (Quantock, July 2020) shall be submitted to the local planning authority for approval in writing. This shall include, bat and bird boxes.

Reason

To protect and enhance the ecology and biodiversity of the site and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and PSP19 of the South Gloucestershire Local Plan Policies, Sites and Places Plan 2017.

5. Design

Prior to the commencement of development, details of the following items shall be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details.

- Details of the method of obscure glazing
- Details of the design of the new windows
- Details of vents and flues

Reason

To avoid remedial action and to maintain and enhance the character and setting of the locally listed building, and to accord with Sections 16(2) & 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the national guidance set out at the NPPF and 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. Access, Parking (Vehicle and Cycle), Manoeuvring Areas

The development hereby approved shall not be occupied until the access (including visibility splays), car parking, secure cycle parking and manoeuvring areas have been provided in accordance with the approved plans.

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.

7. Electric Vehicle Charging Points

Prior to the first occupation of the development hereby approved, details of the provision of 2 no. 7kw/32Amp Electric Vehicle Charging Points and their cabling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to first occupation and retained as such thereafter.

Reason

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

8. Construction Working Hours

The hours of working on site during the period of construction shall be restricted to:

- Monday - Friday.....7:30am - 6:00pm
- Saturday.....8:00am - 1:00pm
- No working shall take place on Sundays or Public Holidays.

The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy 2013 and the provisions of the National Planning Policy Framework.

9. Approved Plans

This decision relates only to the plans identified below:

Received 2nd April 2020

19/0283/001 EXISTING LOCATION PLAN
19/0283/020 EXISTING SITE PLAN
19/0283/021 EXISTING GROUND AND FIRST FLOOR PLANS
19/0283/022 EXISTING ROOF PLAN
19/0283/023 EXISTING ELEVATIONS
19/0283/101 C PROPOSED SITE PLAN
19/0283/104 D PROPOSED ROOF PLAN

Received 22nd June 2020

19/0283/103 REV E PROPOSED GROUND AND FIRST FLOOR PLANS
(REVISED)
19/0283/104 REV E PROPOSED ROOF PLAN (REVISED)
19/0283/105 REV A PROPOSED ELEVATIONS (REVISED)
19/0283/106 REV A EAST ELEVATION/SECTION/ (REVISED)
19/0283/107 DISTANCES

Reason

For the avoidance of doubt

10. Materials

The works to the roof shall take place in accordance with the submitted details (DLP Planning 22nd July 2020). For the avoidance of doubt

In accordance with the details submitted the existing roof shall be stripped, re-felt, and battened with existing (clay double roman) tiles re-laid, with additional matching clay tiles to be provided as required.

Reason

To maintain and enhance the character and setting of the locally listed building, and to accord with Sections 16(2) & 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the national guidance set out at the NPPF and 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).

11. Materials

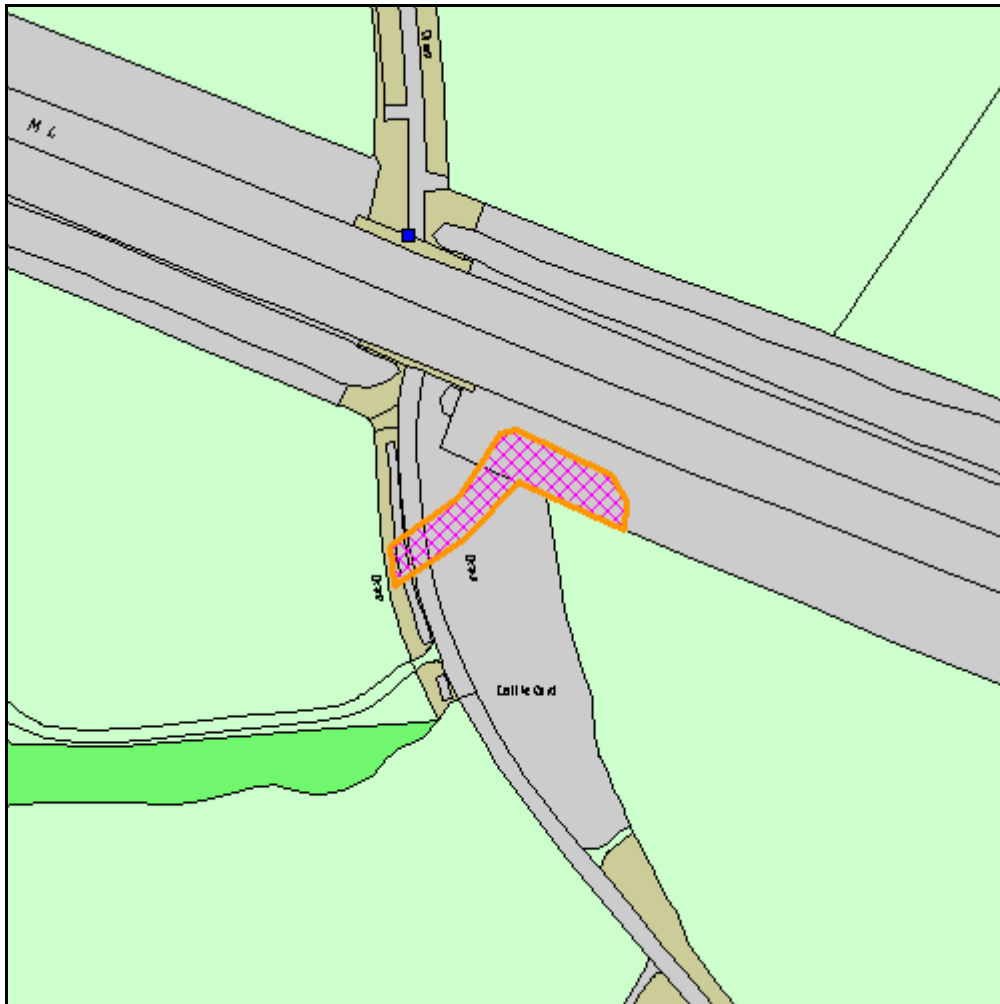
The proposed parking area shall be surfaced in accordance with the submitted details showing a Resin Bound Paving (DLP Planning 22nd July 2020)

Reason

To maintain and enhance the character and setting of the locally listed building, and to accord with Sections 16(2) & 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the national guidance set out at the NPPF and 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).

CIRCULATED SCHEDULE NO. 32/20 - 7th August 2020

App No.:	P20/06681/F	Applicant:	Edward Ware Lyde Green Ltd, T.S. Richardson And Charles Huntington Whiteley
Site:	Land To The East Of Lyde Green Road Emersons Green South Gloucestershire	Date Reg:	23rd April 2020
Proposal:	Construction of Multi User Path as part of wider Multi User Route to connect development at Lyde Green Farm (subject to planning application P19/1275/F) to Lyde Green Road.	Parish:	Pucklechurch Parish Council
Map Ref:	367549 177516	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	10th June 2020



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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. INTRODUCTION

This application is to be determined through the Circulated Schedule as it needs to be considered simultaneously as the adjoining application – P19/1275/F for residential development that also appears on this Circulated Schedule.

2. PROPOSAL

Full planning permission is sought for the construction of a footpath as part of wider Multi User Route to connect development at Lyde Green Farm (subject to planning application P19/1275/F) to Lyde Green Road. The Multi-User Route (MUR) would be some 57 metres in length, located to the east side of Lyde Green Road. The footpath is part of a longer MUR which is proposed to run along the western boundary of the proposed residential development of 393 new dwellings at Lyde Green Farm, currently pending determination and reported elsewhere on this Schedule. This application is for the small section of the footpath located on the toe of the nearby M4 motorway embankment and an area of Highway Authority land to the west, running to the edge of Lyde Green Road. The majority of the application site is on land within the ownership of Highways England.

In support of the application, the applicant has submitted:

- Letter from Highways England
- Preliminary Ecological Assessment

3. POLICY CONTEXT

South Gloucestershire Local Plan Core Strategy (Adopted Dec 2013)

CS1 High Quality Design

CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development

CS6 Infrastructure and Developer Contributions

CS8 Improving Accessibility

CS9 Managing the Environment and Heritage

CS15 Distribution of Housing

CS16 Housing Density

CS17 Housing Diversity

CS18 Affordable Housing

CS24 Green Infrastructure, sport and recreation standards

CS29 Communities of the East Fringe of Bristol Urban Area

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

PSP1 Local Distinctiveness

PSP2 Landscape

PSP3 Trees and Woodland

PSP8 Residential Amenity

PSP10 Active Travel Routes
PSP11 Transport Impact Management
PSP16 Parking Standards
PSP 17 Managing the Environment and Heritage
PSP19 Wider Biodiversity
PSP20 Flood Risk
PSP21 Environmental Pollution and Impacts
PSP30 Horse Related Development
PSP43 Private Amenity Space Standards
PSP 44 Open Space, Sport and Recreation

Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) August 2007
Residential Parking Standard SPD (Adopted) December 2013
Waste Collection: Guidance for New Development SPD (Adopted) January 2015
CIL Charging Schedule and the CIL and S106 SPD (Adopted) March 2015
Emersons Green East Development Brief (Adopted October 2006)

National Guidance
National Planning Policy Framework
National Planning Policy Guidance

4. **RELEVANT PLANNING HISTORY**

Adjacent to the site:

- P19/1275/F- Erection of 393 dwellings, together with associated works and landscaping. Current application reported elsewhere on this Circulated Schedule.
- P19/16524/F Construction of vehicular access onto Lyde Green Road (Class C highway), widening works to Lyde Green Road and installation of pedestrian footpath. Current application.
- PK04/1965/O Urban extension on 99 hectares of land comprising of Residential development of up to 2550 dwellings; up to 100,000m² of B1, B2, B8 and C1 employment floorspace. Up to 2,450 m² of small scale A1, A2, A3, A4 and A5 uses. One, 2 - form entry primary school, a land reservation for a second 2 - form entry primary school and a land reservation for a secondary school. Community facilities including a community hall and cricket pavilion (Class D1) and health centre. Transportation infrastructure comprising connections to the Folly roundabout on Wester leigh Road and the Rosary roundabout on the Ring Road and the construction of the internal road network. A network of footways and cycle ways. Structural landscaping. Formal and informal open space. Surface water attenuation areas. (Outline) with means of access to be determined.
Approved 14th June 2013.

- P19/09100/RVC-Development as above for PK04/1965/O, with Variation of Condition relating to trigger for construction of Tiger Tail on M32 attached to approved Outline application.
Permission granted October 2019.
- Development Control East Committee on 15th February 2013 approved the Detailed Masterplan associated with outline planning permission PK04/1965/O at Emersons Green East.

5. **CONSULTATION RESPONSES**

Pucklechurch Parish Council

Support the application but are concerned about the loss of vegetation and ecology.

Emersons Green Town Council

No objection.

Highways England

The proposed location of the footpath is at the toe of the embankment running along the M4 westbound A-carriageway. The majority of the land is owned by Highways England. Highways England National Roads Telecommunications Services (NRTS) Longitudinal infrastructure runs along the verge of the A-carriageway and Regional Technology Maintenance Contract (RTMC) equipment is located within the cabinet site. NRTS equipment is maintained by Telent and the RTMC equipment is maintained by Balfour Beatty, with the access steps and handrails being maintained by Highways England. We have been engaged with the applicant at the pre-application stage and the proposals are acceptable in principle subject to the footpath not interfering with our network or our assets and/or the assets of the other statutory undertakes in the area.

To this end, all Highways England infrastructure (cabinets, access steps etc) should remain on the carriageway side of the proposed fence in order to ensure unrestricted access by our maintenance service providers to the cabinet site from roadside. It is currently unclear from the documents submitted whether this is the case. We are therefore recommending planning conditions to this effect.

As confirmed in the letter from Highways England dated 24th January 2020 included in the application's supporting documents, our Estates team is currently engaged with the applicant regarding the lease of the Highways England land and the provision of an easement.

Recommendation: Highways England recommends that the following conditions be attached to any planning permission granted (Ref: P20/06681/F):

1. No development shall commence until a construction management plan and design methodology is submitted and approved in writing by the local planning authority in consultation with Highways England. This should be informed by a site survey of the statutory undertaker's assets to ensure that any Highways England and third party infrastructure (including underground infrastructure) is unaffected by the scheme.

Reason: To ensure the safe and efficient operation of the Strategic Road Network (i.e.M4).

2.No development shall commence until the composition and height of the fence has been agreed with the local planning authority in consultation with Highways England. The fence surrounding the footpath should be of sufficient height and appropriate construction so as to restrict public access to the M4 and Highways England estate. Reason: To protect public safety and ensure the safe and efficient operation of the Strategic Road Network (i.e. M4).

3.No development shall commence until an agreement pursuant to Section 278 of the Highways Act 1980 is entered into with Highways England for the approved works. Reason: To ensure the safe and efficient operation of the Strategic Road Network (i.e.M4)

Historic England

No comments.

SGC Drainage

No objection subject to condition.

SGC PROW

No objection subject to the description of development being changed to Multi User Path.

SGC Highway Officer

No objection subject to a condition regarding trigger for construction and that it is maintained to adoptable standards.

Owner of the Common

- This application must be considered on its own merits and cannot be seen as subsidiary to an existing application for which permission has not yet been granted.
- The alignment of the footpath is circuitous and does not represent the logical pedestrian desire line from the applicant's proposed neighbouring development to Road 5 within Emersons Green.
- The owner of the common is willing to deliver a high standard and safe vehicular, cycle and pedestrian access to the residential development site as shown by the current application P19/16524/F, which would provide a direct, safe and policy compliant link between the residential site Lyde Green Road and Road 5. Since the alignment of the proposed EWH footpath is sub-optimal and unattractive to future residents of the EWH development, it should not be permitted when a better option is available.
- The proposed path still crosses an area of Common Land within the Highways England ownership shown on both the SGC and CRoW Act Register Maps of Common Land.
- Safety concerns – path reduces the available highway verge and introduce pedestrians into this area of the motorway.
- Insufficient technical detail to demonstrate that the MUR is deliverable without disturbing the integrity of the highway through undermining the embankment.
- Whilst the need for the MUR is seemingly being justified as a result of the separate application, there is nothing in the application that shows how the route is to be secured going forwards. There is a difficulty in permanently securing a route that is subject to the "lift and shift" provisions suggested by

Highways England in their letter (24th January 2020). If they reserve the right to relocate or re-route the footpath in the event that they require the land to widen the M4 in the future, then the route cannot satisfactorily discharge any Grampian condition that is imposed on another permission. That must require a permanent solution. The “lift and shift” provisions will also serve as a bar on the adoption of the route.

Local Residents

One letter have been received, objecting to the proposal on the following grounds:

- The and that the footpath is destined to serve is unsuited to development
- The proposed route is through the widest part of a strip of undisturbed common land between the proposed development site and Henfield Road South -- common land which is a rare haven for wildlife and forms part of a green corridor between Lyde Green Common and the Dramway path.

British Horse Society

Supports the application, but it should be a MUP, rather than a footpath, and it should be designated as a PROW.

6. ANALYSIS OF PROPOSAL

Principle of Development

Approximately half of the proposed MUP would be within the allocated site for major new housing and employment development at Emersons Green East as set out in Policy CS29 of the adopted South Gloucestershire Local Plan Core Strategy, and half would be on the toe of the motorway embankment which is outside of the land allocated for the mixed use scheme, but it is outside of the Green Belt and is within the settlement boundary. Policy CS 8 of the adopted Core Strategy promotes sustainable travel options, and PSP 10 supports active travel routes. There is therefore no objection in principle to the proposed Multi User Path.

Transport

The footpath subject to this application would complete the MUR within the Lyde Green Farm application site for residential development. The proposed path would exit the Lyde Green application red line site area and running east to west for a short distance alongside the toe of the M4 embankment. A level path can be provided in this location, with a 1:30 gradient provided for drainage. The path would then turn 45 degrees south west and runs approximately 27 metres to the public highway (Lyde Green Road).

The path would terminate directly opposite the footpath infrastructure contained in Emersons Green East as part of the development of Road 5 (granted planning consent under reference PK/16/4926/RM). Users would be able to cross Lyde Green Road at this point and enter Road 5, -

Elderflower Drive. The crossing would be uncontrolled, but demarcated on the ground with dropped kerbs and tactile paving as appropriate, in order to link in with the Emersons Green infrastructure. Signage would also be erected to advise cyclists to dismount before using the crossing.

The footpath would be finished with a hard-paved surface which is considered appropriate for cyclists, pedestrians and horses. Lighting is proposed lighting to ensure the area is safe for users 24 hours a day. It is not proposed to be adopted as publicly maintainable.

Highways England

As shown on the submitted drawings, part of the land on which the application site is located is owned by Highways England (HE). The applicant has submitted a letter demonstrating detailed discussions with HE which has agreed the principle easement for the land required to deliver the path. The letter from HE to this effect is submitted as part of the application.

As noted in the consultation section of this report, HE do not object to the application subject to three conditions aimed at protecting their assets and the safety of users of the path. It is considered that the HE response clarifies many of the points raised by the common land owner objection response, subject to these conditions. Officers consider that two of these conditions can be imposed, but the suggested condition: 'No development shall commence until an agreement pursuant to Section 278 of the Highways Act 1980 is entered into with Highways England for the approved works. Reason: To ensure the safe and efficient operation of the Strategic Road Network (i.e.M4)' should be included as an informative instead, as it will be essential that the MUP is constructed at an early stage of the associated residential development, and therefore its commencement should not be held up by this.

Regarding the concern of the adjacent landowner that the HE landownership of most of the application site would preclude certainty over it being provided in perpetuity, officers consider that in the unlikely event that at some point in the future, the land was required for M4 widening, firstly, the proximity of adjacent new dwellings would make this unlikely, but also, there is nothing to suggest that it would not be possible to provide for an alternative MUP route in any new scheme.

SGC Highway Officer

Whilst there is no in-principal highway objection to this proposal, the Highway Officer considers the proposed route for this path lacking directness between the two sites to be connected, and is not on the desire-line for all those intended. The Northern section of the route is considered convoluted in its alignment and it goes through a wooded area. It is further noted that this section of path is not overlooked by any properties or by those drivers travelling on adjoining Lyde Green Road although it is acknowledged that lighting is proposed along its route.

The majority of the application site is on land within the ownership of 'Highways England'. It is not proposed to transfer the ownership of the land to the Local Highway Authority hence; this path would not adopted as publicly maintainable route and as such it would remain 'private'. As a private path which would be used by members of the public then, it would be appropriate for the Planning Authority to consider imposing a suitable planning condition so that this is adequately maintained in every respect and at all times.

Overall, the Highway Officer does not object to this scheme, subject to the condition to ensure that the path is constructed to the council's acceptable construction details and to be maintained adequately by the applicant and in perpetuity for its intended use.

The planning officer notes the lack of direct overlooking of the MUP, and route through an area of semi mature trees. Forward visibility along the path has been calculated but the relatively secluded location of the route and the proximity of the M4 may reduce the attraction of the link for some potential users. It is considered however that with the proposed clearance either side of the 3m route, bringing the total width to 7m, together with proposed lighting, and the eventual proximity of the apartment block proposed for the associated planning application, this area will not have the feel of an isolated, enclosed route and will feel sufficiently safe for users. Furthermore, officers have taken into account the consideration that the proposed part of the multi user route would facilitate the delivery of nearly 400 new homes at Lyde Green Farm (35% of which would be affordable), which itself is an allocated development site in the South Gloucestershire Local Plan.

It is further acknowledged that the route is not direct, and this is due to land ownership issues. However, it is considered however that the MUP is adequate to provide the link for any adjacent residential development, and the fact that an alternative proposal has been proposed, that is more direct, does not preclude the granting of permission for the current application.

It is noted that the Council's PROW officer has stated that the proposal to provide a multi user route path to connect this development with the larger development to the west and to the Railway path to the east is welcomed. The extra traffic generated by development in this area necessitates the provision of some 'off road' paths to facilitate the protection of the amenity, recreational value and safety of users such as pedestrians, cyclists and horse riders. This is in line with Local Plan Policy PSP10. It is suggested by the PROW officer that in order to offer legal protection to the route it could be dedicated as a bridleway or restricted byway, this would still enable Highways England to divert the route if required due to motorway works. This could be added as an informative.

Subject therefore to the conditions noted above, the proposal is considered acceptable in transportation terms.

Landscape and Ecology

An area around 2 metres either side of the footpath would be cleared of existing scrub vegetation to ensure the route is safe and attractive for users.

The scheme will result in the opening up of a small area of dense woodland which currently provides some screening to the M4 and would also provide screening to the proposed development in the adjoining field to the east. The Council's Landscape Architect does not object to the scheme, but considers that in order to reduce the visual impact of the path it will be necessary to manage the vegetation area around the path edge in order to improve the appearance of the remaining parts of woodland and replace some of the lost screening. A condition can be imposed in order to achieve this.

In ecology terms, the submitted Preliminary Ecological Assessment finds that scrub and some smaller trees will be removed to allow for the footpath, however, this is not considered to be significant. The mature trees are to be retained ensuring that the path way is only considered to be of limited impact on the functionality of the woodland. A sensitive lighting scheme has been recommended to minimise potential for wildlife corridor interruption. The small-scale and low impact nature of the proposed

footpath does not raise concerns in terms of impact to any priority habitats or statutory and non-statutory designated sites within the wider landscape. Precautionary method of works, described within the report, and a sensitive lighting scheme are deemed sufficient to mitigate impact to any protected species potentially found on site. These aim to retain as many trees as possible, and ensure impact of lighting to wildlife corridors is minimised. Subject therefore to a condition ensuring precautionary method of working, the proposal is acceptable in ecology terms.

Common Land

It is noted that the owner of common land has stated that the proposed MUP would be within common land, when the aim of the proposal is to specifically avoid common land. In response to this, the applicant has provided the Land Registry documents for this parcel of land for further clarity. The Land Registry document does not make reference to common land in this area.

Drainage

A French drain, installed on the southern edge of the path, would collect surface water which would discharge to the highway ditch adjacent to Lyde Green Road. The applicant has stated that operation and management of the footpath drainage system would fall within the scope of the future management company at Lyde Green Farm.

The Drainage and Flood Risk Management Team (Engineering Group - Street Care) has no objection in principle to this application subject to the following:

Surface Water Drainage Design

The proposed surface water drainage strategy is to discharge surface water to ditch/watercourse via a French drain. A detailed surface water drainage design condition for the detailed drainage design of the proposed surface water system and the proposed ownership of the system and recommended management and maintenance plan will be required to be secured by condition.

Existing Culvert

It is likely that the route of the Multi User Route will cross a culvert. The depth of the culvert is unknown and should be investigated prior to construction to ensure the culvert is not damaged by the proposed development.

Proposed Culvert

The proposed culvert of the existing ditch for the Multi User Route, will require headwall design and any other requirements need to be agreed with the Lead Local Flood Authority.

There is therefore no drainage objection subject to a condition for the detailed design of the proposed culvert. It should also include the results of the investigation into the buried culvert and any details to protect or replace the existing 'buried' culvert.

It is noted that Land Drainage Consent will also be required for the construction of the agreed design outside of the planning process. Land Drainage Consent should be sought for within 6 months of the proposed construction of the culvert and this will be the subject of an informative.

The proposal is considered to meet the requirement of Policy PSP20 of the Policies Sites and Places Local Plan which requires development to be supported by an appropriate surface water drainage strategy.

Consideration of likely impact on Equalities

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

With regards to the above this planning application it is considered to have a slight positive on equality due to the creation of a new multi user path accessible to all.

7. CONCLUSION

7.1 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.

7.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the adopted South Gloucestershire Local Plan: Core Strategy and the adopted Policy Sites and Places Plan set out above, and to all the relevant material considerations set out in the report.

8. RECOMMENDATION

That planning permission be **GRANTED**, subject to the conditions below.

Contact Officer: Helen Ainsley
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

2. The precautionary methods of working as set out in the Preliminary Ecological Appraisal (Ecology Partnership, March 2020) shall be adhered to at all times during construction of the development hereby approved.

Reason

To protect the wildlife and the ecological interests of the site, in accordance with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy, and Policy PSP19 of the adopted Policies Sites and Places Plan.

3. Additional native tree planting around the path edge shall be implemented in the first planting season following the construction of the multi user path hereby approved in order to improve the appearance of the remaining parts of woodland and replace some of the lost screening. Any trees or plants (retained or planted) which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting seasons with others of a size and species as shall reasonably be specified by the Local Planning Authority.

Reason

In the interests of visual amenity and to prevent losses damage and to achieve the earliest possible establishment of the landscape and its retention, and protect the character and appearance of the area, and in accordance with Policy PSP2 of the adopted South Gloucestershire PSP, and CS2 of the adopted South Gloucestershire Core Strategy.

4. Street lighting to the Council's adoptable standards and which prevents light spill over natural habitat shall be provided prior to the first use of the Multi User Path hereby approved.

Reason

In the interests of the provision of a satisfactory lighting scheme, and to prevent harm to wildlife or protected species, and in accordance with Policy PSP1 and PSP19 of the adopted South Gloucestershire PSP, and Policies CS9 and CS1 of the adopted South Gloucestershire Core Strategy.

5. No development shall commence until a construction management plan and design methodology is submitted and approved in writing by the local planning authority (who will consult Highways England). This should be informed by a site survey of the statutory undertaker's assets to ensure that any Highways England and third party infrastructure (including underground infrastructure) is unaffected by the scheme.

Reason

To ensure the safe and efficient operation of the Strategic Road Network (i.e.M4). Pre-commencement is required a the details will be needed at an early stage for construction

6. No development shall commence until the composition and height of the fence has been agreed with the local planning authority (who will in consult Highways England). The fence surrounding the footpath should be of sufficient height and appropriate construction so as to restrict public access to the M4 and Highways England estate.

Reason

To protect public safety and ensure the safe and efficient operation of the Strategic Road Network (i.e. M4). Pre- commencement is required a the details will be needed at an early stage for construction.

7. The Multi User Path hereby approved shall be constructed to the council's adoptable standard construction details and shall be maintained as such and in accordance with the details hereby approved by the applicant in perpetuity.

Reason

In the interests of maintaining the MUP in a safe and good quality condition, and in the interests of sustainable development and in accordance with Policy CS26 of the South Gloucestershire Local Plan: Core Strategy, (adopted Dec 2013).

8. The development shall conform in all aspects with the approved plans and documents listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision.

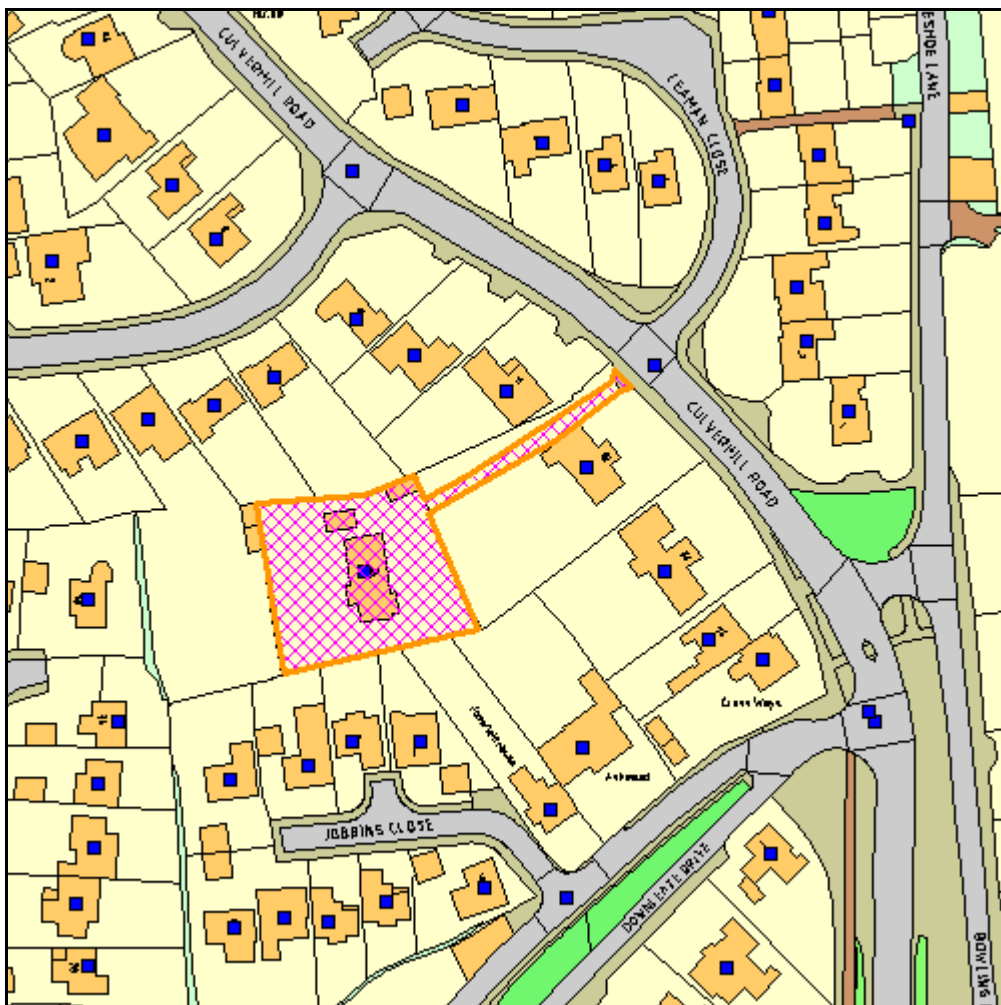
P19 – 1183_001	Site Location Plan
P19 – 1183_002	Block Plan
P19 – 1183_003	Rev. D Design

Reason

For the avoidance of doubt and to ensure that the scheme is implemented in full accordance with the plans submitted and assessed.

CIRCULATED SCHEDULE NO. 32/20 - 7th August 2020

App No.:	P20/08246/F	Applicant:	Mr And Mrs Hart
Site:	The Retreat 16 Culverhill Road Chipping Sodbury South Gloucestershire BS37 6EZ	Date Reg:	19th May 2020
Proposal:	Raising of existing roofline to form first floor extension and erection of extensions to form additional living accommodation (Resubmission of P20/03609/F)	Parish:	Sodbury Town Council
Map Ref:	372458 182010	Ward:	Chipping Sodbury And Cotswold Edge
Application Category:	Householder	Target Date:	9th July 2020



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 100023410, 2008. **N.T.S.** **P20/08246/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

The application appears on the Circulated Schedule because in excess of 3no. objections from local residents has been received which are contrary to the findings of this report and Officer recommendation.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission to raise the roof line and erect a side extension to form a two storey dwelling instead of the current bungalow. This application is a resubmission of a previously withdrawn scheme (P20/03609/F). This previous proposal was for the erection of a two storey side extension alone to form an annexe with no raising of the roofline to the existing dwelling.
- 1.2 This previous application was withdrawn following discussions between the applicant's agent and the Council over concerns that the proposed side extension would be tantamount to the creation of an additional dwelling on the site which would not be supported by the Council. This proposal aims to address this by enlarging the dwelling as a whole to increase the living accommodation, the reason for which is stated to facilitate multi-generational living.
- 1.3 The application site is a detached bungalow, thought to have been erected in the 1960s and sits in a tandem plot behind no. 18 Culverhill Road, with the access road to the site running through the garden of no. 18. The site itself is located within the Yate and Chipping Sodbury designated settlement boundary and there are no other planning designations on site which would affect the development.

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
CS30	Yate and Chipping Sodbury

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

PSP1	Local Distinctiveness
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted) August 2007
Residential Parking Standard SPD (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 P20/03609/F – Withdrawn 08/04/2020:
Erection of two storey side extension to form annexe, and detached double garage.

4. CONSULTATION RESPONSES

- 4.1 Sodbury Town Council
No objection

- 4.2 Sustainable Transport
No objection – comments summarised:
- Access is via an established access which will continue unchanged
 - Satisfied that this is a household application and the use will not change, will remain a single house.
 - Nature of traffic movement to and from site is unlikely to change or significantly increase.
 - Satisfied that there is ample parking space and manoeuvring area proposed.

An additional response was made by the transport officer in response to points of objection raised regarding the access and parking. This response broadly reiterated the original transport comments but clarified that as the proposal demonstrates policy compliance then an objection could not be made on highways or transportation grounds. Additionally, a condition is recommended to ensure that parking is provided and retained.

- 4.3 Tree Officer
No comment received

- 4.4 Local Residents
A total of 8no. Representations have been received in objection, with three being from the same person. An additional representation has been received from an objector with further details to support their objection, including a swept path analysis to demonstrate parking and access concerns.

The objections are summarised as follows:

- Out of character / context with the area and existing houses in the immediate vicinity
- South wall barely 20 foot away from boundary – outlook will be lost and will change from trees and greenery to the extension.
- Scale of site location plan is dubious as it shows considerable distance between our rear boundary and the south wall of no. 16 (The Retreat)
- The windows on the South-East corner of the building will overlook garden and provide direct visibility into rooms, including bedrooms.
- If permission granted, a request to apply a 'binding condition' removing the right to light so trees/hedges can be grown to regain privacy
- Loss of light to both house and garden
- Available plot offers alternatives without raising the roofline – the scale of the current proposal will adversely affect neighbouring properties.
- Concern regarding access, particularly during construction phase.
- Increased traffic which would exacerbate existing situation – traffic already a problem.
- Neighbouring property are renting and unaware of the plans
- Proposal will result in losses of light
- Loss of Outlook
- Losses of privacy
- Two storey extension close to existing boundary – height will change outlook to large expanse of brick wall
- Already put In a letter of objection but it is not showing – please advise why
- My objection comments have still not been put on the site
- The Retreat provides distinctive, spacious and airy character to the area – such distinctiveness is part of PSP1.
- Removal of the single garage from the site to provide accommodation means that the property will lack storage typically provided with a dwelling of such size
- It should be conditioned so that further planning applications to add a garage forward of the front elevation would not be acceptable
- Single height and ridge line will be visually unappealing and dominating.
- Proposal unacceptable under PSP8 and PSP38
- Conditions should be applied (if permission granted) relating to access during construction and restrictions on site access to after 9 o'clock.

Specific concerns/points of objection relating to access:

- Access to no. 16 is limited to the access track through garden of no. 18 – no right of access to anywhere but the track itself (2.6 metres width)
- Both sides of the track are used by no. 18 – young children use the driveway to cycle and scoot – they should be able to enjoy its use safely
- The road that serves both properties (16 and 18 Culverhill Road) has limited visibility when accessing Culverhill road. Visibility splay fails to meet current guidelines.
- The plans do not show that the access runs past a side door – concern over safety for young children accessing and egressing from house. Should the need for a disabled access ramp arise, this would have to extend over the track and in to traffic.

- Entry and exit to the forward property is made by reversing in to the track – limited visibility during these manoeuvres.
- Distance from the carriageway to the gated entrance of no 16 is 47 metres plus 12 metres to the door. The track is too narrow for emergency vehicles and the overall distance (59 metres) would be in excess of the 45m stipulated in the building regulations requirement 2010 B5 section 11, vehicle access.
- Access track provides no turning ability – vehicles must turn within the curtilage of no. 16
- The turning access on site will be insufficient – site should be at least accessible by an ambulance and allow it to turn.
- Parking is shown for 3 vehicles but additional space should be provided for visitors.
- No visibility of no 16 from Culverhill Road – vehicles visiting the site are not aware of the availability of parking and may then have to reverse back along the track
- Any approval should be contingent upon unrestricted access to no. 16 (sometimes gates are locked).

A further representation in relation to access was submitted, including a swept path analysis (commissioned by a 3rd party) to demonstrate usability of the access and turning space. Though it demonstrates that a 3.5 tonne panel van can turn on site whilst all spaces are occupied, this is stated as being impractical and that the situation is 'very tight'.

5. ANALYSIS OF PROPOSAL

5.1 The proposal seeks to raise the roofline and extend the dwelling to create a two storey dwelling as opposed to the current bungalow.

5.2 Principle Of Development

PSP38 of the South Gloucestershire Council Policies, Sites and Places Plan (adopted November 2017) permits development within existing residential curtilages in principle where they do not unduly harm the design, visual amenity and residential amenity of the locality or prejudice highway safety or the provision of adequate private amenity space. PSP38 is achieved through CS1 of the South Gloucestershire Council Core Strategy (adopted December 2013), which requires development to demonstrate the highest standards of design and site planning by demonstrating that siting, form, scale, height, massing, detailing colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context. The development is acceptable in principle, subject to the following detailed consideration.

5.3 Design, Visual Amenity and Layout

The existing dwelling that is to be enlarged is situated within a backland (or tandem) plot, thought to originally form part of no. 18's curtilage. On all sides the site is surrounded by built form in the form of residential dwellings, with their back gardens abutting the plot for no. 16 (The Retreat). The host dwelling is a generously sized 1960s bungalow which is faced with cast stone with interlocking roof tiles to the pitched roof which has side oriented gables.

To both the front and rear are gabled projections with fenestration in the form of suitably sized windows. Immediately to the North of the host dwelling is a detached garage constructed of corresponding materials to the host dwelling and to the east of that garage is a detached workshop which is proposed to remain as is. The wider site has a very mild East to West sloping gradient with mature boundary treatments in places. The immediate locality is made up of a predominance of two storey dwellings with some 3 storey and a couple of large dormer type bungalows.

- 5.4 The proposal will see the existing ridge raised, from approximately 5.7 metres to approximately 6.7 metres, and the eaves raised to approximately 4.2 metres. At the Northern end, the building is to be extended in a 'T' form with front and rear facing gables. This will have a ridge height of approx. 6.9 metres and will sit forward of the front elevation by 1.5 metres and back from the rear by 4 metres with eaves at c.4.6 metres. This addition to the Northern end will increase the continuous width of the dwelling from approximately 17.3 metres to 22.5 metres. Overall, the floor space will increase from 143 sq m (inc. the garage to be demolished) to 388 sq m (approx.).
- 5.5 The dwelling as altered will, in terms of fenestration, possess 2no. additional first floor windows to the front and glazed gables to the rear. Additional fenestration will be inserted at ground floor level in the form of rear patio doors and existing windows will be replaced. The rear will also incorporate 2no. smaller dormer windows, and there will be no first floor windows in any side elevation. Roof lights will be utilised to the rear roof slope and to the Northern (side) roof slope of the new extension. Additional landscaping works are indicated to take place to the front (due East of the site) extend the parking area.
- 5.6 First and foremost it is acknowledged that the proposed works represent a substantial increase in the size of the existing building and will inevitably change the bungalow's character entirely by virtue of the dwelling changing in status from a bungalow to a two storey dwelling. It is noted that concern is raised that the proposal will be out of character with the area and the design is a point of contention. Design is by its nature a subjective element, but it is necessary to ensure that what is proposed will not be detrimental to the character of the area. The existing bungalow can be considered to exhibit little in the way of architectural merit that would warrant preservation.
- 5.7 As stated, the site is surrounded by mostly two storey buildings, with a somewhat limited visibility of the site from the public realm. Though the enlarged building will be able to be seen in partial views from the access's junction on to Culverhill Road, and may be able to be glimpsed from other points nearby. Given the abundance of two storey buildings which surround The Retreat, officers would take the view that a two storey dwelling on the site would not be at odds with the prevailing character of the area.
- 5.8 That said, the building will be larger than many surrounding two storey buildings in terms of footprint. However, the site is large enough to accommodate the enlarged building without appearing as cramped or overdeveloped/contrived and the actual increase in footprint will only take place

- at the northern end (c. 68 Sq m, though the current garage occupies c. 22 sq m), with the rest of the increase in size being in an upwards manner.
- 5.9 In terms of character, given the set-back position and limited visibility from the wider public realm, officers would take the view that in actual fact the impact on the character of the area will be limited and the proposal is not considered to be out of character with its surroundings nor will it be detrimental to the character of the area or street scene.
- 5.10 The palette of materials is suggested to be tiles to the roof and rendered elevations with dark grey window frames, which would indicate a rather modern appearance, which could be considered to be in line with some of the more modern dwellings in the vicinity, particularly to the South at Jobbins Close. Whilst the materials are considered to be acceptable in principle, it would be considered reasonable to attach a suitably worded condition to capture finer details, should permission be granted to ensure a satisfactory standard of external appearance.
- 5.11 Overall and whilst acknowledged that the proposal will result in substantial change over the current situation, officers consider the proposal to be acceptable in terms of design and visual amenity which will not be to the detriment of the character of the area or street scene and raise no objection under CS1, PSP1 or PSP38.
- 5.12 Residential Amenity
PSP8 permits development where it does not prejudice the residential amenity of both occupiers of the development and of neighbouring dwellings through the creation of unacceptable impacts. Such unacceptable impacts include loss of privacy, overlooking, loss of light, loss of outlook and overbearing/dominant impacts.
- 5.13 As a tandem development, the site is behind another dwelling, namely no. 18 Culverhill Road and is then bounded on all sides by residential dwellings. It therefore stands that careful consideration is needed to ensure that there will be no *unacceptable* impacts upon the residential amenities should the proposal be permitted.
- Overbearing/dominance*
- 5.14 The rear (due West) of the site will, at the closest point be 12 metres away from the rear boundary, beyond which is the garden of no. 5 Highfield. In this respect, there is ample distance to mitigate any overbearing as a result of the proposed enlargement. Due south is the Jobbins Close development, of which no's 1, 2 and 3 will be closest to the development. However, there is to be a c.7 metre distance between the side elevation of no. 16 and the edge of the site at its closest point. Furthermore, there will be at all times well in excess of the 12 metre window-wall distance as advised by the SGC residential amenity TAN, with distances being generally in excess of 20 metres which is considered appropriate to mitigate overbearing impacts. The dwellings to the East and South East are of a similar relationship, with sufficient separation and window-

wall distances to avoid any issues of overbearing or dominance which would be considered unacceptable.

- 5.15 The neighbouring properties due North (no's 1 and 3 Highfields in particular) would stand to be most affected as the northern end of the site is where the new 'T' shaped extension will be sited which will see a new wall and pitched roof with a ridge of 6.9 metres and length of c. 13.5 metres. This new elevation will be largely blank (for privacy reasons) and will sit some c.3.5/4 metres away from the northern boundary. Distances from the northern boundary and the rear elevations of 1 and 3 Highfields will sit at a minimum of 20 metres (not including the distance between the boundary and the new side elevation of no. 16) which is in excess of the 12 metre window-will distance. Whilst acknowledged that the building will be inevitably more noticeable, it is not considered that this will be to an unacceptable degree nor will it be unacceptably overbearing on the dwellings due North.

Light and outlook

- 5.16 Officers note concerns regarding potential impacts on light and outlook raised during the consultation period. However, given the separation distances discussed above, it would follow that the proposed enlarged dwelling will not result in an unacceptable loss of outlook or light afforded to any of the surrounding neighbouring dwellings should permission be granted. It must be noted that outlook and views are not interchangeable and whilst planning seeks to ensure that development does not unacceptably impact upon outlook (though outlook can indeed change over time), private views on the other hand cannot be considered as material. In this case it is considered that whilst inevitably there will be changes to outlook, this will not be unduly detrimental nor will it be unacceptable in nature.

Overlooking and privacy

- 5.17 Both the Northern and Southern aspects of the dwelling as enlarged will not have any first floor windows (apart from roof lights) inserted. This will allow an acceptable level of privacy to be maintained in relation to the dwellings due North and South of the site. Should permission be granted, an appropriately worded condition should be applied to ensure no additional windows can be put in at first floor level on either side.
- 5.18 To the rear (due West), the new first floor windows will allow for some increased overlooking of the rear garden area of no. 5 Highfields. However, in an urban area there is a general acceptance that some overlooking of gardens will be possible and indeed is possible in this location. In this case the rear elevation of the dwelling as enlarged will be at least 12 metres away from the rear of the site to the Northern end and at least 16 metres away from the boundary to the south at the second glazed gable which is considered acceptable. Furthermore, the garden of no. 5 is very long and the area that would see the bulk of any increased overlooking is away from the more intimate, rear area of no. 5. To this end, officers would conclude that the level of overlooking generated would not go above and beyond what is considered acceptable.

- 5.19 The dwellings which would stand to be most affected by overlooking are the ones at the front of the tandem (Inc. no. 18 Culverhill Road which is directly affront). It is noted that this has been raised as a point of objection during the consultation. As a tandem development, careful consideration is needed as to whether or not the additional first floor windows would present an *unacceptable* degree of overlooking.
- 5.20 The Northern end new gable window will sit c.9.5 metres back from the site boundary at a height of c. 4.3 metres at the centre point of the window, whilst the Southern end gable window will sit some c.13 metres back from the site boundary to the front. Though 9.5 metres is to the lesser end of what could be considered acceptable in terms of separation from the boundary, the view from this aperture will be for the most part of the access track and the garden of no.18 that is separated by the access road.
- 5.21 In terms of separation distances between no. 16 and no. 18, the northern gable window to the front of no.16 will be some 35 metres at minimum from the rear windows of no. 18. The Southern Gable window of no.16 to the front is angled away from no. 18 and would obtain separation distances of 40+ metres from the rear windows of no.18. To the South of no. 18 (no. 22 Culverhill Road), the direct line of sight from the southern frontward gable of no. 16 to the back of no. 22 is at minimum 45 metres. Moving round to Ashmead and Homefield House, distances are around 40 metres. Notwithstanding this distance, Ashmead and Homefield House also enjoy an angular relationship to no. 16 which will further mitigate overlooking impacts. For the avoidance of doubt, dwellings to the North of No. 18 (14, 12 and 10 Culverhill Road) are considered to be at a suitable distance (and angle) to suitably mitigate overlooking. All of the above distances are in well excess of the 21 metre window-to-window distance as set out in the assessing residential amenity TAN. That said, the TAN is a guide and a starting point. In this case, the ample distances (sometimes double the '21 metre rule') available are considered to be acceptable so as to prevent an unacceptable level of overlooking beyond what can be expected in an urban area.
- 5.22 Overall, it is acknowledged that some increased overlooking will be possible, however the level of separation is considered to be sufficient to mitigate this to an acceptable degree. As mentioned above, overlooking is something that is to be expected in residential urban areas and gardens are often seldom completely private. In this area for example, overlooking of gardens can be easily observed within the surroundings of no.16. Taking for example some of the dwellings at Jobbins Close (South of no. 16), which have the capacity to completely overlook the garden and rear area of no. 16 with lesser separation distances in some cases than outlined above.
- 5.23 It is noted that there is a mature laylandii 'screen' between no.16 and no. 18. However, in the interest of clarity, this is not within the site boundary and such boundary treatments can be liable to be removed, or 'die back'. Therefore, this cannot be relied upon to mitigate overlooking that would otherwise not be acceptable, though it does of-course further obscure the views between the two respective dwellings. That said, as previously raised there is an ample level of

separation between the site and its frontward neighbours so as to mitigate substantial concerns of overlooking.

5.24 *Other amenity issues*

The site will remain in use as one residential dwelling and one planning unit, so although there will be an increase in the living accommodation, it is not considered that there will be an unacceptable increase in noise, for example from vehicle movements along the access track which runs past the dwelling in front.

5.25 Given the nature of the site which is flanked on all sides by residential dwellings, it would not in officers view be unreasonable to attach a condition limiting the working hours on site. However, in line with recent government guidance, such limits should not be overly restrictive given the need to ensure socially distant working practices in light of the Covid-19 pandemic. As such and in line with that advice, 9pm is considered to be an appropriate end time, as opposed to 6pm which is generally imposed. Notwithstanding the above, where there is a noise nuisance complaint, this is appropriately investigable by the Environmental Health Officer and can be addressed through appropriate environmental legislation to control activities (not specifically working hours) that result in an anti-social noise nuisance event.

5.26 Parking and Transportation

The salient matter to be considered in terms of transportation with a residential development is whether or not the site will be able to accommodate an appropriate level of parking. PSP16 is the Council's principle policy which covers parking for residential development and mandates a level of parking based upon the number of bedrooms. The parking and access of the site is a point of objection raised during the consultation.

5.27 The site will become a 5 bed dwelling, though it is noted that other rooms proposed could easily be used as bedrooms. Nevertheless, PSP16 sets out that a 5+ bed dwelling should provide 3no. parking spaces and this is the policy standard that needs to be applied. The site plan indicates that 3no. parking spaces with turning space will be provided which is satisfactory in the view of the Councils highways officer. Subject to an appropriately worded condition ensuring provision is provided and retained, the parking provision is considered to be acceptable. It should also be noted that the dwelling will remain as one unit. Whilst there may be a small increase in vehicle movements with the increased accommodation, this will be minor in nature and acceptable in terms of access.

5.28 The access will be provided via an existing and long-established access road which runs past no. 18 though the side garden.

5.29 Culverhill Road is unclassified, which means that the expectation for vehicles to enter in a forward gear is not applicable. However, the provision has been made for turning and is considered prudent in this case given that reversing along the access road would not be desirable.

- 5.30 It is noted that one representation in particular aims to demonstrate the usability (or lack thereof) of the parking and turning space by means of an auto track simulation, replicating a 3.5 tonne panel van turning on site in the event that all 3 spaces are occupied. This in-fact demonstrates that the space available *can* facilitate a 3 point turn of a larger vehicle. It should however be noted that there is no requirement for a turn to be performed in three points.
- 5.31 The proposal demonstrates a policy compliant level of parking and a suitable turning space. It is noted in consultation that this is raised as not being sufficient, however it would not stand up to an appeal if the application were refused when the provision of parking is in accordance with the development plan and considered acceptable by specialist highways officers. Concern is noted that the access runs past the side door of the dwelling to the front.
- 5.32 Furthermore, P109 of the NPPF sets out the test for highways refusals, which is that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. As the proposal does not fail this test, a highways refusal would not be sustainable. It is not within the remit of the planning system to control the behaviour of individual drivers who use the access road and turning space, and the onus is on the users to drive in a responsible, safe and legal fashion.
- 5.33 Due to the nature of the site and its access, it is considered reasonable and necessary to apply a condition requiring a construction management plan (CMP) in this case. This would aim to ensure that the access road enjoyed by both no.18 and no.16 remains safe and free from obstruction at all times and that deliveries made to the site from the highway are done in an appropriate vehicle with appropriate precautions in place should reversing manoeuvres be required. To this end, a 7.5 tonne limit is considered appropriate and a banksman required for any reversing manoeuvre. Measures to control dust should also be captured, though this is less of a transport and more of an amenity issue given the bounding on all sides by residences.
- 5.34 Trees
There are no significant trees *on site*, nor any that are protected. To the West of the site on neighbouring land (no. 5 Highfields) there are two TPOd trees. However, these are some 17 metres away from the site of the works. There is however a large Ash tree to the North of the site which sits in close proximity to where the extension is to be built and where works will take place.
- 5.35 An arboriculture implications report (David Daniell in Association with Cambium, September 2019) has been provided and sets out measures to ensure that the ash tree previously mentioned is suitably protected during construction. An appropriately worded condition should be applied to ensure that works are carried out in accordance with the report.
- 5.36 Private Amenity Space
PSP43 sets out requirements for private amenity space provision based on the number of bedrooms. A 4+ bedroom dwelling should provide at least 70 Sq metres of private amenity space. The dwelling as enlarged would have 5

bedrooms. Given the plot size, there stands to be in excess of 500 sq m of private amenity space available, with the existing landscaped garden remaining as is. Consequently, there is no objection raised with regards to private amenity space provision.

Impact on Equalities

5.37 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.

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

5.39 Other Matters

A number of matters raised from the consultation responses have not been addressed in the main body of this report. These will be considered below.

5.40 *Emergency vehicle access and length of access road*

It is noted that the point is raised that the access will exceed the 45 metres as set out in building regulations for access. In any case this would be addressed at the building regulations stage. In terms of emergency vehicle access, on the somewhat infrequent occasion that an ambulance needs access/egress from the site it would be reasonable to contend that they would manage to do so in an emergency situation.

5.41 *Accuracy of the site/location plan*

Officers note concern that the site location plan is not entirely accurate in its depiction of distances between the building and the site boundary. This has been checked by officers who would contend that the site plan does offer an accurate indication of distances.

5.42 *Conditions*

One representation requested conditions be applied should consent be granted. Conditions deemed to meet the required tests are outlined above and will be set out at the end of this report. A planning condition needs to meet six tests to be applicable, which are:

- Necessary
- Relevant to planning
- Relevant to the development
- Enforceable
- Precise

- Reasonable

Taking the conditions suggested by a resident in turn,

Construction/building supply vehicle restriction and site turning

A CMP condition is recommended (see transport section) which appropriately deals with access to the site and restricts the size of construction/delivery vehicles, with the additional requirement for a banksman to be used if reversing along the access road is required. This condition is considered appropriate.

It would not be considered reasonable or indeed necessary to require a structural engineers report to assess the access road and foundations of no.18. In any case, damage caused to private property would be a civil matter between the applicant and affected party.

No unloading of HGVs on the highway without council approval

This is not considered necessary and in any case vehicles wishing to unload must do so in a safe and legal manner. This would include not obstructing the pavement.

Site access restriction to forbid access before 9 o'clock

A working hours restriction is recommended to be applied as detailed in 5.25 and in the recommendations section. Restricting access to post 9am would be somewhat arbitrary and is not considered to meet the tests of being either reasonable or necessary and accordingly cannot be applied. The CMP is to deal with ensuring that the access is clear from obstructions.

5.43 *Right to light*

It was requested that a 'binding condition' be used to restrict right to light to the site so that screening in the form of trees/hedges could be grown. A condition must pass 6 tests (as above), one of which being that it is relevant to planning. The right to light is not a relevant planning consideration and is instead a civil matter. Therefore, such a condition would not be appropriate as it would not meet the required tests.

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 permission is **granted** subject to the conditions detailed on the decision notice.

Contact Officer: Alex Hemming
Tel. No. 01454 866456

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 parking and turning area as indicated on plan 519/01/101 (G) (received 18th May 2020) shall be implemented prior to the first occupation of the development hereby approved and shall be retained and maintained thereafter for its intended purpose.

Reason

In the interest of highway safety and to ensure that a level of parking is provided in compliance with policy PSP16 of the South Gloucestershire Council Local Plan: Policies Sites and Places Plan (adopted) November 2017.

3. The development hereby permitted shall be carried out in strict accordance with the recommendations and measures set out the arboricultural implications report (David Daniell in Association with Cambium, dated 18/09/2019 and received 11/05/2020) and the Tree Survey Constraints Plan (drawing L400 SK1 received 11/05/2020).

Reason

To ensure that adequate protection is afforded to the nearby Ash tree and to comply with policy PSP3 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (adopted) November 2017.

4. A site specific Construction Management Plan (CMP) shall be agreed in writing with the authority prior to the commencement of the development. The CMP approved by the Council shall be complied with at all times throughout the construction of the development.

The CMP shall address the following matters:

- i) Use of a banksman for all construction and delivery vehicles where any reversing manoeuvres are required along the access road between the site and Culverhill Road
- ii) Adequate provision on site for the delivery and storage of materials
- iii) Measures to ensure that the access road to the site from Culverhill Road is maintained clear and free from obstruction at all times and is safe for use by pedestrians, cyclists and vehicles.
- iiii) Arrangements to ensure that all site deliveries made via the access road take place in vehicles with a maximum gross weight of 7.5 tonnes.
- iiiii) Measures to control dust from demolition and construction works proposed

Reason

In the interests of ensuring the safety of other users of the access road during construction. To ensure that the works do not unduly harm the amenities of the occupiers of neighbouring properties in accordance with policy PSP8 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (adopted) November 2017 and to prevent the need for future remedial works.

5. The hours of working on site during the period of construction shall be restricted to:

Monday - Friday.....7:30am - 9:00pm

Saturday.....8:00am - 1:00pm

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 construction vehicles within the curtilage of site

Reason

To ensure the residential amenities of neighbouring occupiers are protected during the construction phase and to comply with PSP8 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (adopted) November 2017).

6. Prior to the commencement of the relevant parts of the development hereby approved, details of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure 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.

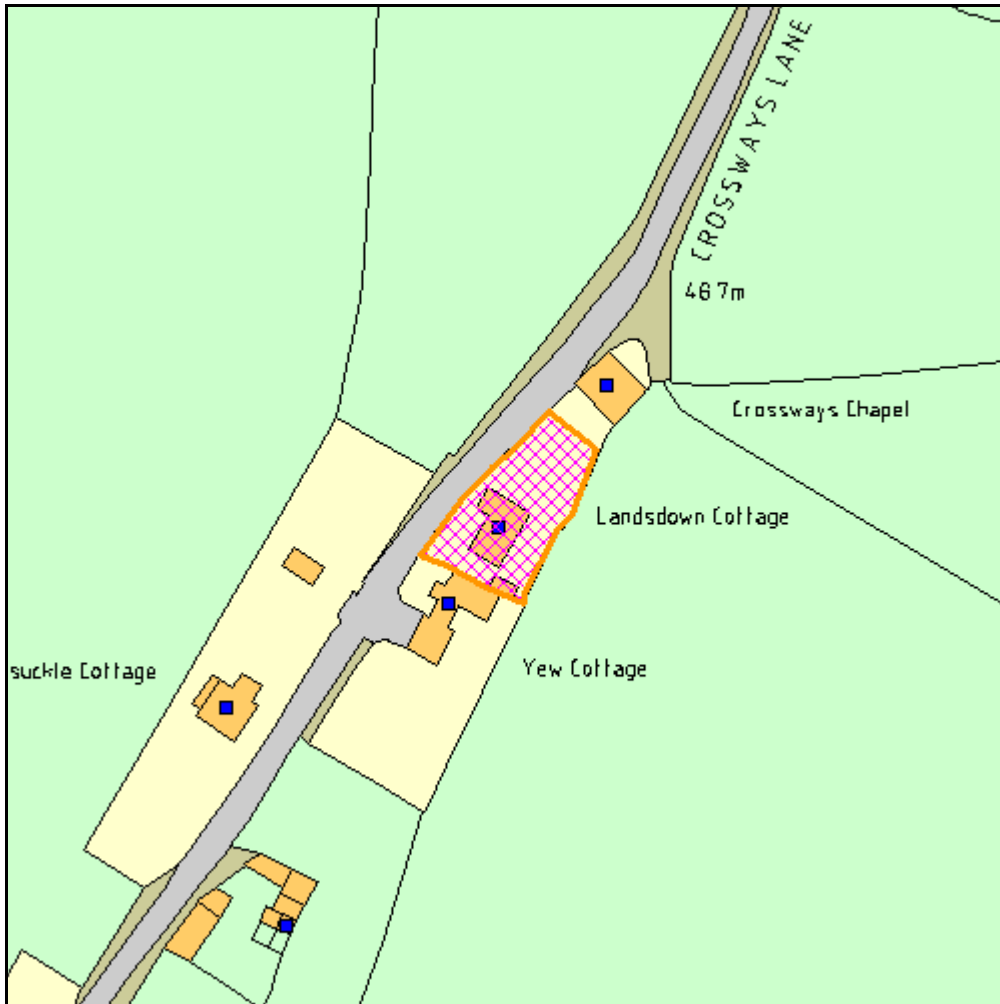
7. No windows other than those shown on the plans hereby approved shall be inserted at first floor level at any time in the North and South elevations of the property.

Reason

To protect the residential amenities of neighbouring occupiers in compliance with PSP8 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (adopted) November 2017.

CIRCULATED SCHEDULE NO. 32/20 - 7th August 2020

App No.:	P20/09533/F	Applicant:	Mr And Mrs Layton
Site:	Lansdown Cottage Crossways Lane Thornbury South Gloucestershire BS35 3UE	Date Reg:	8th June 2020
Proposal:	Erection of two storey and single storey rear extension with rear balcony to form additional living accommodation. Erection of front porch and alterations to the existing garage.	Parish:	Thornbury Town Council
Map Ref:	365730 191102	Ward:	Thornbury
Application Category:	Householder	Target Date:	30th July 2020



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 100023410, 2008. **N.T.S.** **P20/09533/F**

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

REASON FOR APPEARING ON CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure following an objection by the Parish Council, contrary of the officer recommendation detailed below.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of two storey and single storey rear extension with rear balcony to form additional living accommodation, the erection of a front porch, and alterations to the existing garage at Lansdown Cottage, Crossways Lane, Thornbury.
- 1.2 The application site forms a detached cottage in a rural area, it is not covered by any restrictive policies.

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
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP8	Residential Development
PSP11	Transport
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007
Residential Parking Standards SPS (Adopted) 2013
Residential Amenity TAN (Endorsed) 2016

3. CONSULTATION RESPONSES

Town/ Parish Council

- 3.1 Thornbury Town Council – Objection

“Council has concerns regarding overdevelopment of the site and feels that the proposal is inappropriate for the character of the Lane”.

Internal Consultees

3.2 Archaeology – No comments.

Neighbours

3.3 One response has been received from a neighbour in support of the application.

4. ANALYSIS OF PROPOSAL

4.1 Principle of Development

The application seeks permission for the extension of a residential unit. Extension and alterations to existing properties is managed through policy PSP38 of the Policies, Sites and Places Plan. This policy is generally supportive subject to an assessment of design, amenity and transport. Policy PSP40 is also supportive of residential development in the open countryside, outside of development boundaries provided it does not have a harmful effect on the character or amenities of the surrounding area.

4.2 Design and Visual Amenity

Policy CS1 of the Core Strategy and policy PSP1 and PSP38 of the Policies, Sites, and Places Plan seek to ensure that development proposals are of the highest possible standards of design. This means that developments should be informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

Front Porch

4.3 The proposed front porch is of an appropriate size and location, with its design featuring an oak frame, pitched roof and glazed elevations. It appears as a light weight and subservient structure which complements the host property.

4.4 *Second Storey Rear Extension*

The proposed second storey rear extension would be in the place of the former conservatory. It would feature a gable end with a first floor balcony constructed in timber. The structure would be finished in painted render and tiles to match the existing property. When viewed in relation to the host property, the contrasting render finish would complement the existing stone and render finish as seen on the host and neighbouring property. Due to the sitting of the extension, it would not be overly prominent when seen from the public realm. As such, the proposed second storey rear extension would respect the host property and its context.

4.5 *Single Storey Rear Extension*

The proposed single storey rear extension would be located centrally within the confines to the rear of the property. The materials used would echo that of the host property, and it would appear light weight due to its fully glazed end. Due to its single storey construction, it would also appear as a subservient addition when viewed in relation to the host property. It would therefore respect the character and appearance of the host property and its context.

- 4.6 *Alterations to Garage*
The garage would be changed from a pitched roof to a flat roof and extended to adjoin with the host property. It would remain as a subservient addition and would not result in any unreasonable harm to the character or appearance to the host property and its context.
- 4.7 *Proposed Window to South West Elevation*
The proposed window is small in size and well located. It would be constructed in white uPVC, incorporating glazing bars to match the existing. No objections are raised to the design of this element.
- 4.8 In conclusion to the assessment above, the proposed development would respect the character and appearance of the host property and its context. The proposed development would therefore comply with policies CS1, PSP1, PSP38 and PSP40 of the South Gloucestershire Local Development Plan.
- 4.9 Residential Amenity
Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 outlines the types of issues that could result in an unacceptable impact. Policy PSP43 provides guidance regarding private amenity space provisions.
- 4.10 The proposal has been carefully assessed and has found to be in compliance with these policies. Albeit, in order to protect the neighbours privacy and to prevent any disturbance, a condition will be set to prevent the garage roof being used as an amenity area. Additionally, the proposed first floor window to the south west elevation should be conditioned to be fully obscure glazed and non-opening to a height of 1.7m above the finished floor level. The proposed balcony is set back beyond the rear building line, providing a view to the open country side. Due to its location, it would not result in a loss of privacy to the neighbours. A satisfactory amount of private amenity space would remain. As such, no objections are raised.
- 4.11 Transport
Policy PSP16 of the Policies, Sites and Places Plan sets out the Councils parking standards. The proposal has been carefully assessed and has found to be in compliance with this policy.
- 4.12 Consideration of likely impact on Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. This planning application it is considered to have a neutral impact on equality.

5. CONCLUSION

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

6. RECOMMENDATION

6.1 It is recommended that planning permission is GRANTED.

Contact Officer: Thomas Smith

Tel. No. 01454 865785

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 roof area of the garage hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason

To minimise disturbance to occupiers of nearby properties and to accord with PSP8 of the South Gloucestershire Policies Sites and Places Plan (Adopted) November 2017 and the provisions of the National Planning Policy Framework.

3. Prior to the first use or occupation of the extension hereby permitted, and at all times thereafter, the proposed first floor window on the south west 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 PSP38 and PSP8 of the South Gloucestershire Policies, Sites and Places Plan 2017; and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 32/20 - 7th August 2020

App No.:	P20/09767/F	Applicant:	MBNL For And On Behalf Of EE Ltd And H3G UK Ltd
Site:	Communication Station And Premises Ashley Down Old Boys Rfc Bonnington Walk Stoke Gifford South Gloucestershire BS7 9YU	Date Reg:	9th June 2020
Proposal:	The removal of existing 15 metre high monopole and existing antennas and replacement with a 20 metre high lattice tower and 6no upgraded antennas. Installation of 4no 0.6m diameter transmission dishes, 7no equipment cabinets to be located at ground level and ancillary development including the erection of 2.1 metre high weld mesh fencing around the equipment and relocation of the floodlights from existing monopole to the new tower.	Parish:	Stoke Gifford Parish Council
Map Ref:	360888 177933	Ward:	Stoke Park And Cheswick
Application Category:	Minor	Target Date:	30th July 2020



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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 due to consultation responses received, contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 The proposal is for the removal of an existing 15 metre high monopole and existing antennas and replacement with a 20 metre high lattice tower and 6no upgraded antennas, installation of 4no 0.6m diameter transmission dishes, 7no equipment cabinets to be located at ground level and ancillary development including the erection of 2.1 metre high weld mesh fencing around the equipment and relocation of the floodlights from existing monopole to the new tower.
- 1.2 The application site is an existing telecoms location, situated off Bonnington Walk, and along the access track next to sports pitches between Lockleaze Sports Centre and Ashley Down Old Boys Rugby Club.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
National Planning Policy Guidance
- 2.2 Development Plans

South Gloucestershire Policies, Sites and Place Plan Adopted November 2017
PSP1 Local Distinctiveness
PSP36 Telecommunications Infrastructure

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS5 Location of Development
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist 2007
South Gloucestershire Telecommunications SPD

3. RELEVANT PLANNING HISTORY

- 3.1 PT07/1515/PN1 - Installation of 15 metre high monopole, 3 no. antennas, equipment cabinet and associated works. No objection. 26.06.2007

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
No objection

Sustainable Transportation

No objection

Lead Local Flood Authority

No objection

Highways Structures

No comment

Other Representations

4.2 Local Residents

34 letters of objection have been received, raising the following issues:

- The area is frequented by members of the public, including sports clubs in close proximity
- The site will impact upon access to and use of the playing fields
- The appearance of the football/rugby field would be completely changed. All existing installations will be removed and replaced by this high tower and 17 associated installations.
- It would be visible in long range views from public footpaths, the two sports clubs, a bike trail, the sports pavillion and nearby houses.
- Huge impact upon visual amenity from residents and the surrounding area and will be an eyesore
- The proposed mast site is next to a sports pavilion and to the sports club where children play sports. There are also a number of infant and primary schools in close proximity
- The mast is incongruous to the area and will dominate
- The site is close to and will impact upon residential properties
- It will be an eyesore from many houses and gardens and the area generally
- Major concern over potential health risk
- 5G technology is still at an early stage to assess potential impacts which are unknown
- Studies indicate health implications associated with 5G
- The current health guidelines are old
- There is no relevant health and safety assessment
- 5G roll out needs to be halted and further research undertaken
- There are errors and omissions in the application and documents
- The declaration was not signed
- No exclusion zone has been indicated
- Concern over the particular telecoms company involved with the proposals
- Poses a threat to ecology and wildlife

Two letters of support have also been received, raising the following points:

- Support for the mast and the technological advances this brings
- No backed scientific studies which bring into question safety of 5G
- Support the increase in internet speed
- Will provide benefits to the economy

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy PSP36 states that telecommunications development will be permitted provided that it would not unacceptably prejudice local amenity, siting, design and landscape aspects are acceptable and the possibility of sharing a site or locating the equipment on a building is not viable and the proposals conform to non-ionizing radiation protection (ICNIRP) guidelines. It is considered that sufficient information has been submitted for the purposes of determining the application in planning terms. It is not for the Local Planning Authority to make a judgement based upon an individual company involved, but to assess the principle of the development whoever the operator may be, it is for the Government to determine who those providers may be and whether there are any exclusions applied.

5.2 Local Amenity

The proposed development is situated on land that contains existing telecoms equipment, including a mast to approximately 15m high. This will be replaced by the proposed 20 m lattice tower mast and the associated equipment proposed which will be housed within a fenced area immediately around. The existing site is amongst sports pitches, facilities and club houses and adjacent to the railway track. The nearest single residential property is located approximately 30m to the east of the existing site. Beyond this the nearest other dwellings are located approximately 100m to the west, across the train line, and the recent housing development commencing approximately 100 metres to the east. There are two electricity pilons within the immediate vicinity. There are also telegraph poles and numerous floodlighting structures. It is acknowledged that the proposed tower would be a bulkier feature than the existing mast, however, in the context of the existing telecoms site and surroundings it is not considered that the proposals and the replacement tower with around 5 metres height difference could be considered to have a material or significant visual impact upon the locality such as to warrant objection and sustain refusal on this basis.

5.3 Health and Safety

The comments regarding health concerns, above, are noted. The NPPF states that Local Planning Authorities must determine applications on planning grounds only and should not question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure. The applicants have submitted a Declaration of Conformity with ICNIRP (International Commission on Non-Ionizing Radiation Protection) Public Exposure Guidelines. On this basis, in planning terms, it is considered that the proposal meets the relevant guidelines.

5.4 Transportation

The proposals are for replacement equipment, in an area where there is existing telecoms equipment. It is considered that it would not have an additional material impact in terms of highway safety, and is not located near to the highway network and there are no objections from the Council's Highways Officers.

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

7. RECOMMENDATION

- 7.1 That planning permission is granted, subject to the conditions recommended.

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

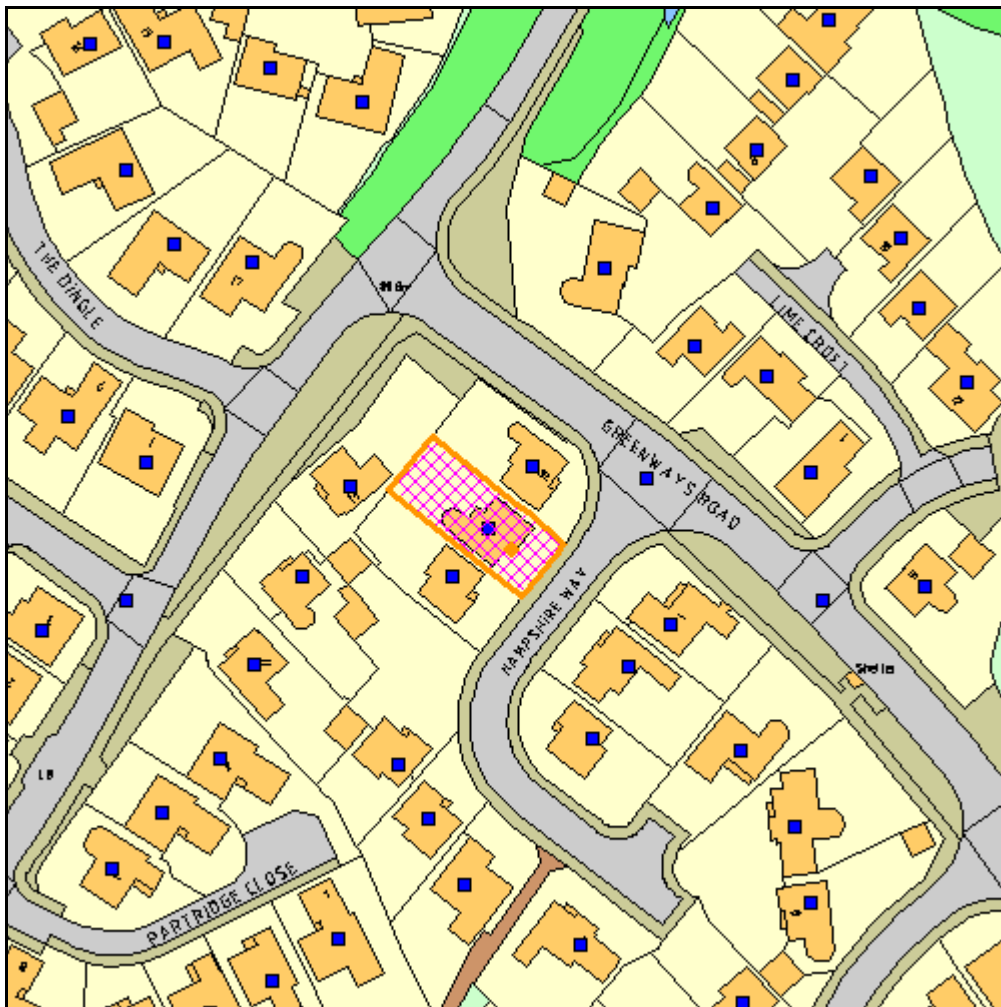
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 32/20 - 7th August 2020

App No.:	P20/09973/F	Applicant:	Mr & Mrs Willcox
Site:	15 Hampshire Way Yate South Gloucestershire BS37 7RS	Date Reg:	11th June 2020
Proposal:	Erection of single storey extension to facilitate annexe ancillary to the main dwelling.	Parish:	Yate Town Council
Map Ref:	371928 183737	Ward:	Yate North
Application Category:	Householder	Target Date:	3rd August 2020



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

REASON FOR APPEARING ON CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure following 12 objection letters from neighbouring residents and an objection from the Parish Council to the contrary of the officer recommendation detailed below.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the erection of a single storey rear extension to facilitate an annexe ancillary to the main dwelling at 15 Hampshire Way, Yate.
- 1.2 The application site comprises a two storey detached dwelling within a residential area. The application site is located within the designated Bristol eastern fringe settlement boundary and is not covered by any restrictive policies. Ample parking and private amenity space is provided for the host dwelling.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
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

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 Space Standards

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted) August 2007
Residential Parking Standard SPD (Adopted) December 2013
Assessing Residential Amenity TAN (Endorsed) 2016

3. RELEVANT PLANNING HISTORY

3.1 No relevant planning history.

4. CONSULTATION RESPONSES

Town/Parish Council

4.1 Yate Town Council – Objection.

The objection from Yate Town Council has been summarised into the following key points:

- Harm to amenity of neighbours
- Loss of light
- Loss of privacy
- Noise
- Parking
- Creation of HMO

Internal Consultees

4.2 Sustainable Transport – Further information required.

4.3 Lead Local Flood Authority – No objection

Local Residents

4.4 12 objection comments have been received, 6 of which coming from three of the same residents. Key points are summarised as follows:

- Property could become 2 separate dwellings;
- Lack of parking;
- Loss of outlook;
- Loss of daylight;
- Loss of privacy;
- Extractor fan will result in disturbance by noise pollution;
- Restrict access to emergency vehicles and bin lorries;
- Result in an overbearing structure;
- Over development;
- Ugly;
- Be used for profit;
- adverse effect on character;
- Drainage problems;
- Creation of a HMO;
- Set an unwanted precedent;
- Physical and mental discomfort to residents;
- Unacceptable housing density;
- The height of the conifer hedge is misleading;
- It does not comply with the 45o code; and
- Trees may need to be cut down.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for a single storey rear extension to facilitate an annexe ancillary to the main dwelling at an existing residential property. Policy PSP38 of the Policies, Sites and Places Plan permits development within established residential curtilages subject to an assessment of design, amenity and transport. The development is acceptable in principle but will be determined against the analysis set out below.

Annex Test

- 5.2 For a proposal to be considered an annexe it should only contain ancillary accommodation to the main dwelling and have some form of function and physical reliance upon the main dwelling. The proposal has all the elements of principle living accommodation, it would be internally connected to the host property, share access, and private amenity space – as such a functional and physical reliance is provided on the main dwelling. Due to the shared provision of facilities and connection to the host property, the proposed annex would not be suitable (with regards to the policies of the LDP) or attractive in its own right to form an independent residential unit. As such, the proposed unit can be considered to form an annex that is ancillary to the host dwelling. For the avoidance of doubt, a condition should be attached to any decision, ensuring the proposed annex remains as ancillary accommodation for the host property.

Design and Visual Amenity

- 5.3 Policy CS1 of the Core Strategy and Policy PSP1 and PSP38 of the Policies, Sites and Places Plan seek to ensure that development proposals are of the highest possible standards of design. This means that developments should 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.

- 5.4 The proposed annex would have a length of 8m, a width of 3.385m, a maximum eaves height of 2.6m and a maximum height of 3.m. It would feature a gable end, with galzed windows and doors facing inwards towards the garden. Whist the proposed structure is long, due to its single storey design and low height, it would appear subservient when viewed in relation to the host property. Its design, detailing and materials are also viewed to respect that of the host property and its context, and is no different to other residential extensions of this nature. It is also of note that an element of soft landscaping would be lost to the front of the property to enable one additional parking space – this would not result in any unreasonable harm to the character of the street scape. Overall, the proposed extension would respect the character and distinctiveness of the host property and its context, and would comply with policies CS1, PSP1 and PSP38.

Residential Amenity

- 5.5 Policy PSP8 and PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 specifically relates to

impacts on residential amenity, and outlines that unacceptable impacts could result from (but are not restricted to): loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration. Policy PSP43 recommends the minimum amount of private amenity space.

- 5.6 Due to the sitting, size, scale and location of the proposed extension, relative to the site boundary and neighbouring properties, it would not result in any unreasonable impacts the residential amenities of nearby occupiers as described above. Whilst it is noted the extension would breach the 45° horizontal angle from the closest neighbouring window, the structure is low in height (at both eave and apex) – and for the most part would sit below the side boundary treatment, for which a .75m separation distance is provided on the application site. It is apparent the garden slopes away to the rear of the site, albeit the gradient change is negligible. It would therefore not result in an overbearing structure, nor result in an unacceptable loss of outlook to the neighbours. Due to its scale and sitting relative to the nearest neighbouring property (which is located south of the application site), it would not result in any overshadowing or loss of light. Any noise generated as a result of the development would not be unacceptable, nor would it result in unacceptable harm to the neighbours. The proposed development would therefore comply with policies PSP8 and PSP38.
- 5.7 In terms of external private amenity space provision, an area of ~108sqm would be retained – this would exceed with the minimum recommended provisions as per policy PSP43.

Transport

- 5.8 Policy PSP16 of the Policies, Sites and Places Plan sets out the Council's parking standards. The proposed development would create one additional bedroom, to create a 5 bed property. As 3 parking spaces would be provided for within the curtilage of the site, the proposed development would comply with the minimum residential parking standards.

Trees

- 5.9 Policy PSP3 seeks to minimise the loss of existing vegetation. Development proposals should therefore protect trees, and replace trees, of an appropriate size and species, where tree loss or damage is essential to allow for development. It is noted that one tree exists within the garden of the application site. This tree is not substantial in size and does not afford great ecological value. Whilst its loss would be regrettable, the harm would not be unreasonable to a degree to refuse the application. Albeit, a condition should be attached to the decision notice to ensure replacement trees are planted for any which are felled or deceased as a result of the proposed development. As such, the proposed development would comply with PSP3.

Equalities

- 5.10 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must

have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. This planning application is considered to have a neutral impact on equality.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That the planning permission is GRANTED subject to the conditions included on the decision notice.

Contact Officer: Thomas Smith
Tel. No. 01454 865785

CONDITIONS

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

Reason

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

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

Reason

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

3. The annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 15 Hampshire Way, Yate, South Gloucestershire.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

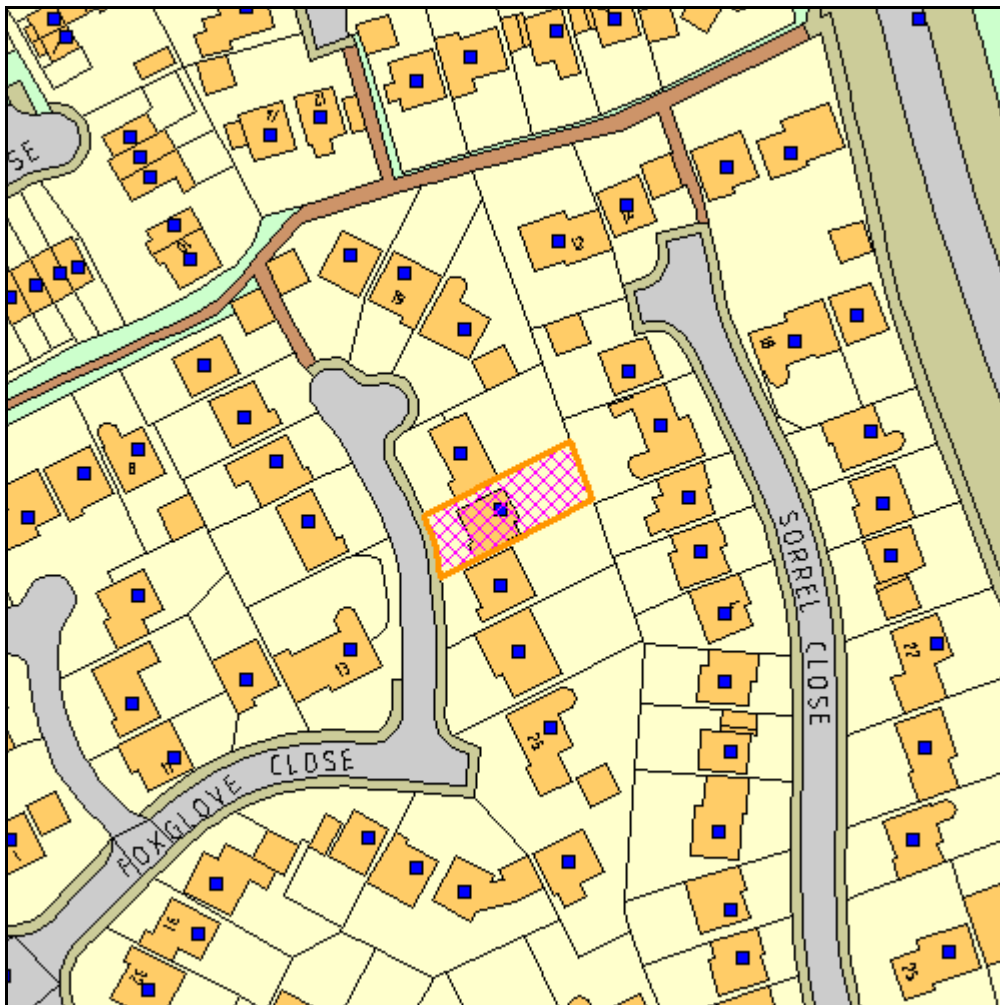
4. Any trees that are to be felled to enable development or found to be dead, dying, severely damaged or diseased within five years of the completion of the building works, shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

Reason

To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 to safeguard and enhance the amenity of the area, to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with policy PSP3 of the Local Development Plan.

CIRCULATED SCHEDULE NO. 32/20 - 7th August 2020

App No.:	P20/10413/F	Applicant:	Katie Middleton
Site:	22 Foxglove Close Thornbury South Gloucestershire BS35 1UG	Date Reg:	22nd June 2020
Proposal:	Erection of a two storey side extension to form additional living accommodation.	Parish:	Thornbury Town Council
Map Ref:	364806 190620	Ward:	Thornbury
Application Category:	Householder	Target Date:	12th August 2020



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

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

Thornbury Town Council requested a condition that was not imposed.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the erection of a two storey side extension to form additional living accommodation at 22 Foxglove Close, Thornbury.
- 1.2 The application site comprises a two storey detached dwelling that has been previously extended with a rear conservatory and single storey rear and side extension. The application site is located within the designated Thornbury settlement boundary.
- 1.3 Amended plans were submitted for the application to reduce the size of the proposed extension. As no objection comments were received for original plans and the amended plans reduced the size of the proposed extension, it was not deemed necessary to re-consult on the amended plans.

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

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 Space Standards

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) August 2007
Residential Parking Standard SPD (Adopted) December 2013
Assessing Residential Amenity TAN (Endorsed) 2016

3. RELEVANT PLANNING HISTORY

- 3.1 PT16/5272/F
Erection of rear conservatory
Approve with Conditions (26/10/2016)
- 3.2 P92/0986/D
Erection of covered way between kitchen and garage.
Permitted Development (11/03/1992)

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
No objection but would request condition is applied to preserve as much green landscaping around the car parking spaces as possible.
- 4.2 Sustainable Transport
No objection
- 4.3 Local Residents
1 general comment - Unable to view plans but would support the application provided there are no windows overlooking neighbours.

2 support comment - Attractive extension, visually pleasing and in keeping with the other houses in the area. Pleasing to the eye and in keeping with the other houses on the road and estate.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The application seeks permission for a two storey side extension at an existing residential property. Policy PSP38 of the Policies, Sites and Places Plan permits development within established residential curtilages subject to an assessment of design, amenity and transport. The development is acceptable in principle but will be determined against the analysis set out below.
- 5.2 Design and Visual Amenity
Policy CS1 of the Core Strategy and Policy PSP1 and PSP38 of the Policies, Sites and Places Plan seek to ensure that development proposals are of the highest possible standards of design. This means that developments should 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 The proposed two storey side extension would maintain the existing garage facade at ground floor level and would be set in line with the front elevation of the existing dwelling at first floor level. This would match the two storey side extensions built at the neighbouring properties either side of the application site. The proposed extension would be finished in materials to match the finish of the existing dwelling.

- 5.4 On the basis of the assessment set out above, it is not considered that the proposed development would detract from the appearance of the building or negatively impact the visual amenity of the street scene or character of the area.
- 5.5 Residential Amenity
Policy PSP8 and PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 specifically relates to impacts on residential amenity, and outlines that unacceptable impacts could result from (but are not restricted to): loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.
- 5.6 When considering the impact of the development on the residential amenity of neighbouring residents, the neighbouring property which is most likely to be affected is the adjacent property to the south at 23 Foxglove Close.
- 5.7 In respect of the adjacent property to the south, it is noted that whilst the proposed two storey side extension would extend towards the shared boundary and would extend beyond the rear elevation of the neighbouring property, this would be limited to approximately 3 metres and would be to the north of the neighbouring property therefore limiting the amount of sunlight it would block out. Given the orientation of the properties it is deemed that the proposed extension would not detrimentally impact the amenities of the neighbouring property.
- 5.8 There are two ground floor side elevation windows proposed in the side extension. Both these windows are high level to maintain privacy and it is deemed that these would not cause any overlooking concerns. To ensure this a condition will be imposed on any positive determination requiring them to be obscure glazed and non-opening.
- 5.9 On the basis of the assessment set out above, it is not considered that the development proposal would result in any unacceptable impacts on the amenity of neighbours.
- 5.10 Transport
Policy PSP16 of the Policies, Sites and Places Plan sets out the Councils parking standards. The proposed development would increase the number of bedrooms in the property from 3 to 4 so under the Councils minimum parking standards the minimum number of on-site parking spaces requires at the property would be 2.
- 5.11 The submitted plans indicate that 2 on-site parking spaces would be provided at the property. The provision of this parking provision would be conditioned with any positive determination.

5.12 Equalities

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

5.13 Other Matters

Thornbury Town Council requested that a condition is applied to preserve as much green landscaping around the car parking spaces as possible. This was not deemed a reasonable condition to impose on the property as the submitted plans indicate sufficient planting being left over.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Oliver Phippen
Tel. No. 01454 866019

CONDITIONS

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

Reason

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

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

Reason

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

3. 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.

4. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed ground floor 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 ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

5. 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 ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.